
MINUTES

WEDNESDAY 16 JUNE 2010

1.02PM – 2.49PM

1.20PM – 2.23PM (PUBLIC EXCLUDED)

2.41PM – 2.49PM (PUBLIC EXCLUDED)

WEDNESDAY 23 JUNE 2010 (RECONVENED)

11.02AM – 11.17AM (PUBLIC EXCLUDED)

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

PRESENT:

Councillor Gill (Chair) (1.02pm – 2.49pm)

Councillor Best (1.02pm – 2.49pm)

Councillor Cook (1.02pm – 2.49pm)

Councillor Pannett (1.02pm – 2.49pm)

Councillor Wain (1.02pm – 2.49pm)

APOLOGIES:

Mayor Prendergast

Councillor Goulden

IN ATTENDANCE:

Councillor Wade-Brown (1.10pm – 2.23pm)

DEMOCRATIC SERVICES OFFICER IN ATTENDANCE:

Fiona Dunlop – Committee Adviser

035/10RP **APOLOGIES**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Pannett, the motion that apologies for absence be accepted from Mayor Prendergast and Councillor Goulden.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Accept apologies for absence from Mayor Prendergast and Councillor Goulden.*

036/10RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Cook the motion that the Regulatory Processes Committee approve the minutes of the meeting held on Wednesday 12 May 2010 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 meeting held on Wednesday 12 May 2010 having been circulated, be taken as an accurate record of that meeting.*

037/10RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

Councillor Gill advised that she has a conflict of interest relating to Report 2 – District Plan Change 30 – Environment Court Appeal. She advised that she would not take part in debate or discussion on the matter.

038/10RP **CHAIRING OF THE MEETING**
(1215/53/IM)

NOTED:

Due to a conflict of interest by the Chair and the Deputy Chair of the Committee being unavailable it was necessary to appoint a member of the Committee as acting Chair for Public Participation and Report 2 – District Plan Change 30 – Environment Court Appeal.

Moved Councillor Gill, seconded Councillor Best the motion that the Regulatory Processes Committee agree that the meeting be chaired by Councillor Cook when Councillor Gill is unable to do so due to the conflict of interest.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Agree that the meeting be chaired by Councillor Cook when Councillor Gill is unable to do so due to the conflict of interest.*

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

039/10RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

1. Paul Blaschke representing the 274 parties addressed the meeting in relation to Report 2 - District Plan Change 30 – Environment Court Appeal.

(Councillor Wade-Brown joined the meeting at 1.10pm.)

Mr Blaschke advised that the latest draft of the private plan change is moving in the right direction. However he feels strongly that in its current form it is still not an acceptable solution and is urging the District Plan officers to continue negotiations in order to further improve the draft Plan Change, with the intention of reaching agreement with all parties regarding any negotiated solution which may be presented to Council at a later date.

TABLED: Speaking notes from Mr Blaschke. Reference 039/10RP(a).

040/10RP **ORDER OF BUSINESS**
(1215/53/IM)

NOTED:

The Chair advised the meeting that the agenda would now be considered as follows:

Report 2 - Review of List for Independent Hearing Commissioners
Report 1 - Road Stopping and Disposal – Legal Road Adjoining 124 Churchill Drive, Crofton Downs
Report 3 - District Plan Change 45 – Environment Court Appeal

041/10RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

Moved Councillor Cook, 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 2 - District Plan Change 30 – Environment Court 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 3 – District Plan Change 45 - Environment Court 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

2. *Permit Kerry Anderson of DLA Phillips Fox to remain at this meeting, after the public has been excluded because of her knowledge of Report 2 – District Plan Change 30 – Environment Court Appeal as this knowledge, may be of assistance in relation to the matter being discussed.*

(The meeting went into public excluded session at 1.20pm.)

(For items 042/10RP please see the public excluded minutes.)

(The meeting returned to open session at 2.23pm.)

(Councillor Wade-Brown left the meeting at 2.23pm.)

(Councillor Gill returned to Chairing the meeting.)

043/10RP **GRANTING OF LEASES TO EARLY CHILDHOOD CENTRES IN ACCORDANCE WITH THE EARLY CHILDHOOD CENTRES POLICY** (2.23PM – 2.40PM)
Report of Hanita Shantilal – Senior Property Adviser, Property Management.
(1215/53/IM) (REPORT 1)

NOTED:

Officers introduced their report.

TABLED INFORMATION: Amended appendix 2 schedule 2 reference 043/10RP(A).

Moved Gill, seconded Councillor Wain the substantive motion as amended.

