

MINUTES

WEDNESDAY 9 NOVEMBER 2011

**1.04PM - 1.22PM
1.16PM - 1.22PM (PUBLIC EXCLUDED)**

**Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington**

MEMBERS:

Councillor Gill (Chair) (1.04pm - 1.22pm)
Councillor Best (1.04pm - 1.22pm)
Councillor Foster (1.04pm - 1.22pm)
Councillor Lester (1.04pm - 1.22pm)
Councillor Morrison (1.04pm - 1.22pm)
Councillor Pepperell (1.04pm - 1.22pm)

APOLOGIES:

Mayor Wade-Brown

DEMOCRATIC SERVICES OFFICERS IN ATTENDANCE:

Fiona Dunlop - Committee Advisor

072/11RP **APOLOGIES**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Best, the motion that the Regulatory Processes Committee receive apologies for absence from Mayor Wade-Brown.

RESOLVED:

THAT the Regulatory Processes Committee

1. *Receive apologies for absence from Mayor Wade-Brown.*

073/11RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Best, the motion that the Regulatory Processes Committee approve the minutes of the meeting held on Wednesday 12 October 2011 having been circulated, be taken as an accurate record of that meeting.

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Approve the minutes of the meeting held on Wednesday 12 October 2011 having been circulated, be taken as an accurate record of that meeting.*

074/11RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

There were no conflicts of interest declared.

075/11RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

There was no public participation.

076/11RP **PROPOSED ROAD CLOSURES – 11 FEBRUARY 2012 TO 4 MARCH 2012** (1.05PM - 1.07PM)
 Report of Gail Reeves - Street Activities Co-ordinator.
 (1215/53/IM) (REPORT 1)

Moved Councillor Morrison, seconded Councillor Best, the substantive motion.

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Note that recommendations in this report should not be amended without first carrying out further consultation with affected parties and verification from the Council's Traffic Engineer that the amendment is not likely to cause unreasonable impact on traffic.*
3. *Agree to close the following roads for the events as shown, to vehicles only, subject to the conditions listed in the Proposed Temporary Road Closure Impact Reports:*
 - (a) *For the Island Bay Festival events:*
 - (i) *Ribble Street (all of Ribble Street), on Saturday 11 February 2012, from 8am to 4.30pm (postponement date Sunday 12 February)*
 - (ii) *Reef Street (between The Esplanade and The Parade), on Sunday 12 February 2012, from 6am to 6pm*
 - (iii) *The Esplanade (between Derwent Street and Brighton Street), on Sunday 12 February 2012, from 6am to 6pm; and*
 - (b) *For the AMI Round the Bays event, Sunday 26 February 2012:*
 - (i) *Customhouse Quay (southbound lanes between Whitmore Street and Jervois Quay), from 6.30am to 11am*
 - (ii) *Jervois Quay (southbound lanes between Customhouse Quay and Cable Street), from 6.30am to 11am*
 - (iii) *Cable Street (between Jervois Quay and Oriental Parade, right-hand lane open from Chaffers Street to Kent Terrace), from 7am to 11am*
 - (iv) *Oriental Parade (all of Oriental Parade), from 7.45am to 11am*
 - (v) *Evans Bay Parade (between Oriental Parade and Cobham Drive), from 7.45am to 12noon*
 - (vi) *Evans Bay Parade (Cobham Drive and Kilbirnie Crescent), from 8am to 1pm*
 - (vii) *Wellington Road (one-way east between Crawford Road and Ruahine Street), from 8am to 11.30am*

- (viii) *Shelly Bay Road (all of Shelly Bay Road), from 8am to 12noon*
 - (ix) *Massey Road (between Shelly Bay Road and approximately Point Gordon) from 8am to 12noon; and*
- (c) *For the Newtown Fair event, Sunday 4 March 2012, from 6am to 8pm:*
- (i) *Riddiford Street (between Mein Street and a point just south of Donald McLean Street)*
 - (ii) *Rintoul Street (between Riddiford Street and Colombo Street)*
 - (iii) *Constable Street (between Riddiford Street and Daniell Street)*
 - (iv) *Emmett Street (all of Emmett Street)*
 - (v) *Green Street (all of Green Street closed)*
 - (vi) *Wilson Street (for approximately 80 metres east off Riddiford Street – note: this closure extends to 9.30pm)*
 - (vii) *Newtown Avenue (for approximately 80m east off Riddiford Street)*
 - (viii) *Normanby Street (closed for approximately 80m east off Riddiford Street)*
 - (ix) *Donald McLean Street (closed for approximately 50m east off Riddiford Street).*

077/11RP **APPROVAL FOR GRANTING AN EASEMENT OVER PART OF COUNCIL OWNED LAND AT 43 ROBIESON STREET, MT VICTORIA** (1.07PM - 1.08PM)
 Report of Amber Bill, Manager, Community Engagement and Reserves, Parks and Gardens and Hanita Shantilal, Senior Property Advisor, Property Management.
 (1215/53/IM) (REPORT 2)

Moved Councillor Gill, seconded Councillor Morrison, the substantive motion.

