
MINUTES

WEDNESDAY 22 AUGUST 2007

1.01PM

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

PRESENT:

Councillor Gill (Chair)
Councillor Cook
Councillor Goulden (1.04 – 1.10pm)
Councillor Morrison
Councillor Pepperell (1.02 – 1.10pm)
Councillor Wade-Brown

APOLOGIES:

Mayor Prendergast
Councillor Armstrong
Councillor Foster

074/07RP **APOLOGIES**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Accept apologies for absence from Mayor Prendergast and Councillors Armstrong and Foster.*

(Councillor Pepperell joined the meeting at 1.02pm.)

075/07RP CONFLICT OF INTEREST DECLARATIONS
(1215/53/IM)

NOTED:

There were no conflicts of interest declared.

076/07RP MINUTES FOR CONFIRMATION
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Approve the minutes of the ordinary meeting held on Thursday 2 August 2007 having been circulated, be taken as read and confirmed as an accurate record of that meeting.*

077/07RP PUBLIC PARTICIPATION
(1215/53/IM)

NOTED:

There was no public participation.

**078/07RP GRANTING OF LEASES TO FOUR GROUPS OCCUPYING
COUNCIL RECREATION RESERVE AND WELLINGTON TOWN
BELT**

Report of David Shaw – Property Adviser, Community Purpose Property.

(1215/53/IM)

(REPORT 1)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve, subject to the conditions noted below, the granting of fresh leases to the following groups under the Reserves Act 1977 and the Local Government Act 2002:*

<i>Group</i>	<i>Type of Lease</i>	<i>Location</i>	<i>Term (years)</i>	<i>Annual Rent (GST exclusive)</i>
<i>Wellington Smallbore Rifle Association Incorporated</i>	<i>Ground</i>	<i>Mt Albert Park (Town Belt)</i>	<i>10</i>	<i>\$299</i>
<i>Lyall Bay Surf Lifesaving Club Incorporated</i>	<i>Ground</i>	<i>Lyall Bay Parade</i>	<i>10 + 10</i>	<i>\$138</i>
<i>Lyall Bay Surf Lifesaving Club Incorporated</i>	<i>Premises</i>	<i>Lyall Bay Parade</i>	<i>5 + 5</i>	<i>\$122 Maintenance fee</i>
<i>Terawhiti Bowling Club Incorporated</i>	<i>Ground</i>	<i>Karori Park</i>	<i>5 + 5</i>	<i>\$1,622</i>
<i>Scout Association of New Zealand (Newlands Group)</i>	<i>Ground</i>	<i>Spenmoor Street</i>	<i>5</i>	<i>\$140</i>

Note that any approval to grant fresh leases will be conditional on:

- (a) Appropriate consultation with Iwi being completed;*
- (b) The proposed lease on Recreation Reserve being publicly notified in accordance with sections 119 and 120 of the Reserves Act 1977 together with any conditions set out in any approved Management Plans (e.g. Town Belt Management Plan);*
- (c) Each Group reimbursing Council for any costs incurred in advertising;*
- (d) There being no objections or sustained objections resulting from the required consultation or notification.*

079/07RP **PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT 1981 AND THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 20 LUCKNOW TERRACE – KHANDALLAH**

Report of Wendy O’Neill – Property Adviser, Parking and Property Services.

(1215/53/IM)

(REPORT 2)

(Councillor Goulden joined the meeting at 1.04pm.)

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 approximately 130m² of unformed legal road adjoining 20 Lucknow Terrace, Khandallah is not required for a Public Work (refer Appendix 1).*

Note: 20 Lucknow Terrace, Khandallah is described as Lot 3 DP 33335, being Computer Freehold Register WN9D/1077.
 - (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 report will be presented to the Chief Executive Officer for approval under delegated authority to either offer the land back to its former owner or their successor, or to approve the exemption from offer back.*
4. *Authorise Council officers to initiate the road stopping process in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
5. *Subject to all statutory and Council requirements being met with no objections to the road stopping being received, Council delegates to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the road stopped.*
6. *Note that if objections are received and the proponent wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*

7. *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement, provided any such agreement is conditional upon the road being stopped.*

080/07RP **PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT 1981 AND THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 65 TOTARA ROAD - MIRAMAR**

Report of Wendy O'Neill – Property Adviser, Parking and Property Services.

