
MINUTES

WEDNESDAY 15 MAY 2013

**9.18am – 9.45am
(9.43am – 9.45am Public Excluded)**

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

PRESENT:

Councillor Gill (Chair) (9.18am – 9.45am)
Councillor Best (9.18am – 9.45am)
Councillor Foster (9.18am – 9.45am)
Councillor Lester (9.19am – 9.45am)
Councillor Morrison (9.18am – 9.45am)
Councillor Pepperell (9.18am – 9.45am)

APOLOGIES:

Mayor Wade-Brown

IN ATTENDANCE:

Councillor Pannett (9.18am – 9.45am)

023/13RP **APOLOGIES**
(1215/53/IM)

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

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

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

024/13RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Foster, the motion that the Regulatory Processes Committee approve the minutes of the ordinary meeting held Wednesday 17 April 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 17 April 2013 having been circulated, be taken as an accurate record of that meeting.*

025/13RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

There were no conflicts of interest declared.

026/13RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

There was no public participation.

027/13RP **PROPOSED ROAD CLOSURES – JUNE 2013**
Report of Maria Taumaa, Street Activities Coordinator.
(1215/53/IM)

(REPORT 1)

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

(Councillor Lester joined the meeting at 9.19am.)

The substantive motion was put was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree to close the following roads for the above event to vehicles only, subject to the conditions listed in the Proposed Temporary Road Closure Impact Report:*

(a) *For the Armstrong Motor Group Wellington Marathon event, Sunday 23 June 2013, from 8am to 11am:*

- (i) *Shelly Bay Road (between Miramar Avenue and Massey Road)*
- (ii) *Massey Road (between Shelly Bay Road and just north of Scorching Bay Reserve)*

Note: the following roads will remain open but will be used for traffic safety measures such as lane closures, one-way systems, marshalled access and parking restrictions:

- *Waterloo Quay (from 6am to 10am),*
- *Customhouse Quay (from 6am to 10am),*
- *Jervois Quay (from 6am to 10am)*
- *Cable Street (from 6am to 10am)*
- *Oriental Parade (from 7am to 11am),*
- *Herd Street (from 7am to 11am),*
- *Evans Bay Parade (from 7am to 11am).*

3. *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.*

028/13RP ROAD STOPPING AND DISPOSAL: LEGAL ROAD ADJOINING 39 KHYBER ROAD, SEATOUN

Report of John Vriens, Senior Property Advisor, Property Services.

(1215/53/IM)

(REPORT 2)

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

The substantive motion was put was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*

2. *Recommend to Council that it:*
- (a) *Agree that approximately 70m² (subject to survey) of unformed legal road land (Road Land) adjoining 39 Khyber Road, Seatoun, is not required for a Public Work.*
 - (b) *Approve the disposal of the Road Land to the owners of 39 Khyber Road, Seatoun.*
 - (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 39 Khyber Road, Seatoun, provided any such agreement is conditional upon the road being stopped.*

029/13RP **DECISION ON OBJECTIONS TO THE PROPOSED ROAD STOPPING AND DISPOSAL: LEGAL ROAD BETWEEN 9 AND 21 VOLTAIRE STREET, KARORI**

Report of John Vriens, Senior Property Advisor, Property Services.

(1215/53/IM)

(REPORT 3)

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

Moved Councillor Foster, seconded Councillor Best, the following amendment to recommendation 2(d):

THAT the Regulatory Processes Committee:

2. Recommend to Council that it:
 - (d) Delegate to the Chief Executive Officer the power to negotiate and conclude all matters in respect of a sale and purchase agreement for the Land between 9 and 21 Voltaire Street **and subject to the covenants contained in the officer's report.**

The amendment was accepted with the leave of the meeting.

The substantive motion as amended was put was 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 any of the three objectors to the proposal to stop 1,106 m² of unformed road land between 9 and 21 Voltaire Street, Karori (the Land).*
 - (b) *Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*
 - (c) *Agree to the disposal of the Land between 9 and 21 Voltaire Street.*
 - (d) *Delegate to the Chief Executive Officer the power to negotiate and conclude all matters in respect of a sale and purchase agreement for the Land between 9 and 21 Voltaire Street **and subject to the covenants contained in the officer's report.***
3. *Note that if the road stopping proposal is successful the Land would firstly be offered to the adjoining neighbours pursuant to section 345 Local Government Act 1974, then secondly the Port Nicholson Block Settlement Trust and Ngati Toa, and (if not sold to those parties) it would then be marketed for sale.*

NOTED:

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

The Committee added the text in **bold**.

