

WELLINGTON CITY COUNCIL
EXTRACT OF MINUTES
Ordinary meeting of 1 March 2000

026/00C FINANCE AND CORPORATE COMMITTEE
Meeting of Monday 14 February 2000
(1215/11/IM) (REPORT 4)

Clause 1. **ITEM 004/00F EVANS BAY MARINA: SECTION 230 REPORT**
(1215/28/IM)(REPORT2)

Moved **Councillor Shaw**, seconded **Councillor Piper**, the following amendment:

“Add the following bullet point to subclause (k):

- Retention of all **existing** public access areas.”

The amendment was **put**:

Voting for. Councillors Cook, **Foster**, Gill, **Gotlieb**,
Goulden, **Hutchings**, **Morrison**, **Parkin**,
Pepperell, Piper, **Prendergast**, Shaw,
Siers and **Varnham**.

Voting against: Councillors Armstrong, Johnston and
Ritchie.

Majority decision: 14:3

The amendment was declared **CARRIED**.

Moved **Councillor Varnham**, seconded **Councillor Pepperell**, the following amendment:

“Adding a new subclause (n):

Commissions an environmental report to establish the extent of contamination at the Evans Bay **Marina**, the measures necessary for decontamination and the cost.”

The amendment was **put**:

voting for: Councillors Cook, Foster, **Goulden**,
Pepperell, Ritchie, Siers and **Varnham**.

Voting against: **Councillors** Armstrong, Gill, Gotlieb,

WELLINGTON CITY COUNCIL

PO Box 2199, 101 Wakefield Street, Wellington, New Zealand.

Ph 64-4-499 4444, Internet www.wcc.govt.nz

2



~~Hutchings, Johnston, Morrison, Parkin,
Prendergast, Piper and Shaw.~~

Majority decision: 7:10

The amendment was **declared COST**.

Moved **Councillor Parkin**, seconded **Councillor Johnston**,
the **following** amendment:

“Should a **sale** eventuate, **Council reserves** the right to **repurchase** these properties at **the** original sale price plus the depreciated cost of any improvement added after sale date, *if any* essential term or terms **of the sale are not adhered** to. If sale to a third party is contemplated, the Council shall have a right of pre-emption on the same basis **as** outlined above.”

The amendment was **put**:

voting for: **Councillors** Armstrong, Cook, Foster, Gill, **Goulden, Hutchings, Johnston,** Morrison, **Parkin,** Piper, **Prendergast,** and **Varnham.**

Voting against: **Councillors** Gotlieb, **Pepperell, Ritchie,** **Shaw** and **Siers.**

Majority decision: 12:5

The amendment was **declared CARRIED**.

Moved **Councillor Parkin**, seconded **Councillor Prendergast**
the substantive motion Clause (1) **as** amended:

“THATCouncil:

- (a) Approves the **disposal** in terms of section 230 of the Local Government Act, of the subject Maritime Recreation assets comprising of those **lots** contained in subsequent clauses inclusive of piers, as depicted on the scheme plan **9125/EB4, prepared** by Spencer Holmes, Registered Surveyors (copy attached as Appendix A to the officer’s report dated **20 January 2000 and** previously circulated **to all Councillors**) and all Wellington City Council (WCC) owned improvements thereon;
- (b) Approves disposal of Lot 12 to the Evans Bay Yacht and Motor Boat Club noting that the boundaries of Lots **11** and **12** be redrawn to ensure a continuous Esplanade Reserve

WELLINGTON CITY COUNCIL

PO Box 2199, 101 Wakefield Street, Wellington, New Zealand.

Ph 64-4-499 4444, Internet www.wcc.govt.nz



3

around the site and that access to the slipway be leased to the owner of lot 12;

- (c) Approves the disposal of Lot 13 to the Volunteer Coastguard for \$1 plus all legal costs, with relevant encumbrances applied, including allowing public access across the trolley ramp, and the land being returned to Council should the Volunteer Coastguard cease operations on the site;
- (d) Approves the disposal of Lot 14 and piers to an Association or Trust to be formed for the purposes of acquiring the subject lot;
- (e) Notes that any contracts entered into for lots 12, 13 and 14 above will be submitted to Council for final approval;
- (f) Notes that the disposals on the above basis are contrary to the Council policy for property asset disposal, which would normally require public tender of the asset, but agree that special circumstances apply (as noted in the Council resolution of Wednesday 19 August 1998 - Item 126/98C);
- (g) Authorises all actions to be taken to prepare the marina for subdivision and sale;
- (h) Notes that the public launching ramp, being Lot 15 on the attached plan (attached as Appendix A to the officer's report dated 20 January 2000 and previously circulated to all Councillors), and the Esplanade reserve coloured green on the attached plan, including Lots 11 and 16, will remain in WCC ownership;
- (i) Notes that WCC has repaired part of the breastwork within Lot 16 to a specified standard. The sale price shall reflect the level of work outstanding. The responsibility for future maintenance of the harbour edge will rest with the adjoining owners;
- (j) Notes that responsibilities in terms of section 40 Public Works Act are satisfied;
- (k) Notes that a Memorandum of Encumbrance will be registered against all new Certificates of Title to be created, which shall ensure:
 - Retention of the sites for Maritime Recreational use only, to complement the existing Open Space zoning.

