

REGULATORY PROCESSES COMMITTEE



MINUTES

WEDNESDAY 12 SEPTEMBER 2012

**9.18AM – 10.29AM
(10.42AM – 12.13PM PUBLIC EXCLUDED)**

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

MEMBERS:

Councillor Gill (Chair) (9.18am – 10.29am, 10.42am – 12.13pm)
Councillor Best (9.18am – 10.29am, 10.42am – 12.13pm)
Councillor Foster (9.18am – 10.29am, 10.42am – 12.13pm)
Councillor Lester (9.19am – 9.38am, 9.55am - 10.29am)
Councillor Pepperell (9.18am – 10.28am, 10.42am – 11.07am, 11.08am – 11.11am,
11.14am - 12.13pm)

APOLOGIES:

Mayor Wade-Brown
Councillor Morrison (on Council business)

IN ATTENDANCE:

Councillor Pannett (9.19am – 10.01am, 10.03am - 10.27am, 10.42am – 12.13pm)

055/12RP **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 and Councillor Morrison.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee

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

056/12RP **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 ordinary meeting of Wednesday 15 August 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 15 August 2012 having been circulated, be taken as an accurate record of that meeting.*

057/12RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

Councillor Best declared a conflict of interest in relation to the Report 2 “Decision on Objections to the Proposed Road Stopping and Disposal of Legal Road Adjoining 84 and 90 Bracken Road, Paparangi”. She advised that she would not take part in debate or vote on the matter.

058/12RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

Jane O’Laughlin representing the Aro Valley Community Council addressed the meeting in relation to District Plan Change 72 – Landcross Street mediation.

(During public participation, Councillor Pannett joined the meeting at 9.19am.)
(During public participation, Councillor Lester joined the meeting at 9.19am.)

059/12RP **BACKGROUND TO ORAL SUBMISSIONS OBJECTING TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD BETWEEN 8 AND 28 JAUNPUR CRESCENT, BROADMEADOWS**
Report of Paul Davidson, Property Advisor, Property Services.
(1215/53/IM) (REPORT 1)

NOTED:

1. Ron Zoest addressed the meeting in support of his submission objecting to the proposed road stopping and disposal of legal road between 8 and 28 Jaunpur Crescent, Broadmeadows.
2. Dirk Anderson addressed the meeting in support of his submission objecting to the proposed road stopping and disposal of legal road between 8 and 28 Jaunpur Crescent, Broadmeadows.

(Councillor Lester left the meeting at 9.38am.)

3. Laurie Marks addressed the meeting in support of his submission objecting to the proposed road stopping and disposal of legal road between 8 and 28 Jaunpur Crescent, Broadmeadows.
4. Stephanie Chung addressed the meeting in support of her submission objecting to the proposed road stopping and disposal of legal road between 8 and 28 Jaunpur Crescent, Broadmeadows.

(Councillor Lester returned to the meeting at 9.55am.)
(Councillor Pannett left the meeting at 10.01am.)

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

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Thank all the objectors for their oral submissions and Mr Zoest for his ePetition, and advise that it will consider the matter and make a decision on whether or not to uphold any objection, or the ePetition, at the next available meeting of the Regulatory Processes Committee.*

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

060/12RP **DECISION ON OBJECTIONS TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD ADJOINING 84 AND 90 BRACKEN ROAD, PAPARANGI**
 Report of Paul Davidson, Property Advisor, Property Services.
 (1215/53/IM) (REPORT 2)

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

(Councillor Pannett returned to the meeting at 10.03am.)

Moved Councillor Lester, seconded Councillor Pepperell, the following amendment.

THAT the Regulatory Processes Committee:

2. Recommend to Council that it:
 - (a) Agree to ~~not~~ uphold the objections from Mr and Mrs Miller and Mr and Mrs Smyth to the proposal to stop a total of 1,426 m² road land (the Land) adjoining 101 – 109 Beazley Avenue, 84 – 90 Bracken Road and Newlands College.
 - (b) Agree not to proceed with the road stopping.**
 - ~~(b) Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.~~
 - ~~(c) Agree that covenants be registered on the titles for both lots to be created limiting future development to only one single storey dwelling on each and that any fencing be of materials and style to match existing fencing at 84 – 90 Bracken Road.~~
 - ~~(d) Agree to the disposal of the 816 m² of road land adjoining 101 – 109 Beazley Avenue and 84 – 90 Bracken Road, by it being marketed publicly.~~
 - ~~(e) Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the 816 m² of road land following the land being~~

marketed for sale, provided any such agreement is conditional upon the road being stopped.

3. — ~~Note that if objections are not upheld by Council and the objections are not withdrawn by either the Millers and the Smyths, then the matter will be referred to the Chief Executive Officer to make a decision on whether to proceed with the road stopping.~~

The amendment was **put** and declared **CARRIED**.

