
MINUTES

WEDNESDAY 19 NOVEMBER 2008

1.07PM

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

PRESENT:

Mayor Prendergast (1.07 – 1.34pm)
Councillor Gill (Chair)
Councillor Best
Councillor Cook (1.07 – 2.47pm)
Councillor Goulden (Deputy Chair) (1.13 – 3.37pm)
Councillor McKinnon (Representing Mayor Prendergast) (1.53 – 3.37pm)
Councillor Pannett

APOLOGIES:

Councillor Wain

IN ATTENDANCE:

Councillor Ahipene-Mercer (1.07 – 3.25pm)
Councillor Ritchie (2.43 – 3.37pm)

075/08RP **APOLOGIES**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Accept apologies for absence from Councillor Wain.*

076/08RP MINUTES FOR CONFIRMATION
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Approve the minutes of the ordinary meeting held on Wednesday 8 October 2008 and the extraordinary meeting of Wednesday 8 October 2008 having been circulated, and that they be taken as read and confirmed as an accurate record of those meetings.*

077/08RP CONFLICT OF INTEREST DECLARATIONS
(1215/53/IM)

NOTED:

There were no conflicts of interest.

078/08RP PUBLIC PARTICIPATION
(1215/53/IM)

NOTED:

1. Sheila O'Connor addressed the meeting in support of the Newlands Community House being granted a fresh lease for more than six months to enable the House to stay in use.

(Councillor Goulden joined the meeting at 1.13pm.)

2. Tracy Hurst-Porter – Newlands Community House Coordinator addressed the meeting in support of the Newlands Community House being granted a fresh lease for more than six months. She had provided a written submission outlining her reasons for the House to be provided with a lease to continue operating.
3. Margaret Brown – Chair of the Newlands Community House addressed the meeting in support of the Newlands Community House being granted a fresh lease for more than six months. A longer lease would enable operations to continue. Mrs Brown provided letters of support for a fresh lease.

(Mayor Prendergast left the meeting at 1.34pm.)

(The meeting adjourned at 1.35pm so officers could talk with the Newlands Community House Committee representatives to ascertain exactly what they were after from Wellington City Council regarding a lease.

The meeting reconvened at 1.48pm.)

079/08RP **ORDER OF BUSINESS**
(1215/53/IM)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Take Report 2 “Road Stopping and Disposal The Local Government Act 1974: Legal Road Adjoining 1 Bengal Street, Khandallah” next and then return to Public Participation.*

080/08RP **ROAD STOPPING AND DISPOSAL THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 1 BENGAL STREET, KHANDALLAH**

Report of Vanessa Whitwell – Property Advisor, Property Services.

(1215/53/IM)

(REPORT 2)

Moved Councillor Gill, seconded Councillor Goulden the substantive motion.

The substantive motion was put and was declared CARRIED.

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 182m² (subject to survey) of unformed legal road adjoining 1 Bengal Street, Khandallah is not required for a Public Work.*

Note: 1 Bengal Street, Khandallah is described as Lot 2, DP 85027, being Computer Freehold Register WN53A/101.

- (b) *Authorise Council officers to commission a Section 40 report 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 applicant wishes to continue with the road stopping, a further report will be presented to the 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.*

081/08RP PUBLIC PARTICIPATION
(1215/53/IM)

NOTED:

1. Margaret Brown – Chair of the Newlands Community House continued with her address to the meeting following discussion with officers over the length of the lease.

(Councillor McKinnon joined the meeting at 1.53pm.)

2. Beth Huntington – Secretary of the Newlands Community House addressed the meeting in support of the Newlands Community House being granted a fresh lease for more than six months.
3. Jarrod Coburn – Chief Executive of the New Zealand Resilience Trust addressed the meeting regarding the Newlands Community House and the application for a fresh lease. He had provided a written submission regarding the future of the Community House.

**082/08RP REQUEST FOR A FRESH LEASE FROM THE NEWLANDS
COMMUNITY HOUSE INCORPORATED**

Report of Lucy Ross – Team Leader, Community Purpose.
(1215/53/IM)

(REPORT 1)

NOTED:

Wendy Walker – Director Citizen Engagement gave a briefing to the Committee on the request for a fresh lease.

(Councillor Ritchie joined the meeting at 2.43pm.)

(Councillor Cook left the meeting at 2.47pm.)

Moved Councillor Gill, seconded Councillor Pannett the substantive motion recommendation 1.

The substantive motion recommendation 1 was put and was declared CARRIED.

Moved Councillor Gill, seconded Councillor Pannett the substantive motion recommendations 2 – 5.

Moved Councillor Best, seconded Councillor Goulden the following amendment to recommendation 2.

“2. Approve a fresh lease for **twelve** months.....”

The amendment was put and a DIVISION called.

Voting for: Councillors Best and Goulden.

Voting against: Councillors Gill, McKinnon and Pannett.

Majority vote: 2:3

The amendment and declared LOST.

The substantive motion recommendations 2 – 5 were put and were declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve a fresh lease for six months to the Newlands Community House Incorporated to allow a period of transition into the new building, under the Reserves Act 1977, on the following basis:-*

<i>Location</i>	<i>Term</i>	<i>Rent for 6 month term</i>	<i>Lease Type</i>
<i>Batchelor Street Reserve, Newlands</i>	<i>6 Months</i>	<i>\$71 excl GST</i>	<i>Ground Lease</i>

3. *Incorporates provision in the lease giving the tenant the opportunity to remove the building from the Batchelor Street Reserve if desired.*
4. *Notes that Wellington City Council will take over the ongoing management and ownership of the building, if the option to remove the building is not exercised.*

5. *Requests officers investigate possible uses for the land and building, in accordance with the Northern Reserves Management Plan and the Newlands Town Centre Redevelopment Plan and report back to the Strategy and Policy Committee by December 2009.*

(The meeting adjourned for afternoon tea at 3.25pm and reconvened at 3.37pm.)
(Councillor Ahipene-Mercer was not present when the meeting reconvened.)

083/08RP **RESOLUTION TO EXCLUDE THE PUBLIC**
(1215/11/IM)

Moved Councillor Gill, seconded Councillor Pannett the motion to exclude the public.

The 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 47

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 55

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 50

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 6 - District Plan Change 53

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 7 - District Plan Change 54

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.*

The meeting went into public excluded session at 3.37pm.

For items 084/08RP – 088/08RP please see the public excluded minutes.

The meeting concluded at 3.50pm.

Confirmed: _____

Chair
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