
MINUTES

WEDNESDAY 15 AUGUST 2012

**9.15AM – 10.20AM
(9.48AM – 10.20AM – PUBLIC EXCLUDED)**

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

PRESENT:

Councillor Gill (Chair)	(9.15am – 10.20am)
Councillor Best	(9.15am – 10.20am)
Councillor Foster	(9.19am – 10.20am)
Councillor Lester	(9.15am – 9.43am, 9.46am - 10.20am)
Councillor Morrison	(9.15am – 10.20am)
Councillor Pepperell	(9.15am – 9.39am, 9.45am - 10.20am)

APOLOGIES:

Mayor Wade-Brown
Councillor Foster (for lateness)

042/12P **APOLOGIES**
(1215/53/IM)

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

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee

- 1. Receive apologies for absence from Mayor Wade-Brown.*
- 2. Receive apologies for lateness from Councillor Foster.*

043/12P **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Morrison, seconded Councillor Best, the motion that the Regulatory Processes Committee approve the minutes of the meeting held on ordinary meeting of Wednesday 6 June 2012 having been circulated, be taken as an accurate record of that meeting.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Approve the minutes of the meeting held on ordinary meeting of Wednesday 6 June 2012 having been circulated, be taken as an accurate record of that meeting.*

044/12P **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

Councillor Best advised that she had a conflict of interest in relation to Report 1 and that she would not debate or vote on the matter.

045/12P **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

There was no public participation.

046/12P **BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD ADJOINING 84-90 BRACKEN ROAD PAPARANGI**
Report of Paul Davidson – Property Advisor, Property Services.
(1215/53/IM) (REPORT 1)

(Councillor Best withdrew from the table due to a conflict of interest.)

NOTED:

1. Christine and Eric Miller addressed the Committee in support of their objection to the proposed road stopping and disposal of legal road adjoining 84-90 Bracken Road Paparangi.

(Councillor Foster joined the meeting at 9.19am.)

2. Lynn and Patrick Smyth addressed the Committee in support of their objection to the proposed road stopping and disposal of legal road adjoining 84-90 Bracken Road Paparangi.

(Councillor Pepperell left the meeting at 9.39am.)

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

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Thank Mr and Mrs Miller and Mr and Mrs Smyth for their oral submissions and advise that it will consider the matter and make a decision on whether or not to uphold either objection, at its next available meeting of the Regulatory Processes Committee.*

(Councillor Best returned to the table.)

(Councillor Lester left the meeting at 9.43am.)

046/12P **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING
214 EVANS BAY PARADE, HATAITAI**
Report of Paul Davidson – Property Advisor, Property Services.
(1215/53/IM) (REPORT 2)

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

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree that approximately 71m² (subject to survey) of unformed legal road land (Road Land) adjoining 214 Evans Bay Parade, Hataitai, is not required for a Public Work.*
 - (b) *Approve the disposal of the Road Land to the owners of 214 Evans Bay Parade, Hataitai.*

- (c) *Authorise Council officers to commission a section 40 Public Works Act 1981 (PWA) report from suitably qualified consultants 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 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 Road Land 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 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 Road Land, either with the former owner, or their successor, or the owner of 214 Evans Bay Parade, provided any such agreement is conditional upon the road being stopped.*

047/12P **GRANTING OF LEASES TO EARLY CHILDHOOD CENTRES IN ACCORDANCE WITH THE EARLY CHILDHOOD CENTRES POLICY**

Report of Euan Hogg – Team Leader, Property Management and Hanita Shantilal, – Senior Property Advisor, Property Management.

(1215/53/IM)

(REPORT 3)

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

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree to granting new leases relating to Fee Simple land to the early childhood centres in accordance with Appendix 1 of the officer's*

report, Schedule 1 of this report under the Early Childhood Centres Policy and subject to the Local Government Act 2002.