The substantive motion as amended was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree to granting new ground and premises leases relating to Fee Simple land to the early childhood centres set out in Appendix 2, Schedule 1 (of the officers report) in accordance with the Early Childhood Centres Policy and subject to the Local Government Act 2002.*
3. *Agree to granting new ground and premises leases relating to Local Purpose Reserve land to the early childhood centres set out in Appendix 2, Schedule 2 (as amended and attached to these minutes) in accordance with the Early Childhood Centres Policy and subject to the Reserves Act 1977.*
4. *Agree to granting a new licence agreement to the early childhood centre as set out in Appendix 2, Schedule 1 (of the officer's report), in accordance with the Early Childhood Centres Policy.*
5. *Note that the terms of the ground leases, premises leases and licence 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/Licence 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 2 of the officer's report).
6. *Note any approval to grant a lease or licence 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 premises leases and ground leases for Local Purpose land 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 the Chief Executive will finalise and negotiate the lease details.*

NOTED:

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

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

(The meeting returned to Public Excluded session at 2.41pm.)

(For item 044/10RP please see the public excluded minutes.)

(The meeting adjourned at 2.49pm.)

(The meeting reconvened at 11.02am on Wednesday 23 June 2010.)

PRESENT:

Councillor Gill (Chair) (11.02am – 11.17am)

Councillor Best (11.02am – 11.17am)

Councillor Cook (11.02am – 11.17am)

Councillor Pannett (11.02am – 11.17am)

Councillor Wain (11.02am – 11.17am)

APOLOGIES:

Mayor Prendergast

Councillor Goulden

IN ATTENDANCE:

Councillor Wade-Brown (11.02am – 11.17am)

DEMOCRATIC SERVICES OFFICER IN ATTENDANCE:

Fiona Dunlop – Committee Adviser

(For items 045/10RP and 046/10RP please see the public excluded minutes.)

The meeting concluded at 11.17am on Wednesday 23 June 2010.

Confirmed: _____

Chair

/ /

Appendix 2

Appendix 2

Schedule 2 - Local Purpose Reserve Land

Lessee/Early Childhood Centres	Address of Land Leased	Certificate of Title / Legal Description	Land Status	Premises/ Ground Lease/Licence	Current Rental as at June 2010	Rental 1 July 2010	Rental 1 July 2011	Rental 1 July 2012	Rental 1 July 2013
Wellington Playcentre Association - Karori Playcentre	64 Campbell Street, Karori	Part Section 36 Karori District, contained in Computer Freehold register WN549/153	Local Purpose Reserve	Ground Lease	\$100.00	\$156.00	\$311.80	\$467.75	\$623.65
Wellington Playcentre Association - Makara Playcentre	41 South Makara Road, Makara	Part Section 60 Makara District, contained in Computer Freehold Register WN22C/710	Local Purpose Reserve	Premises Lease	\$112.00	\$280.20	\$560.35	\$840.55	\$1,120.70
Wellington Region Free Kindergartens Association - Miramar North Kindergarten	9A Whanganui Street, Miramar	Part Lot 2 Deposited Plan 89983, contained in Computer Freehold Register WN57C/382	Local Purpose Reserve	Ground Lease	\$386.00	\$609.80 \$1,245.25	\$1,220.00 \$2,490.50	\$1,829.80 \$3,735.75	\$2,439.25 \$4,981.00
Wellington Region Free Kindergartens Association - Tawa Central Kindergarten	21 Oxford Street, Tawa	Part Lot 26 – 29 Deposited Plan 10529, contained in Computer Freehold Register WN624/57	Local Purpose Reserve	Ground Lease	\$0.00	\$599.50 \$1,115.25	\$1,199.00 \$2,230.50	\$1,798.50 \$3,345.75	\$2,398.10 \$4,461.00
Wellington Region Free Kindergartens Association - Tui Park Kindergarten	12B Mexted Terrace, Tawa	Part Lot 103 Deposited Plan 9069, contained in Computer Freehold Register WN624/58	Local Purpose Reserve	Ground Lease	\$428.00	\$874.60 \$1,397.00	\$1,749.20 \$2,794.00	\$2,623.80 \$4,191.00	\$3,498.50 \$5,588.00
Ngaio Childcare Centre Incorporated	1 Ottawa Road, Ngaio	Part Lots 7 & 8 Deposited Plan 699, held in Gazette Notice 875470.1	Library & Community Rooms	Premises Lease	\$1,200.00	\$2,057.70	\$4,115.40	\$6,173.15	\$8,320.85