030/13RP **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 4)

Moved Councillor Gill, seconded Councillor Foster, the substantive motion recommendation 1.

The substantive motion recommendation 1 was put was declared CARRIED.

Moved Councillor Gill, seconded Councillor Foster, the procedural motion the Regulatory Processes Committee refer recommendations 2 and 3 and the amendment passed by the Committee at its meeting on 17 April 2013 to Council.

The procedural motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. ***Refer recommendations 2 and 3 of the report and the amendment (in bold) passed by the Committee at its meeting on 17 April 2013 to Council.***

NOTED:

The following was referred to the Council meeting on Wednesday 29 May 2013.

2. Recommend to Council that it:
 - (a) Agree to not uphold the objections from any of the 15 objectors, the ePetition or the legal notice to the proposal to stop 3,677 m² road land between 8 and 28 Jaunpur Crescent (the Land).
 - (b) Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.
 - (c) Agree to the disposal of the Land between 8 and 28 Jaunpur Crescent.

- (d) Delegate to the Chief Executive Officer the power to negotiate and conclude all matters in respect of a sale and purchase agreement for the Land between 8 and 28 Jaunpur Crescent.
- 3. Note that if the road stopping proposal is successful the Land would firstly be offered to the adjoining neighbours pursuant to section 345 Local Government Act 1974, then secondly the Port Nicholson Block Settlement Trust, and (if not sold to those parties) it would then be marketed for sale.
- 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.**

031/13RP **ROAD STOPPING AND DISPOSAL: LEGAL ROAD GLOVER STREET, NGAURANGA**

Report of Paul Davidson, Property Advisor, Property Services.
(1215/53/IM)

(REPORT 5)

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

The substantive motion was put was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend that the Council, pursuant to section 40 of the Public Works Act 1981:*
 - (a) *Agree that the approximately 600m² (subject to survey) of unformed road (Road Land) situated next to 13 Glover Street, Ngauranga, is not required for a public work.*
 - (b) *Authorise Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road Land must be offered back to its former owner or their successor, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4).*
 - (c) *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).*
3. *Recommend that the Council:*

- (a) *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.*
 - (b) *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 and no objections being received.*
 - (c) *Approve the disposal of the Road Land. (Subject to the proposed road stopping being successful)*
 - (d) *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 Road Land either with the former owner, or their successor, or the owner of 13 Glover Street, or the successful purchaser following the Road Land being marketed for sale.*
4. *Note that if objections are received to the road stopping public notice, a further report will be presented to the Committee for consideration.*

032/13RP **GRANTING OF A PREMISES LEASE TO INNERMOST GARDENS INCORPORATED OVER TOWN BELT LAND AT 141 ELIZABETH STREET, MT VICTORIA**

Report of Hanita Shantilal, Senior Property Advisor, Property Services, Jacqui Murray, Assets & Projects Manager, Parks, Sport & Recreation & Myfanwy Emeny, Manager, Community, Engagement & Reserves, Park, Sport & Recreation.

(1215/53/IM)

(REPORT 6)

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

Moved Councillor Foster, seconded Councillor Morrison, the following amendment to recommendation 2:

THAT the Regulatory Processes Committee:

- 2. Agree subject to the terms and conditions noted below, the granting of a premises lease to Innermost Gardens Incorporated in accordance with the Reserves Act 1977 **and consistent with the Town Belt Management Plan.**

The amendment was put and declared CARRIED.

The substantive motion as amended was put 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 Innermost Gardens Incorporated in accordance with the Reserves Act 1977 **and consistent with the Town Belt Management Plan.***
3. *Note that the terms of the lease are as follows:*
Location: Part of the land known as 141 Elizabeth Street, Mt Victoria (outlined in red on Appendix 1 of the officer's report).
Term: Five years
Annual Rental: \$297.60 per annum plus GST
Maintenance Fee: The maintenance fee will be applied as stipulated in the Leases Policy for Community and Recreation Groups.
4. *Note that any approval to grant the lease is conditional on:*
 - (i) *appropriate consultation with Iwi, Friends of the Town Belt, Action for the Environment and Mt Victoria Residents Association 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.*

033/13RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

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

The motion was put 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 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

The meeting went into public excluded session at 9.43am.

For item 032/13RP, please see the public excluded minutes.

The meeting concluded at 9.45am.

Confirmed: _____
Chair
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