

**MINUTES**

**TUESDAY 2 AUGUST 2005**

**1.18 PM**

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

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**PRESENT:**

Councillor Gill (Chair)  
Councillor Armstrong  
Councillor Cook (1.18pm – 1.30pm) (2.18pm – 2.25pm)  
Councillor Foster  
Councillor Goulden  
Councillor Morrison  
Councillor Pepperell (1.18pm – 1.22pm)  
Councillor Wade-Brown

**APOLOGIES:**

Mayor Prendergast

029/05RP **APOLOGIES**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Accept apologies from Mayor Prendergast for absence.*
- 2. Accept apologies from Councillor Cook and Councillor Pepperell for leaving early.*

(Councillor Pepperell left the meeting at 1.22 pm.)

030/05RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflicts of interest declarations received.

031/05RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

(Councillor Cook left the meeting at 1.30 pm.)

032/05RP **THE GRANTING OF A LEASE TO THE SALAMANCA TENNIS CLUB INCORPORATED**

Report of Robyn Marx – Property Advisor.  
(1215/53/IM)

(REPORT 1)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Resolve to let the Report lie on the table.*

**NOTED:**

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

1. The Committee requested that recommendations that iwi *consent* be obtained be included only where there was a legislative requirement for consent.
2. The Committee requested that officers investigate and seek legal advice on Clause 9 of the draft Lease terms such that Council may reasonably withhold its consent to additions/alterations to leased premises where Council feels the proposal is not in keeping with surrounding premises, the Management Plan, or wider neighbourhood.

033/05RP **GRANTING OF NEW LEASES TO VARIOUS GROUPS  
OCCUPYING COUNCIL RECREATION RESERVE (TOWN BELT).**

Report of Robyn Marx – Property Advisor.

(1215/53/IM)

(REPORT 2)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Resolve to let the Report lie on the table.*

**NOTED:**

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

1. The Committee requested that recommendations that iwi consent be obtained be included only where there was a legislative requirement for consent.
2. The Committee requested that officers investigate and seek legal advice on Clause 9 of the draft Lease terms such that Council may reasonably withhold its consent to additions/alterations to leased premises where Council feels the proposal is not in keeping with surrounding premises, the Management Plan, or wider neighbourhood.
3. The Committee requested that officers investigate “rolling over” the present lease to the Mornington Golf Club to maintain current lease rental.

034/05RP **ORDER OF BUSINESS**

(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Consider the Minutes for Confirmation next.*

035/05RP **MINUTES FOR CONFIRMATION**

(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Approve the minutes of the ordinary meeting held on Tuesday 24 May 2005, having been circulated, be taken as read and confirmed as an accurate record of the meeting.*

036/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: LEGAL ROAD ON FARMERS LANE, ADJOINING 152-172 LAMBTON QUAY, TE ARO**  
Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 3)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*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 area of unformed legal road adjoining 152-172 Lambton Quay, Te Aro (refer to Appendix 1 of the officer's report) 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 land must be offered back to its former owner or their successor in title, or whether an exemption from offer back applies*
3. *Note that once the Section 40 report has been received, a further report will be presented to Council for their approval to either offer the land back to its former owner or their successor in title, or to approve the exemption from offer back.*

(Councillor Cook returned to the meeting at 2.18pm.)

037/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: LEGAL ROAD ADJOINING 1 ROPA LANE, MIRAMAR**  
Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 4)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*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 area of unformed legal road adjoining 1 Ropa Lane, Miramar (refer to Appendix 1 of the officer's report) 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 land must be offered back to its former owner or their successor in title, or whether an exemption from offer back applies*
3. *Note that once the Section 40 report has been received, a further report will be presented to Council for their approval to either offer the land back to its former owner or their successor in title, or to approve the exemption from offer back.*

**038/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO: (ROAD STOPPING) 32 CARLTON STREET, MELROSE**

Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM)

(REPORT 5)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Agree that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - (a) *Agree that the land adjoining 32 Carlton Street is exempt from offer-back based on Section 40 (2) and Section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents:*
    - *32 Carlton Street, (being approximately 243m<sup>2</sup> as outlined on the aerial photograph in Appendix 1 of the officer's report)*
  - (b) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 2002.*

039/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO: (ROAD STOPPING) 58 QUEENS DRIVE, LYALL BAY**

Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 6)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Agree that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - (a) *Agree that the land adjoining 58 Queens Drive is exempt from offer-back based on Section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents:*
    - *58 Queens Drive, (being approximately 180m<sup>2</sup> as outlined on the aerial photograph in Appendix 1 of the officer's report)*
  - (b) *Authorise Council officers to proceed with the road stopping process under Sections 342 and 345 of the Local Government Act 2002.*

040/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO: (ROAD STOPPING) 517 OHARIU VALLEY ROAD AND 20 TAKARAU GORGE ROAD, OHARIU VALLEY**

Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 7)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Agree that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - (a) *Agree that the land adjoining 517 Ohariu Valley Road and 20 Takarau Gorge Road is exempt from offer-back based on Section 40 (4) of the Public Works Act 1981, and advice*

*received from Land Information New Zealand accredited agents:*

- *517 Ohariu Valley Road and 20 Takarau Gorge Road, (being approximately 7200m<sup>2</sup> as outlined on the aerial photograph in Appendix 1 of the officer's report)*
- (b) *Authorise Council officers to proceed with the road stopping process under Sections 342 and 345 of the Local Government Act 2002.*

The meeting concluded at 2.25pm.

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