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**MINUTES**

**WEDNESDAY 6 AUGUST 2008**

**1.09PM**

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

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**PRESENT:**

Councillor Gill (Chair)  
Councillor Best  
Councillor Goulden (Deputy Chair)  
Councillor Pannett

**APOLOGIES:**

Mayor Prendergast  
Councillor Cook  
Councillor Wain

042/08RP **APOLOGIES**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Accept apologies for absence from Mayor Prendergast and Councillors Cook and Wain.*

**043/08RP MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Approve the minutes of the ordinary meeting held on Wednesday 4 June 2008, Thursday 12 June 2008 and Wednesday 25 June 2008 having been circulated, be taken as read and confirmed as an accurate record of those meetings.*

**044/08RP CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

1. Councillor Gill advised that she had conflicts of interest relating to Report 1 “Earthquake Prone Building Policy: Request for Extension of Time – 25 Hutt Road” and Report 7 “District Plan Change 57 – Management of Non-Airport Activities in the Airport Precinct – Resolution of Appeals”. She advised that she would not take part in discussion or voting on the business before the Committee

(Councillor Gill withdrew from the table due to her conflict of interest and Councillor Goulden chaired the meeting.)

**045/08RP PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

1. Sharon Ryburn – Legal Adviser for Peter George and Peter George addressed the meeting in relation to Report 1 - “Earthquake Prone Building Policy: Request for Extension of Time – 25 Hutt Road” requesting an extension of time.

(Councillor Gill resumed chairing the meeting.)

2. Jonathon Crawford - Legal Adviser and Alistair Cattanach – Engineer on behalf of the Melrose Conference Centre Limited addressed the meeting in relation to Report 2 - “Earthquake Prone Building Policy: Request for Extension of Time – 21 Manchester Terrace” requesting an extension of time.

(Councillor Gill withdrew from the table due to her conflict of interest and Councillor Goulden chaired the meeting.)

046/08RP **EARTHQUAKE PRONE BUILDING POLICY: REQUEST FOR EXTENSION OF TIME – 25 HUTT ROAD**  
Report of Claire Stevens, Team Leader Earthquake prone buildings and Structural Engineering, Building Consents and Licensing Services.  
(1215/53/IM) (REPORT 1)

**Moved Councillor Goulden, seconded Councillor Pannett the substantive motion.**

**Moved Councillor Best, seconded Councillor Goulden the following amendment.**

“That the Regulatory Processes Committee:

2. Approve an extension of time related to 25 Hutt Road to reduce or remove the danger, subject to:
  - (a) A Resource Consent and Building Consent for demolition and or strengthening to be applied for by 31 October 2008; and
  - (b) Substantive work on the demolition to have been undertaken by 31 March 2009 or by 30 September 2009 for strengthening.”

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

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receives the information.*
2. *Approve an extension of time related to 25 Hutt Road to reduce or remove the danger, subject to:*
  - (a) *A Resource Consent and Building Consent for demolition and or strengthening to be applied for by 31 October 2008; and*
  - (b) *Substantive work on the demolition to have been undertaken by 31 March 2009 or by 30 September 2009 for strengthening.*

**NOTED:**

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

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

(Councillor Gill resumed chairing the meeting.)

047/08RP **EARTHQUAKE PRONE BUILDING POLICY: REQUEST FOR EXTENSION OF TIME – 21 MANCHESTER TERRACE**  
Report of Claire Stevens, Team Leader Earthquake prone buildings and Structural Engineering, Building Consents and Licensing Services.  
(1215/53/IM) (REPORT 2)

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

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receives the information.*
2. *Approves an extension of time related to 21 Manchester Terrace to 31 December 2009 to reduce or remove the danger with the following conditions:*
  - (a) *Building Consent, NZ Historic Places Trust Approval and Resource Consent applications for the strengthening work will be applied for by 31 December 2008 and*
  - (b) *Substantive progress on the building work for seismic strengthening of the building will have been undertaken by 31 December 2009.*

048/08RP **PRIVATE DISTRICT PLAN CHANGE REQUEST: NGAURANGA FOREST, OFF HOMEBUSH ROAD, KHANDALLAH**  
Report of Peter Coop, Resource Management Consultant, Urban Perspectives.  
(1215/53/IM) (REPORT 3)

