
MINUTES

WEDNESDAY 7 DECEMBER 2011

10.32AM - 12.57PM
12.30PM - 12.56PM (PUBLIC EXCLUDED)
3.31PM - 3.32PM
3.47PM - 4.03PM
4.14PM - 4.15PM

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

PRESENT:

Councillor Gill (Chair) (10.32am - 12.57pm, 3.31pm - 3.32pm, 3.47pm - 4.03pm, 4.14pm - 4.15pm)
Councillor Best (10.32am - 11.09am, 11.13am - 12.57pm, 3.31pm - 3.32pm, 3.47pm - 4.03pm, 4.14pm - 4.15pm)
Councillor Lester (10.32am - 12.57pm, 3.31pm - 3.32pm, 3.47pm - 4.03pm, 4.14pm - 4.15pm)
Councillor Morrison (10.32am - 12.45pm, 12.53pm - 12.57pm, 3.31pm - 3.32pm, 3.47pm - 4.03pm, 4.14pm - 4.15pm)
Councillor Pepperell (10.32am - 11.24am, 11.26am - 12.48pm, 12.50pm - 12.57pm, 3.31pm - 3.32pm, 3.47pm - 4.03pm, 4.14pm - 4.15pm)

APOLOGIES:

Mayor Wade-Brown
Councillor Foster

IN ATTENDANCE:

Councillor Pannett (10.32am - 11.04am, 11.05am - 12.57pm, 3.31pm - 3.32pm, 3.47pm - 4.03pm, 4.14pm - 4.15pm)

DEMOCRATIC SERVICES OFFICERS IN ATTENDANCE:

Fiona Dunlop - Committee Advisor
Sophie Rapson - Committee Advisor

092/11RP **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 Foster.

RESOLVED:

THAT the Regulatory Processes Committee

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

093/11RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Pepperell, the motion that the Regulatory Processes Committee approve the minutes of the meetings held on Wednesday 9 November 2011 (ordinary meeting) and Thursday 17 November 2011 (extraordinary meeting) having been circulated, be taken as an accurate record of those meetings.

The substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Approve the minutes of the meetings held on Wednesday 9 November 2011 (ordinary meeting) and Thursday 17 November 2011 (extraordinary meeting) having been circulated, be taken as an accurate record of those meetings.*

094/11RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

Councillor Morrison declared a conflict of interest in relation to Report 1 - Granting of a Ground Lease to the Victoria Bowling Club Incorporated - Submissions from Public Notification. He advised that he would take part in debate but not vote on the issue.

095/11RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

There was no public participation.

096/11RP **DEPUTATION**
(1215/53/IM)

NOTED:

1. Rex Hamill a resident of Mount Victoria addressed the meeting in relation to Report 1 - Granting of a Ground Lease to the Victoria Bowling Club Incorporated - Submissions from Public Notification. Mr Hamill expressed his concern regarding the proposal to grant a lease to the Bowling Club.

2. Richard Corry - President of the Mount Victoria Bowling Club addressed the meeting in relation to Report 1 - Granting of a Ground Lease to the Victoria Bowling Club Incorporated - Submissions from Public Notification. Mr Corry spoke in support of the proposal to grant a lease to the Bowling Club.

(During the deputation, Councillor Pannett left the meeting at 11.04am.)

(During the deputation, Councillor Pannett returned to the meeting at 11.05am.)

(During the deputation, Councillor Best left the meeting at 11.09am.)

3. Lou Newman a life Member of the Mount Victoria Bowling Club addressed the meeting in relation to Report 1 - Granting of a Ground Lease to the Victoria Bowling Club Incorporated - Submissions from Public Notification. Mr Newman spoke in support of the proposal to grant a lease to the Bowling Club.

(During the deputation, Councillor Best returned the meeting at 11.13am.)

4. Dave Hewitt - Chief Executive of Bowls Wellington addressed the meeting in relation to Report 1 - Granting of a Ground Lease to the Victoria Bowling Club Incorporated - Submissions from Public Notification. Mr Hewitt spoke in support of the proposal to grant a lease to the Bowling Club.

(During the deputation, Councillor Pepperell left the meeting at 11.24am.)

(During the deputation, Councillor Pepperell returned to the meeting at 11.26am.)