(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 approximately 55m² of unformed legal road adjoining 65 Totara Road, Miramar is not required for a Public Work (refer Appendix 1).*

Note: 65 Totara Road, Miramar is described as Lot 1 DP 27874, being Computer Freehold Register WNF1/1109.

 - (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 report will be presented to the Chief Executive Officer for approval under delegated authority to either offer the land back to its former owner or their successor, or to approve the exemption from offer back.*
4. *Authorise Council officers to initiate the road stopping process in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
5. *Subject to all statutory and Council requirements being met and no objections to the road stopping being received, Council delegates to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the road stopped.*
6. *Note that if objections are received and the proponent wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*

7. *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement, provided any such agreement is conditional upon the road being stopped.*

081/07RP **PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT 1981 AND THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 93 TIO TIO ROAD – SEATOUN**

Report of Wendy O’Neill – Property Adviser, Parking and Property Services.

(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 approximately 454m² of unformed legal road adjoining 93 Tio Tio Road, Seatoun is not required for a Public Work (refer Appendix 1).*

Note: 93 Tio Tio Road, Seatoun is described as Lot 1 DP 83848, being Computer Freehold Register WN50D/988.

- (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 report will be presented to the Chief Executive Officer for approval under delegated authority to either offer the land back to its former owner or their successor, or to approve the exemption from offer back.*
4. *Authorise Council officers to initiate the road stopping process in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*
5. *Subject to all statutory and Council requirements being met and no objections to the road stopping being received, Council delegates to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the road stopped.*

6. *Note that if objections are received and the proponent wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*
7. *Note that a condition will be placed in the road stopping agreement to place an covenant on the stopped road to protect existing vegetation and prevent any further development of the site.*
8. *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement, provided any such agreement is conditional upon the road being stopped.*

082/07RP PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT 1981 AND THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 130 CHURCHILL DRIVE – CROFTON DOWNS

Report of Wendy O’Neill – Property Adviser, Parking and Property Services.

(1215/53/IM)

(REPORT 5)

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 approximately 1301m² of unformed legal road adjoining 130 Churchill Drive, Crofton Downs is not required for a Public Work (refer Appendix 1).*

Note: 130 Churchill Drive, Crofton Downs is described as Lot 1 DP 54008, being Computer Freehold Register WN22D/220.

 - (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 report will be presented to the Chief Executive Officer for approval under delegated authority to either offer the land back to its former owner or their successor, or to approve the exemption from offer back.*
4. *Authorise Council officers to initiate the road stopping process in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974.*

5. *Subject to all statutory and Council requirements being met with no objections to the road stopping being received, Council delegates to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the road stopped.*
6. *Note that if objections are received and the proponent wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*
7. *Note that a condition will be placed in the road stopping agreement to place an encumbrance on the stopped road that requires any future development plans be subject to Council consent.*
8. *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement, provided any such agreement is conditional upon the road being stopped.*

083/07RP APPROVAL TO GRANT A NEW BUILDING AND A NEW RECREATIONAL LEASE TO THE WORSER BAY BOATING CLUB AND THE WORSER BAY LIFE SAVING CLUB

Report of Peter Hemsley – Coastal Manager.
(1215/53/IM)

(REPORT 6)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve in principle:*
 - (a) *the construction of the new storage sheds subject to all necessary resource, building and ministerial consents being obtained*
 - (b) *the construction of a wooden walkway for access to the beach*
 - (c) *the granting of a fresh lease under the Reserves Act 1977 for Worser Bay Boating Club*
 - (d) *the extension of the Worser Bay Boating Club's lease to include their new building*
 - (e) *the extension of the Worser Bay Life Saving Club's lease to include their new storage facility and the adjoining land on the eastern and northern sides of their clubhouse*
 - (f) *a change to the lease footprint for the Scouts' current lease.*

Group	Type of Lease	Location	Term (years)	Annual Rent (GST exclusive)
Worser Bay Boating Club	Ground	Marine Parade, Seatoun	10 + 10	\$688

3. *Note that any approval to grant a fresh lease will be conditional on:*
- (a) *The proposed lease on Recreation Reserve being publicly notified in accordance with sections 119 and 120 of the Reserves Act 1977 together with any conditions set out in any approved Management Plan (e.g South Coast Management Plan);*
 - (b) *The Group reimbursing Council for any costs incurred in advertising;*
 - (c) *There being no objections or sustained objections resulting from the required consultation or notification.*

The meeting concluded at 1.10pm.

Confirmed: _____
Chair
/ /