
MINUTES

THURSDAY 15 DECEMBER 2005

9.22 AM

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

PRESENT:

Councillor Gill (Chair)
Councillor Armstrong
Councillor Foster (11.05am – 1.55pm)
Councillor Morrison
Councillor Pepperell
Councillor Wade-Brown

APOLOGIES:

Mayor Prendergast
Councillor Cook
Councillor Shaw

IN ATTENDANCE:

Councillor McKinnon (9.22am – 11.05am)
Councillor Ruben (9.22am – 11.05am)

048/05RP **ADJOURNMENT OF MEETING**
(1215/53/IM)

NOTED:

Moved Councillor Gill, seconded Councillor Morrison, the motion that the meeting adjourn to allow a Councillor briefing.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Adjourn until the conclusion of the Councillor briefing.*

(The meeting adjourned at 9.24am.)

(The meeting reconvened at 11.05am.)

When the meeting reconvened Councillor Foster was present, Councillors McKinnon and Ruben had left the meeting.

049/05RP **APOLOGIES**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Accept apologies from Mayor Prendergast, Councillors Cook and Shaw for absence.*

050/05RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Approve the minutes of the ordinary meeting held on Tuesday 2 August 2005 and the extraordinary meeting of Tuesday 30 August 2005, having been circulated, be taken as read and confirmed as an accurate record of the meeting.*

051/05RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

There were no conflicts of interest declarations received.

052/05RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

1. Ms Lisa Falleni addressed the Committee on her objection to the classification of her dog "Moon" as menacing, and requested that consideration be given to upholding her objection.

053/05RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

REPORT 1: Objection to Classification of Dog – Dog Control Act 1996

GROUND(S):

Section 48(1)(a) Local Government Official Information and Meetings Act – that public conduct of this item 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)(a) to protect the privacy of natural persons

Permit Hellene Wallwork of Phillips Fox to remain after the public has been excluded, because of her specialist knowledge of the matter under discussion.

REPORT 2: Proposed District Plan Change 33 - Mediation of Appeal from West Tawa Development Partnership Ltd

GROUND(S):

Section 48(1)(a) Local Government Official Information and Meetings Act – that public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7.

REASONS:

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 11.20am.)

(For Items 054/05RP – 055/05RP please see the public excluded minutes.)
(Meeting resumed in open session at 1.30pm.)

056/05RP APPLICATION FOR EXEMPTION FROM THE FENCING OF SWIMMING POOLS ACT 1987 – 97 BEAUCHAMP STREET, KARORI

Report of Owen Williams – Building Officer, BCLS.
(1215/53/IM)

(REPORT 3)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree to grant an exemption for the doors entering the pool area as it is deemed unreasonable in accordance with clause 11 of the Schedule to the Act to require the applicant to reconfigure the existing doors.*
3. *Agree to impose the following conditions that need always be met by the applicant and any future owner of the property to enable this exemption to apply:*
 - *The doors entering the pool area are accepted as installed, to remain opening to the pool area and to have hardware fitted and fully functional as listed below.*
 - *The doors numbered 1 and 3 are to be fitted with an automatic door closure adjusted to close and latch automatically.*
 - *Latches and/or locks must be installed at or above 1.5m from the finished floor level.*
 - *The doors must not be fitted with hold open devices.*

057/05RP ORDER OF BUSINESS
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Agree to take the reports in the following order; Reports 5 and 6, Report 4, and Report 7.*

058/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO (ROAD STOPPING): 1 ROPA LANE, MIRAMAR

Report of Lisa Black – Road Stopping and Encroachments Advisor.
(1215/53/IM) (REPORT 5)

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree that Council, pursuant to Section 40 of the Public Works Act 1981:*
 - (a) *Agree that the land adjoining 1 Ropa Lane 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:*
 - *1 Ropa Lane, Miramar, (being approximately 165m² as outlined on the aerial photograph in Appendix 1)*
 - (b) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 2002.*

059/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO (ROAD STOPPING): FARMERS LANE ADJOINING 152-172 LAMBTON QUAY, TE ARO

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

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree that Council, pursuant to Section 40 of the Public Works Act 1981:*
 - (a) *Agree that the land adjoining 152-172 Lambton Quay 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:*

- 152-172 Lambton Quay, Te Aro, (being approximately 6m² as outlined on the aerial photograph in Appendix 1)
- (b) Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 2002.

060/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE (ROAD STOPPING): LEGAL ROAD ADJOINING 69 PITT STREET, WADESTOWN**
 Report of Lisa Black – Road Stopping and Encroachments Advisor.
 (1215/53/IM) (REPORT 4)

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend that Council, pursuant to Section 40 of the Public Works Act 1981:*
 - a) *Agree that the area of unformed legal road adjoining 69 Pitt Street (refer to Appendix 1) 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, 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.*

061/05RP **ROAD STOPPING UNDER SECTION 116 OF THE PUBLIC WORKS ACT 1981 – UNFORMED LEGAL ROAD ADJOINING 152 AND 153 BREAKER BAY ROAD.**
 Report of Lisa Black – Road Stopping and Encroachments Advisor.
 (1215/53/IM) (REPORT 7)

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Regulatory Processes Committee:

1. *Receive the information.*

2. *Recommend that Council pursuant to the Public Works Act (1981) gives approval for stopping the area of unformed legal road adjoining 152 Breaker Bay Road and 153 Breaker Bay Road (refer to Appendix 1 of the officer's report).*
3. *Note that once the road stopping process is complete, the area will be designated Open Space B reserve in accordance with the South Coast Management Plan (refer to Appendix 2 of the officer's report).*

The meeting concluded at 1.55pm.

Confirmed: _____
Chair
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