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**MINUTES**

**WEDNESDAY 19 JUNE 2013**

**9.17am – 10.16am  
(9.19am – 10.16 – Public Excluded)**

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

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**PRESENT:**

Councillor Gill (Chair) (9.17am – 10.16am)  
Councillor Best (9.41am – 10.16am)  
Councillor Foster (9.17am – 10.16am)  
Councillor Lester (9.17am – 10.16am)  
Councillor Morrison (9.17am – 10.16am)  
Councillor Pepperell (9.17am – 10.16am)

**APOLOGIES:**

Mayor Wade-Brown  
Councillor Best (lateness)

**IN ATTENDANCE:**

Councillor Pannett (9.17am – 10.16am)

033/13RP **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 and apologies for lateness from Councillor Best.**

**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 Best.*

034/13RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Foster, the motion that the Regulatory Processes Committee approve the minutes of the meetings held Wednesday 15 May 2013 (ordinary meeting) and Tuesday 4 June 2013 (extraordinary meeting) having been circulated, be taken as an accurate record of those meetings.**

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Approve the minutes of the meetings held Wednesday 15 May 2013 (ordinary meeting) and Tuesday 4 June 2013 (extraordinary meeting) having been circulated, be taken as an accurate record of those meetings.*

035/13RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflicts of interest declared.

036/13RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

037/13RP **ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING  
68, 70 AND 74 EVANS BAY PARADE, HATAITAI**

Report of Paul Davidson, Property Advisor, Property Services.

(1215/53/IM)

(REPORT 1)

**Moved Councillor Foster, seconded Councillor Morrison, the substantive motion.**

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

**RESOLVED:**

*THAT Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend to Council that it:*
  - (a) *Agree that the approximate 100 m<sup>2</sup> (subject to survey) of unformed legal road land in Evans Bay Parade (Road Land) adjoining 68, 70 and 74 Evans Bay Parade (Adjoining Land) is 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 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 area of Road Land in accordance with section 116 of the Public Works Act 1981.*
  - (f) *Delegate to the Chief Executive Office the power to complete the terms of sale, impose any reasonable restrictions, in respect of the Road Land adjoining 68, 70 and 74 Evans Bay Parade, either with the former owner, or their successor, or the owner of 68, 70 and 74 Evans Bay Parade, provided any such agreement is conditional upon the road being stopped.*

**038/13RP ROAD STOPPING AND DISPOSAL: LEGAL ROAD ADJOINING 3 BURN STREET, KARORI**

Report of Paul Davidson, Property Advisor, Property Services.

(1215/53/IM)

(REPORT 2)

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

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

**RESOLVED:**

*THAT Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend to Council that it:*
  - (a) *Agree that 96 m<sup>2</sup> of unformed legal road land in Burn Street (Road Land) adjoining 3 Burn Street (Adjoining Land) is 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 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 Officer, if no objections are received during the consultation period, 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 3 Burn Street, provided any such agreement is conditional upon the road being stopped.*
  - (h) *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.*

039/13RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/53/IM)

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

**The substantive motion 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 3 - District Plan Change 58 – 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 4 - District Plan Change 73 – Environment Court 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 5 - District Plan Change 73 – Centres and Business Areas, Environment Court 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*

*Reason:* Section 7(2) (g) *which good reason for withholding would exist under Section 7*  
 Section 7(2) (i) *maintain legal professional privilege. to enable the Council to carry out negotiations without prejudice or disadvantage*

*Report 6 - District Plan Change 73 – Centres and Business Areas, Environment Court 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. to enable the Council to carry out negotiations without prejudice or disadvantage*  
 Section 7(2) (i)

The meeting went into public excluded session at 9.19am.

For items 040/13RP, 041/13RP, 042/13RP and 043/13RP please see the public excluded minutes.

(Councillor Best joined the meeting at 9.41am.)

The meeting concluded at 10.16am.

Confirmed: \_\_\_\_\_  
 Chair  
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