5. Leigh Halstead representing the Alex Moore Park Sport and Community Incorporated Society addressed the meeting in relation to Report 3 - Granting of a Ground Lease to the Alex Moore Park Sport and Community Incorporated Society at Alex Moore Park, Johnsonville. Mr Halstead spoke in support of proposal to grant a ground lease.

097/11RP **ORDER OF BUSINESS**
(1215/53/IM)

NOTED:

The Chair advised that the agenda would be taken as follows:

- Report 4 - Granting of a Ground Lease to the Greek Orthodox Community of Wellington Incorporated at Makara Cemetery
- Report 1 - Granting of a Ground Lease to the Victoria Bowling Club Incorporated - Submissions from Public Notification
- Report 2 - Proposed Road Closures – 2 February 2012 to 18 March 2012
- Report 3 - Granting of a Ground Lease to the Alex Moore Park Sport and Community Incorporated Society at Alex Moore Park, Johnsonville
- Report 5 - Granting of a Ground Lease to the Long Hall Trust
- Report 6 - District Plan Change 48 – Central Area Environment Court Appeal
- Report 7 - District Plan Change 73 – Suburban Centres - Environment Court appeal
- Report 8 - District Plan Change PC72 and 73 - Appeals.

098/11RP **GRANTING OF A GROUND LEASE TO THE GREEK ORTHODOX COMMUNITY OF WELLINGTON INCORPORATED AT MAKARA CEMETERY**

Report of Dejan Kirbis, Property Advisor, Property Management, Hanita Shantilal, Senior Property Advisor, Property Management and Jeff Paris, Cemeteries Manager, Parks & Gardens.

(1215/53/IM)

(REPORT 4)

Moved Councillor Gill, seconded Councillor 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 lease to the Greek Orthodox Community of Wellington Incorporated in accordance with the Burials and Cremation Act 1964.*
3. *Note that the terms of the ground lease are as follows:
Location: Part of the land at Makara Cemetery, Makara (outlined in grey on Appendix 1 of the officer's report).
Term: 35 years (less one day).
Annual Rent: \$1 (if demanded).*
4. *Note that any approval to grant the ground lease is conditional on:*
 - (i) *appropriate consultation with Iwi and the Seyip Community being completed;*
 - (ii) *there being no sustained objections resulting from the abovementioned consultation; and*
 - (iii) *the legal and advertising costs associated with preparing the ground lease is met by the Greek Orthodox Community of Wellington Incorporated.*
5. *Agree that Council officers will finalise and negotiate the ground lease details.*

099/11RP **GRANTING OF A GROUND LEASE TO THE VICTORIA BOWLING CLUB INCORPORATED - SUBMISSIONS FROM PUBLIC NOTIFICATION**

Report of Vanessa Whitwell, Property Advisor, Property Management and Amber Bill, Manager, Community Engagement & Reserves, Parks & Gardens

(1215/53/IM)

(REPORT 1)

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

Moved Councillor Lester, seconded Councillor Best the following amendment:

THAT the Regulatory Processes Committee:

2. Agree subject to the terms and conditions noted below, the granting of a ground lease to the Victoria Bowling Club Incorporated in accordance with the Reserves Act 1977 **with the deletion of:**
 - Having a TAB machine in the clubrooms is seen as being inappropriate and in contravention of the Town Belt Deed and the Town Belt Management Plan.

The Chair advised the meeting that she would be adjourning this item until later in the meeting as clarification was required as to the intention of the amendment.

For further debate and the final decision on the item, please see 110/11RP.

100/11RP PROPOSED ROAD CLOSURES – 2 FEBRUARY 2012 TO 18 MARCH 2012

Report of Gail Reeves - Street Activities Co-ordinator.
(1215/53/IM)

(REPORT 2)

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

The substantive motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *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.*
3. *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 Rugby Sevens Street Parade Assembly event, Thursday 2 February 2012, from 7am to 1.30pm:*
 - (i) *Stout Street (between Lambton Quay and Ballance Street), access to Creative New Zealand dock way will be maintained*
 - (ii) *Ballance Street (between Lambton Quay and Stout Street), access for court vehicles will be maintained; and*
 - (b) *For the Rugby Sevens Street Parade event, Thursday 2 February 2012, from 12.40pm to 1.55pm:*
 - (i) *Lambton Quay (between Whitmore Street and Willis Street)*
 - (ii) *Willis Street (between the Lambton Quay/Willeston Street intersection and Manners Street)*
 - (iii) *Mercer Street (between Willis Street and Victoria Street)*