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree, subject to the terms and conditions noted below, the granting of an easement over part of the land known as 43 Robieson Street, Mt Victoria (outlined in red on Appendix 1 of the officer's report) to the owner of 28 Alexandra Road, Hataitai.*
3. *Note that the terms of the easement agreement are as follows:*

Location: Part of the land at 43 Robieson Street, Mt Victoria.

Public Access: Public access over the land at 43 Robieson Street, Mt Victoria will be maintained at all times.

Maintenance and Repair: The owner of 28 Alexandra Road, Hataitai will be responsible for maintaining and repairing that part of 43 Robieson, Mt Victoria subject to the easement agreement.

Reserve Status: The owner of 28 Alexandra Road, Hataitai, agrees not do anything to prejudice the Council's ability to classify the land at 43 Robieson Street, Mt Victoria as Recreation Reserve.

Town Belt Status: the owner of 28 Alexandra Road, Hataitai, agrees not do anything to prejudice the Council's ability to incorporate the land at 43 Robieson Street, Mt Victoria into the Town Belt.

Betterment Payment: \$50,000 (plus GST).

4. *Note that any approval to grant an easement is conditional on the legal and advertising costs associated with preparing the easement agreement is met by the owner of 28 Alexandra Road, Hataitai.*
5. *Agree that Council officers will finalise and negotiate the easement agreement details.*

078/11RP **GRANTING OF A LICENCE FOR A COMMUNITY GARDEN TO MOKAI KAINGA MAORI CENTRE** (1.08PM - 1.09PM)
 Report of Amber Bill, Manager, Community Engagement and Reserves, Parks and Gardens and Hanita Shantilal, Senior Property Advisor, Property Management.
 (1215/53/IM) (REPORT 3)

Moved Councillor Gill, seconded Councillor Foster, the substantive motion.

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree subject to the terms and conditions noted below, the granting of a licence to Mokai Kainga Maori Centre in accordance with the Reserves Act 1977 and the Town Belt Management Plan.*
3. *Note that the terms of the licence are as follows:*

<i>Location:</i>	<i>Part of the land at Tanera Park, Brooklyn.</i>
<i>Term:</i>	<i>3 years.</i>
<i>Annual Rent:</i>	<i>\$1 (if demanded).</i>

Special Conditions: Wellington City Council to pay up to \$300 of the metered water per annum (exclusive of GST). The Mokai Kainga Maori Centre will pay metered water charges above \$300 per annum (exclusive of GST).

4. Note than any approval to grant a new licence will be conditional on:
- (a) appropriate consultation with Iwi, Friends of Town Belt and Action for the Environment being completed;
 - (b) the licence being publicly notified in accordance with sections 119 and 120 of the Reserves Act 1977 together with any conditions set out in any approved Management Plans;
 - (c) there being no substantial objections resulting from the required consultation or notification;
 - (d) the legal and advertising costs associated with preparing the licence is met by Mokai Kainga Maori Centre.

079/11RP **GRANTING OF A PREMISES LEASE TO THE WELLINGTON SWORDS CLUB** (1.09PM - 1.10PM)
 Report of Paul Andrews - Manager, Parks and Gardens and Hanita Shantilal, Senior Property Advisor, Property Management.
 (1215/53/IM) (REPORT 4)

Moved Councillor Gill, seconded Councillor Foster, the substantive motion.

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree subject to the terms and conditions noted below, the granting of a premises lease to the Wellington Swords Club in accordance with the Reserves Act 1977.*
3. *Note that the terms of the lease are as follows:*
Location: Part of the land known as 8 Tanera Crescent, Brooklyn
Term: 3 years with a right of renewal of 2 years
Annual Rental: \$400.00 per annum plus GST
Maintenance Fee: \$4,203.00 per annum plus GST.
4. *Note that any approval to grant the lease is conditional on:*
 - (i) *the Wellington Swords Club being registered as an incorporated society;*

- (ii) *appropriate consultation with Iwi, Friends of the Town Belt and Action for the Environment being completed;*
 - (iii) *the lease being publicly notified in accordance with section 119 and 120 of the Reserves Act 1977;*
 - (iv) *there being no sustained objections resulting from the abovementioned consultation or notification; and*
 - (v) *the legal and advertising costs associated with preparing the lease is met by the Lessee.*
5. *Agree that Council officers will finalise and negotiate the lease details.*

080/11RP **ROAD STOPPING AND DISPOSAL -LEGAL ROAD ADJOINING 1 MATAI ROAD, HATAITAI** (1.10PM - 1.12PM)
 Report of Paul Davidson - Property Advisor, Property Services.
 (1215/53/IM) (REPORT 5)

Moved Councillor Gill, seconded Councillor Lester, the substantive motion.