The substantive motion as amended was **put** and declared **CARRIED**.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend to Council that it:*
 - (a) *Agree to ~~not~~ uphold the objections from Mr and Mrs Miller and Mr and Mrs Smyth to the proposal to stop a total of 1,426 m² road land (the Land) adjoining 101 – 109 Beazley Avenue, 84 – 90 Bracken Road and Newlands College.*
 - (b) *Agree not to proceed with the road stopping.*
 - (b) ~~*Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*~~
 - (c) ~~*Agree that covenants be registered on the titles for both lots to be created limiting future development to only one single storey dwelling on each and that any fencing be of materials and style to match existing fencing at 84 – 90 Bracken Road.*~~
 - (d) ~~*Agree to the disposal of the 816 m² of road land adjoining 101 – 109 Beazley Avenue and 84 – 90 Bracken Road, by it being marketed publicly.*~~
 - (e) ~~*Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the 816 m² of road land following the land being marketed for sale, provided any such agreement is conditional upon the road being stopped.*~~
3. — ~~*Note that if objections are not upheld by Council and the objections are not withdrawn by either the Millers and the Smyths, then the matter will be referred to the Chief Executive Officer to make a decision on whether to proceed with the road stopping.*~~

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in bold and deleted the text with ~~striketrough~~.

(Councillor Best returned to the table.)

061/12RP **GRANTING OF A GROUND LEASE TO WELLINGTON TENNIS CLUB INCORPORATED OVER TOWN BELT LAND AT 130 ALEXANDRA ROAD, HATAITAI**

Report of Hanita Shantilal, Senior Property Advisor, Property Management and Amber Bill, Manager, Community Engagement & Reserves, Parks & Gardens.

(1215/53/IM)

(REPORT 3)

Moved Councillor Gill, 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 subject to the terms and conditions noted below, the granting of a ground lease to the Wellington Tennis Club Incorporated in accordance with the Reserves Act 1977.*
3. *Note that the terms of the lease are as follows:*
Location: 130 Alexandra Road, Hataitai
Term: 10 years
Annual Rental: \$1,562.00 per annum plus GST
Rent Review: If the proposed rental model outlined in the draft Leases Policy for Community and Recreation Groups is adopted, the new rental being \$2,141.70 per annum plus GST will be applied as at the date the Policy is adopted.
4. *Note that any approval to grant the lease is conditional on:*
 - (i) *appropriate consultation with Iwi, Friends of the Town Belt and Action for the Environment 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;*

- (iv) *the legal and advertising costs associated with preparing the lease is met by the Lessee; and*
 - (v) *the lessee providing Council with a building maintenance schedule outlining works to be undertaken within the next 10 years.*
5. *Agree that Council officers will finalise and negotiate the lease details.*

062/12RP **GRANTING OF A PREMISES LEASE TO NEW ZEALAND AFFORDABLE ARTS TRUST OVER 5 LYALL BAY PARADE, LYALL BAY**

Report of Hanita Shantilal, Senior Property Advisor, Property Management and Paul Andrews, Manager Parks & Gardens.

(1215/53/IM)

(REPORT 4)

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

(Councillor Pannett left the meeting at 10.27am.)

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 premises lease to the New Zealand Affordable Arts Trust in accordance with the Reserves Act 1977.*
3. *Note that the terms of the lease are as follows:*
Location: 5 Lyall Bay Parade, Lyall Bay
Term: Five years with a five year right of renewal
Annual Rental: \$134.00 per annum plus GST
Rent Review: If the proposed rental model and maintenance fee structure outlined in the draft Leases Policy for Community and Recreation Groups is adopted, the New Zealand Affordable Arts Trust will be required to pay a rental of \$171.20 per annum plus GST and will be subject to the maintenance fee structure as at the date the Policy is adopted.
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.*

(Councillor Pepperell left the meeting at 10.28am.)

063/12RP **ORDER OF BUSINESS**
(1215/53/IM)

NOTED:

Councillor Gill advised that the remainder of the agenda would be as follows:

Report 10 District Plan Change 72 - Mediation
Report 11 District Plan Change 72 – Briefing on Johnsonville Progressive Associations Request to Re-open Mediation
Report 5 Review of the Schedule of Approved Hearings Commissioners
Report 6 Proposed Road Realignment By Stopping and Land Exchange
Report 7 District Plan Change 73 – Centres and Business Areas Appeal
Report 8 District Plan Change 73 – Centres and Business Areas Appeal
Report 9 District Plan Change 73 – Centres and Business Areas Appeal

064/12RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Best, 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 5 Review of the Schedule of Approved Hearings Commissioners

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

Reasons: Section 7(2)(a) to protect the privacy of natural persons

Report 6 Proposed Road Realignment By Stopping and Land Exchange

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) (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.

Report 7 District Plan Change 73 – Centres and Business Areas Appeal

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 8 District Plan Change 73 – Centres and Business Areas Appeal

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 73 – Centres and Business Areas Appeal

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 10 District Plan Change 72 - 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 11 District Plan Change 72 – Briefing on Johnsonville Progressive Associations Request to Re-open 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 10.29am.

The meeting adjourned at 10.29am for morning tea and reconvened at 10.42am.)

(Councillors Best, Foster, Gill, Pannett and Pepperell were present when the meeting reconvened.)

For items 065/12RP, 066/12RP, 067/12RP, 068/12RP, 069/12RP, 070/12RP and 071/12RP please see the public excluded minutes.

(Councillor Pepperell left the meeting at 11.07am.)

(Councillor Pepperell returned to the meeting at 11.08am.)

(Councillor Pepperell left the meeting at 11.11am.)

(Councillor Pepperell returned to the meeting at 11.14am.)

The meeting concluded at 12.13pm.

Confirmed: _____

Chair

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