3. *Agree to granting a new lease relating to Local Purpose Reserve land to the early childhood centre in accordance with Appendix 1 of the officer's report, Schedule 2 of this report under the Early Childhood Centres Policy and subject to the Reserves Act 1977.*
4. *Agree to granting new leases relating to Local Purpose Reserve land to the early childhood centres in accordance with Appendix 1 of the officer's report, Schedule 3 of this report under the Early Childhood Centres Policy and subject to the Reserves Act 1977. Note that due to the land area of these centres a concessionary rental has been calculated using the rental model set out in the Leases Policy for Community and Recreation Groups.*
5. *Note that unless specified differently within the recommendations the terms of the leases are as follows:
Commencement Date: 1 July 2010
Term: 10 years plus a 10 year right of renewal
Ground Lease Rental: 1% of the revenue of each early childhood centre
Premises Lease Rental: 4% of the revenue attributable to each early childhood centre
Incremental Rental: Where a centre has a rental increase greater than \$500.00 per annum the new rent will be phased in over a period of three years (as shown in Appendix 1 of the officer's report).*
6. *Note any approval to grant a lease for Fee Simple land is conditional on:*
 - (i) *appropriate consultation in accordance with section 138 of the Local Government Act 2002;*
 - (ii) *there being no sustained objections resulting from the abovementioned consultation or notification; and*
 - (iii) *the legal and advertising costs associated with preparing the leases are met by the Lessee.*
7. *Note that any approval to grant ground and premises leases for Local Purpose Reserve is conditional on:*
 - (i) *the leases being publicly notified in accordance with section 119 and 120 of the Reserves Act 1977;*
 - (ii) *there being no sustained objections resulting from the abovementioned consultation or notification; and*
 - (iii) *the legal and advertising costs associated with preparing the leases are met by the Lessee.*
8. *Agree that officers will finalise and negotiate the lease details.*

(Councillor Pepperell returned to the meeting at 9.45am.)

048/12P **GRANTING OF A LEASE TO WELLINGTON BMX CLUB
INCORPORATED OVER LAND AT IAN GALLOWAY PARK,
KARORI**

Report of Hanita Shantilal, – Senior Property Advisor, Property Management and Rebecca Ramsay – Reserves Planning Officer, Parks and Gardens.

(1215/53/IM)

(REPORT 4)

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

(Councillor Lester returned to the meeting at 9.46am.)

The substantive motion was put and 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 ground lease to the Wellington BMX Club Incorporated 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 Ian Galloway Park, Karori and hatched in grey on Appendix 1 of the officer's report)
Term: 5 years with a right of renewal of 5 years
Annual Rental: \$1 per annum plus GST. A rent review will be undertaken annually and may be increased if free public access to the site is restricted by the Wellington BMX Club Incorporated.*
4. *Note that any approval to grant the lease is conditional on:*
 - (i) *appropriate consultation with Iwi being completed;*
 - (ii) *the lease being publicly notified in accordance with section 119 and 120 of the Reserves Act 1977;*
 - (iii) *there being no sustained objections resulting from the abovementioned consultation or notification; and*
 - (iv) *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.*

049/12P **PROPOSED ROAD CLOSURES: 30 SEPTEMBER 2012, 24 NOVEMBER 2012, 2 AND 9 DECEMBER 2012**
 Report of Charles Agate – Street Activities Co-ordinator.
 (1215/53/IM) (REPORT 5)

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

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *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 Wellington Car Clubs Sealed Sprint event, Sunday 30 September 2012, from 7am to 6pm:*
 - (i) *Massey Road (between Scorching Bay Reserve and the northern entrance to the former Shelly Bay Defence Base)*
 - (b) *For the Kirkcaldies Charity Street Party event, Saturday 24 November 2012, from 5am to 6pm:*
 - (i) *Brandon Street (between Featherston Street and Lambton Quay)*
 - (ii) *Note: access to the two building parking entrances will be marshalled to ensure public safety is not compromised*
 - (c) *For the Thorndon Fair event, Sunday 2 December 2012, from 7.30am to 5.30pm:*
 - (i) *Tinakori Road (between Bowen and Harriett Streets)*
 - (ii) *Hill Street (between Tinakori Road and Selwyn Terrace)*
 - (d) *For the Khandallah fair event, Sunday 9 December 2012, from 7am to 5pm:*
 - (i) *Ganges Road (from Agra Crescent to its intersection with Dekka Street)*
3. *Note: That the 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.*

050/12P **APPROVAL OF NAMES FOR NEW ROADS OFF MARK AVENUE**
Report of Michael Brownie – Team Leader, Land, Customer and Property
Information.
(1215/53/IM) (REPORT 6)

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

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree to give approval for the names Havana Rise, Montego Place and Sandino Place to be allocated to the new roads built as a result of residential development in the Lincolnshire Farm area of Grenada Village, as shown on Plan F 3047 (Appendix A of the officer's report).*
3. *Agree to give approval to temporarily use the name Mark Avenue for the section of new road from the intersection of Mark Avenue and Grenada Drive and it be renamed as Jamaica Drive as soon as this section is physically joined with Jamaica Drive, as shown on Appendix B of the officer's report.*

051/12P **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

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

The motion was put and 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 7 - Proposed Road Stopping

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) (i) to enable the Council to carry out negotiations without prejudice or disadvantage

Report 8 - District Plan Change 48 - Mediation

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 Change 58 - Mediation

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 9.48am.

For items 052/12RP, 05312RP and 054/12RP please see the public excluded minutes.

The meeting concluded at 10.20am.

Confirmed: _____
Chair
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