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

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receives the information.*
2. *Agrees to accept the private plan change request for the re-zoning of approximately 1.2ha of land to the east of Homebush Road in Khandallah, from Open Space B to Outer Residential, as outlined in Appendix 2 of the officer's report.*
3. *Notes that the request will be publicly notified in accordance with the First Schedule of the Resource Management Act 1991.*

049/08RP **PRIVATE DISTRICT PLAN CHANGE REQUEST: 43 SPENMOOR STREET, NEULANDS, PRIMEPROPERTY GROUP**  
 Report of Louise Miles, Consultant Planner, Incite (Wellington) Limited.  
 (1215/53/IM) (REPORT 4)

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

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Receives the information.*
2. *Agrees to accept the proposed private plan change for the re-zoning of approximately 17.7ha of land zoned Rural Area to Outer Residential. The proposed changes to the District Plan will include:*
  - (i) *Amendments to Planning Maps 22 and 23 to show the land proposed to be rezoned from Rural Area to Outer Residential as shown on the plan in Appendix 1 of the officer's report.*

**AND**

- (ii) *The inclusion of a new Appendix into Chapter 5 Residential Area to include the proposed provisions as set out in Appendix 2 of the officer's report.*
3. *Agrees to publicly notify the proposed private plan change in accordance with the First Schedule of the Resource Management Act 1991.*

050/08RP **PROPOSED DEVELOPMENT – TAKAPU ISLAND, TAWA –  
COMPREHENSIVE DEVELOPMENT PLAN**  
Report of Brett McKay – Chief Planner, Urban Development and Transport.  
(1215/53/IM) (REPORT 5)

**Moved Councillor Gill, seconded Councillor Best the following amendment.**

“THAT the Regulatory Processes Committee:

1. Lay the report on the table consultation with the Tawa Community Board has been conducted.”

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. ***Lay the report on the table until consultation with the Tawa Community Board has been conducted.***

**NOTED:**

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

The Committee added the text in bold.

051/08RP **PROPERTY FOR DISPOSAL UNDER THE PUBLIC WORKS ACT  
1981 AND THE LOCAL GOVERNMENT ACT 1974L LEGAL ROAD  
ADJOINING 21 FETTES CRESCENT, SEATOUN**  
Report of Hanita Shantilal, Property Adviser, Property Services.  
(1215/53/IM) (REPORT 6)

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

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

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receives the information.*

2. *Recommends that the Council, pursuant to section 40 of the Public Works Act 1981:*
  - a) *Agrees that approximately 83m<sup>2</sup> of unformed legal road (Netherleigh St) adjoining the rear of 21 Fettes Crescent, Seatoun is not required for a public work (refer to Appendix 1 of the officer's report).*

*Notes: 21 Fettes Crescent, Seatoun is described as Lot 1 DP 28148, being Computer Freehold Register WNF4/692.*
  - b) *Authorises 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. *Notes 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. *Authorises 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. *Notes that if objections are received and the applicant wishes to continue with the road stopping, a further report will be presented to Committee for consideration.*
7. *Delegates 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.*

052/08RP **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/53/IM)

**Moved Councillor Gill, seconded Councillor Goulden the motion to exclude the public.**

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

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

*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 7 - District Plan Change 57 – Management of Non-Airport Activities in the Airport Precinct – Resolution of 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*

*Report 8 - Road Stopping and Disposal of Subsoil (Legal Road) Under the Public Works Act 1981*

*Grounds: Section 48(1)(a) that public conduct of this item would be likely to result in the disclosure of information for which good reasons for withholding would exist under Section 7.*

*Reason: Section 7.2(b)(ii) to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the applicant who supplied or who is the subject of the information.*

*Section 7.2(h) Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities*

*Section 7.2 (i) Enable any local authority holding the information to carry on,*

*without prejudice or disadvantage,  
negotiations (including  
commercial and industrial  
negotiation).*

The meeting went into public excluded session at 2.05pm

For items 052/08RP and 053/08RP please see the public excluded minutes.

The meeting concluded at 2.24pm.

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