- (iv) *Victoria Street (between Harris Street and Mercer Street, including the Mercer Street/Wakefield Street intersection drop-off area)*
 - (v) *Wakefield Street (northern side between Victoria Street and Cuba Street); and*
- (c) *For the Rugby Sevens Street Closure event, from 5pm Saturday 4 February to 6am Sunday 5 February 2012:*
- (i) *Courtenay Place (all of, between Cambridge Terrace and Taranaki Street)*
 - (ii) *Blair Street (all of Blair Street - limited resident access)*
 - (iii) *Allen Street (all of Allen Street - limited resident access)*
 - (iv) *Tory Street (between Wakefield Street and Tennyson Street, including Holland Street and Forresters Lane - limited resident access)*
 - (v) *Taranaki Street (between Wakefield Street and Ghuznee Street, including York Street, Lukes and Halleys Lane - limited resident access)*
 - (vi) *Inglewood Place (all of - limited access to the Tournament parking building)*
 - (vii) *Dixon Street (between Taranaki Street and Victoria Street, including Christeson Lane)*
 - (viii) *Manners Street (between Taranaki Street and Victoria Street)*
 - (ix) *Cuba Street (between Manners Street and Wakefield Street); and*
- (d) *For the Wellington Chinese New Year Parade event, Sunday 12 February 2012, from 9am to 2.30pm:*
- (i) *Tennyson Street (between Tory Street and Cambridge Terrace – parade assembly only); and*
- (e) *For the 2012 National Triathlon Championships event, Saturday 10 March 2012, from 6am to 2pm:*
- (i) *Barnett Street (closed except for an exit from Te Papa car park)*
 - (ii) *Cable Street (one seaward lane closed from Tory Street to Oriental Parade)*
 - (iii) *Oriental Parade (all of Oriental Parade closed, from Cable Street to Evans Bay Parade)*
 - (iv) *Evans Bay Parade (closed from Oriental Parade to just north of the NIWA building, 301 Evans Bay Parade)*
 - (v) *Carlton Gore Road (closed from Oriental Parade to the intersection of Carlton Gore Road and Maida Vale Road); and*
- (f) *For the Kilbirnie Festival event, Sunday 11 March 2012, from 6am to 6pm:*

- (i) *Bay Road – between Rongotai Road and Coutts Street;
and*
- (g) *For the Wellington Car Club Alexandra Road Sealed Hillclimb event, Sunday 18 March 2012, from 7am to 6pm:*
 - (i) *Alexandra Road – between Constable Street and the Lookout Road.*

101/11RP **GRANTING OF A GROUND LEASE TO THE ALEX MOORE PARK SPORT AND COMMUNITY INCORPORATED SOCIETY AT ALEX MOORE PARK, JOHNSONVILLE**

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

(1215/53/IM)

(REPORT 3)

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. *Agree, subject to the terms and conditions noted below, the granting of a ground lease to the Alex Moore Park Sport and Community Incorporated Society in accordance with the Reserves Act 1977.*
3. *Note that the terms of the ground lease are as follows:*
Location: Part of Alex Moore Park, Johnsonville (outlined in red on Appendix 1 of the officer's report).
Term: 10 years plus 2 rights of renewal for a 10 year term each.
Annual Rental: \$678.00 per annum plus GST.
4. *Note that any approval to grant the ground lease is conditional on:*
 - (i) *appropriate consultation with Iwi;*
 - (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 ground lease is met by the Lessee;*
 - (v) *resource consent for the new building being granted; and*

(vi) *full funds for the development of the building are secured by the Alex Moore Park Sport and Community Incorporated Society.*

5. *Agree that Council officers will finalise and negotiate the lease details.*

102/11RP **GRANTING OF A GROUND LEASE TO THE LONG HALL TRUST**
 Report of Hayley Moselen, Property Management Administrator, Hanita Shantilal, Senior Property Advisor and Paul Andrews, Manager, Parks & Gardens.
 (1215/53/IM) (REPORT 5)

Moved Councillor Gill, seconded Councillor 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 lease to the Long Hall Trust in accordance with the Reserves Act 1977.*
3. *Note that the terms of the lease are as follows:*
Location: Part of 13B Maida Vale Road, Roseneath
Term: 5 years
Annual Rental: \$183.00 per annum plus GST.
4. *Note that any approval to grant the lease is conditional on:*
 - (i) *appropriate consultation with Iwi;*
 - (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.*

103/11RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

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

The motion to exclude the public was put and 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 6 - District Plan Change 48 – Central Area 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 7 - District Plan Change 73 – Suburban Centres - 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 8 - District Plan Change PC72 and 73 - Appeals

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 12.30pm.