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that the approximate 60m² (subject to survey) area of unformed legal road land adjoining 1 Matai Road, Hataitai, is not required for a Public Work.*
 - (b) *Approve the disposal of the approximately 60 m² area of unformed legal road land adjoining 1 Matai Road, Hataitai, to the owner of that property.*
 - (c) *Authorise Council officers to undertake a section 40 PWA report to identify whether the area of unformed legal road land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
 - (d) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA(if appropriate).*

- (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
- (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the area of unformed legal road land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
- (g) *Delegate to the Chief Executive Office the power to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the unformed legal road land adjoining 1 Matai Road, either with the former owner, or their successor, or the owner of 1 Matai Road, provided any such agreement is conditional upon the road being stopped.*

081/11RP **ROAD STOPPING AND DISPOSAL - LEGAL ROAD (SALFORD STREET) ADJOINING 103 & 105 NEWLANDS ROAD, NEWLANDS** (1.12PM - 1.13PM)
 Report of Nicola Hine - Property Advisor, Property Services.
 (1215/53/IM) (REPORT 6)

Moved Councillor Best, seconded Councillor Lester, the substantive motion.

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that the area of approximately 372 m² (subject to survey) of unformed legal road land, on Salford Street, adjoining 103 and 105 Newlands Road, Newlands, is not required for a Public Work.*
 - (b) *Approve the disposal of approximately 372m² of unformed legal road land, on Salford Street, adjoining 103 and 105 Newlands Road, to the owner of that property.*
 - (c) *Authorise Council officers or suitably qualified consultants to undertake a section 40 Public Works Act 1981 report to identify whether the area of unformed legal road land must be offered*

back to its former owner or their successor, or whether exemptions from offer back applies.

- (d) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) Public Works Act (if appropriate).*
- (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
- (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the area of unformed legal road land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
- (g) *Delegate to the Chief Executive Office the power to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the unformed legal road land, on Salford Street, 103 and 105 Newlands Road, either with the former owner, or their successor, or the owner of 103 and 105 Newlands Road, provided any such agreement is conditional upon the road being stopped.*

082/11RP **ROAD STOPPING AND DISPOSAL - LEGAL ROAD ADJOINING
30A SEATOUN HEIGHTS ROAD, SEATOUN (1.13PM - 1.16PM)**
Report of Nicola Hine - Property Advisor, Property Services.
(1215/53/IM) (REPORT 7)

Moved Councillor Gill, seconded Councillor Morrison, the substantive motion.

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that the area of approximately 77m² (subject to survey) of unformed legal road land, adjoining 30A Seatoun Heights Road, Seatoun is not required for a Public Work.*

- (b) *Approve the disposal of approximately 77m² of unformed legal road land adjoining 30A Seatoun Heights Road, Seatoun to the owner of that property.*
- (c) *Authorise Council officers or suitably qualified consultants to undertake a section 40 Public Works Act 1981 report to identify whether the area of unformed legal road land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
- (d) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal road land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) Public Works Act (if appropriate).*
- (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
- (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the area of unformed legal road land stopped as road, subject to all statutory and Council requirements being met with no objections being received.*
- (g) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the unformed legal road land adjoining 30A Seatoun Heights Road, either with the former owner, or their successor, or the owner of 30A Seatoun Heights Road, Seatoun, provided any such agreement is conditional upon the road being stopped.*

083/11RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Foster, the motion to exclude the public.

The motion to exclude the public was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, resolve that the public be excluded from the following part of the proceedings of this meeting namely:*

Report 8 - District Plan Change 72 Residential Review

Grounds: Section 48(1) (a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7

*Reason: Section 7(2) (g) maintain legal professional privilege.
Section 7(2) (i) to enable the Council to carry out negotiations without prejudice or disadvantage*

Report 9 - District Plan Variation 11

Grounds: Section 48(1) (a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7

*Reason: Section 7(2) (g) maintain legal professional privilege.
Section 7(2) (i) to enable the Council to carry out negotiations without prejudice or disadvantage*

The meeting went into public excluded session at 1.16pm.

For items 084/11RP and 085/11RP, please see the public excluded minutes.

The meeting concluded at 1.22pm.

Confirmed: _____

Chair

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