

# REGULATORY PROCESSES COMMITTEE



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## MINUTES

WEDNESDAY 17 APRIL 2013

9.17am – 10.24am  
(10.21am – 10.24am – Public Excluded)

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

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### PRESENT:

Councillor Gill (Chair) (9.17am – 10.24am)  
Councillor Best (9.17am – 10.24am)  
Councillor Foster (9.20am – 10.24am)  
Councillor Lester (9.17am – 10.24am)  
Councillor Morrison (9.17am – 10.24am)  
Councillor Pepperell (9.17am – 10.24am)

### APOLOGIES:

Mayor Wade-Brown  
Councillor Foster (for lateness)

### IN ATTENDANCE:

Councillor Pannett (10.21am – 10.24am)  
Councillor Ritchie (9.17am – 9.18am)

013/13RP **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 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 and apologies for lateness from Councillor Foster.*

014/13RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Morrison, the motion that the Regulatory Processes Committee approve the minutes of the ordinary meeting held Wednesday 6 March 2013 having been circulated, be taken as an accurate record of that meeting.**

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Approve the minutes of the ordinary meeting held Wednesday 6 March 2013 having been circulated, be taken as an accurate record of that meeting.*

015/13RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflicts of interest declared.

016/13RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

017/13RP **ORDER OF BUSINESS**  
(1215/53/IM)

**NOTED:**

The Chair advised that the agenda would be as follows:

- Report 3 - Granting of a Ground Licence to Innermost Gardens Incorporated over part of Town Belt land at 141 Elizabeth Street, Mt Victoria
- Report 2 - Road Stopping and Acquisition – Legal Road Adjoining 1 Franklyn Road, Tawa
- Report 1 - Decision on Objections to the Proposal Road Stopping and Disposal of Legal Road between 8 and 28 Jaunpur Crescent, Broadmeadows
- Report 4 - District Plan Change 73 - Suburban Centres Appeal

018/13RP **GRANTING OF A GROUND LICENCE TO INNERMOST GARDENS INCORPORATED OVER PART OF TOWN BELT LAND AT 141 ELIZABETH STREET, MT VICTORIA**

Report of Hanita Shantilal, Senior Property Advisor, Property Services and Myfanwy Emeny, Manager Community Engagement and Reserves, Parks and Gardens.

(1215/53/IM)

(REPORT 3)

**Moved Councillor Best, seconded 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 a ground licence to Innermost Gardens Incorporated in accordance with the Reserves Act 1977.*
3. *Note that the terms of the licence are as follows:  
Location: Part of the land known as 141 Elizabeth Street, Mount Victoria (outlined in red on Appendix 1 of the officer's report)  
Term: Five years  
Annual Licence Fee: \$225.00 per annum plus GST  
Special Conditions: Wellington City Council to pay up to \$300.00 per annum (exclusive of GST) of the metered water. Innermost Gardens Incorporated will pay metered water charges above \$300.00 per annum (exclusive of GST).*
4. *Note that any approval to grant the licence is conditional on:*
  - (i) *appropriate consultation with Iwi, Friends of the Town Belt and Action for the Environment being completed;*
  - (ii) *the licence 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 licence is met by Innermost Gardens Incorporated.*
5. *Agree that Council officers will finalise and negotiate the licence details.*

(Councillor Ritchie left the meeting at 9.18am.)

019/13RP **ROAD STOPPING AND ACQUISITION – LEGAL ROAD  
ADJOINING 1 FRANKLYN ROAD, TAWA**  
Report of Paul Davidson, Property Advisor, Property Services.  
(1215/53/IM) (REPORT 2)

**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 that Council:*
  - (a) *Agree that approximately 55m<sup>2</sup> (subject to survey) of unformed legal road land in Franklyn Road, and approximately 80m<sup>2</sup> in Chester Road (Road Land) adjoining 1 Franklyn Road (Adjoining Land) are not required for a Public Work.*
  - (b) *Approve the disposal of the Road Land.*
  - (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) *Note that if objections are received to the road stopping and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.*
- (h) *If no objections are received during the consultation period then it delegates 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 1 Franklyn Road, provided any such agreement is conditional upon the road being stopped.*
- (i) *Agree to the acquisition of approximately 18m<sup>2</sup> of land currently held in Computer Freehold Register WN551/275, for that land to be vested in the Wellington City Council as road.*
- (j) *Delegate to the Chief Executive Officer the power to negotiate and finalise the terms of the acquisition described in (i) above, and enter into a sale and purchase agreement, by way of exchange.*

020/13RP **DECISION ON OBJECTIONS TO THE PROPOSAL 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:**

Paul Davidson - Property Advisor and Royston Davidge – Senior Geotechnical Engineer with ABUILD Consulting were in attendance. They answered questions of the Committee on the report.

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

(Councillor Foster joined the meeting at 9.20am.)

**Moved Councillor Best, seconded Councillor Foster, the following amendment.**

**New 4**

That the Regulatory Processes Committee:

- 4. Request officers to explore methods to protect existing adjacent property owners, property rights and that a condition be placed on the sale to restrict the road frontage to be a single storey.

The amendment was put and declared CARRIED.

Moved Councillor Foster, seconded Councillor Gill the procedural motion that Standing Order 157 be suspended.

The procedural motion was put and declared CARRIED.

Moved Councillor Gill, seconded Councillor Best, the motion that the Regulatory Processes Committee lie the report on the table until the next meeting of the Committee.

The motion was put and declared CARRIED.

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Lie the report on the table until the next meeting of the Committee.*

021/13RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/53/IM)

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

The substantive 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 4 District Plan Change 73 - Suburban Centres 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.*