For items 104/11RP, 105/11RP, 106/11RP and 107/11RP please see the public excluded minutes.

(Councillor Morrison left the meeting at 12.45pm.)
(Councillor Pepperell left the meeting at 12.48pm.)
(Councillor Pepperell returned to the meeting at 12.50pm.)
(Councillor Morrison returned to the meeting at 12.53pm.)

The meeting returned to open session at 12.56pm.

108/11RP **ADJOURNMENT OF MEETING**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Pepperell, the motion that the meeting of the Regulatory Processes Committee adjourn to reconvene at 3.30pm.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Adjourn to reconvene at 3.30pm.*

The meeting adjourned at 12.57pm.

The meeting reconvened at 3.31pm.

(Councillors Best, Gill, Lester, Morrison and Pepperell were present when the meeting reconvened. Councillor Pannett was in attendance.)

109/11RP **ADJOURNMENT OF MEETING**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Pepperell, the motion that the meeting of the Regulatory Processes Committee adjourn to reconvene at 3.45pm.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Adjourn to reconvene at 3.45pm.*

The meeting adjourned at 3.32pm.

The meeting reconvened at 3.47pm.

(Councillors Best, Gill, Lester, Morrison and Pepperell were present when the meeting reconvened. Councillor Pannett was in attendance.)

110/11RP **GRANTING OF A GROUND LEASE TO THE VICTORIA BOWLING CLUB INCORPORATED - SUBMISSIONS FROM PUBLIC NOTIFICATION (CONTINUED)**
Report of Vanessa Whitwell, Property Advisor, Property Management and Amber Bill, Manager, Community Engagement & Reserves, Parks & Gardens
(1215/53/IM) (REPORT 1)

NOTED:

Councillor Lester sought leave from the meeting to withdraw his original amendment and replace it with the following:

THAT the Regulatory Processes Committee:

5. Agree that Council officers will finalise and negotiate the ground lease details and include in the lease agreement the following:

If the club exceeds noise levels the Club will be issued with a warning. After three substantiated incidents that give rise to a warning any further breach will result in no special liquor licences being issued for 12 months, or any other action that is deemed appropriate by officers.

6. Agree that officers should not include in the lease any provisions in relation to the TAB Kiosk although the Committee notes that the Town Belt Management Plan must be complied with.

(The meeting adjourned at 4.03pm and reconvened at 4.14pm.)

(Councillors Best, Gill, Lester, Morrison and Pepperell were present when the meeting reconvened. Councillor Pannett was in attendance.)

(Councillor Morrison withdrew from the table due to his conflict of interest.)

The Committee agreed to allow Councillor Lester to withdraw his original and replace it with the above.

The amendment was put and declared CARRIED.

The substantive motion as amended 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 lease to the Victoria Bowling Club Incorporated in accordance with the Reserves Act 1977.*
3. *Note that the terms of the ground lease are as follows:
Location: 125 Pirie Street, Mt Victoria.
Term: 10 years.
Annual Rental: \$2,516.00 per annum plus GST.*
4. *Note that any approval to grant the ground lease is conditional on:
(i) the legal and advertising costs associated with preparing the ground lease are met by the Lessee; and
(ii) the Lessee providing Council with a schedule of deferred maintenance to be undertaken within the next 10 years.*

5. *Agree that Council officers will finalise and negotiate the ground lease details and include in the lease agreement the following:*

If the club exceeds noise levels the Club will be issued with a warning. After three substantiated incidents that give rise to a warning any further breach will result in no special liquor licences being issued for 12 months, or any other action that is deemed appropriate by officers.

6. *Agree that officers should not include in the lease any provisions in relation to the TAB Kiosk although the Committee notes that the Town Belt Management Plan must be complied with.*

NOTED:

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

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

The meeting concluded at 4.15pm.

Confirmed: _____
Chair
/ /