- **A height restriction for any new buildings or alteration to existing buildings to protect the low-density cityscape of the sites.**
 - **Retention of all existing public access areas.**
- (l) Notes that this does not impact on reserve areas at Greta Point - all of Council's landholdings at Greta Point are being **dealt** with separately; and
- (m) Agnes **that** should any new or subsequent **owner** become a "for profit" **organisation** or if any change of use occurs, the **property shall** revert to **Council** ownership.
- (u) **Should a sale eventuate, Council reserves the right to repurchase these properties at the original sale price plus the depreciated cost of any improvement added after sale date, if any essential term or terms of the sale are not adhered to. If sale to a third party is contemplated, the Council shall have a right of pre-emption on the same basis as outlined above."**

voting for: **Councillors** Armstrong, Foster, Goulden, Hutchings, Johnston, Parkin, Piper and Prendergast.

Voting against: **Councillors** Cook, Gill, Gotlieb, Morrison, Pepperell, Ritchie, Shaw, Siers and Varnham.

Majority decision: **8:9**

The substantive **motion** Clause 1 as amended was declared **LOST**.

(The meeting adjourned for dinner at **7.43pm** and **reconvened** at **8.09pm**.)

Clause 2. ITEM 005/00F CLYDE QUAY MARINA: SECTION 230 REPORT (1215/28/1M) (REPORT 1)

NOTED:

Councillor piper declared a conflict of interest **with** the Clyde Quay Marina *issue* before the Council.

(Councillor Ritchie returned to the meeting at **8.12pm**.)

WELLINGTON CITY COUNCIL

Po Box 2199, 101 Wakefield Street, Wellington, New Zealand.

Ph 64-4.499 4444, Internet www.wcc.govt.nz

5



(Councillor Shaw under Standing Order 105 was granted leave to **make** a personal statement.)

Moved Councillor **Parkin**, seconded **Councillor Johnston** the following amendment:

“Should a **sale eventuate**, Council reserves the right to repurchase **these** properties at **the** original sale price plus the depreciated cost of any improvement added after sale date, if any **essential** term or terms of the sale **are** not adhered to. If sale to a third party is contemplated, the Council shall have a right of pre-emption on the same basis **as** outlined above.”

Voting for: Councillors Armstrong, Cook, Foster, Gill, Gotlieb, **Goulden, Hutchings, Johnston, Morrison, Parkin, Pepperell, Prendergast, Siers** and **Varnham**.

Voting against: **Councillors Ritchie** and **Shaw**.

Majority decision: **14:2**

The amendment was declared **CARRIED**.

Moved **Councillor Vatnham**, seconded **Councillor Cook**, the following amendment to Clause 2:

‘Delete **subclause** (a)(ii) as it contradicts (a)(i).’

The amendment was **put**:

Voting for: Councillors Cook, **Goulden, Morrison, Pepperell, Ritchie, Siers** and **Varnham**.

Voting against: Councillors Armstrong, **Foster, Gill, Gotlieb, Hutchings, Johnston, Parkin, Prendergast** and **Shaw**

Majority **decision: 7:9**

The amendment was declared **LOST**.

Moved **Councillor Vatnham**, seconded **Councillor Cook**, the following amendment:

Add to subclause (c) **the** following words to the third bullet point:

“and all **heritage** buildings and structures.”

The amendment was put:

voting for: **Councillors** Cook, Foster, **Gill**, Gotlieb, **Goulden**, Hutchings, Johnston, Morrison, **Parkin**, Pepperell, **Prendergast**, Ritchie, **Shaw**, **Siers** and **Varnham**.

Voting against: Coucillor Armstrong.

Majority decision: 15: 1

The amendment was declared CARRIED:

Moved **Councillor Vambam**, seconded **Councillor Cook**, following amendment:

“Adding a new subclause (i):

Commission au **environmental** report to establish the extent of **contamination** at the Clyde Quay **Marina**, the measures **necessary** for **decontamination** and the cost.”

voting for: Councillors Cook, Foster, **Goulden**, Morrison, **Pepperell**, **Prendergast**, Ritchie, **Shaw**, **Siers** and **Varnham**.

Voting against: Councillors **Armstrong**, Gill, Gotlieb, **Hutchings**, Johnston and **Parkin**.

Majority decision: **10:6**

The amendment was declared CARRIED.

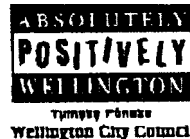
Moved **Councillor Parkin**, seconded **Councillor Prendergast** the substantive motion clause 2 as amended.

The motion was put:

voting for: **Councillors** Armstrong, Foster, Gotlieb, **Goulden**, Hutchings, Johnston, **Parkin** a n d **Prendergast**.

Voting against: **Councillors** Cook, Gill, **Morrison**, **Pepperell**, Ritchie, Shaw, Siers and **Varnham**.

Majority decision: **9:8**



The motion was declared CARRIED on the Chair's casting

RESOLVED:

THAT Council:

(a) Approves the disposal in terms of section 230 of the Local Government Act, for the *subject* marina, comprising lots I to 6 as depicted on the scheme plan 9534/2c, prepared by Spencer Holmes, Registered Surveyors, (attached as Appendix I to the officers report dated 20 January 2000) and all Wellington City Council (WCC) owned improvements thereon:

(i) Notes its 19 August 1998 resolution to dispose of the marina to a proposed trust or similar organisation, to be made up of representatives from the Royal Port Nicholson Yacht Club, dinghy shed tenants and mooring holders, and the disposal to be at market value; and

(ii) Confirms a Council preference for sale to a trust formed by marina users.

(b) Authorises all actions to prepare the marina for subdivision and sale;

(c) Notes that any contract entered into will be submitted to Council for final approval;

(d) Notes that the Esplanade Reserve, shown as Lots 7 & 8, will remain in WCC ownership, but the management of the same will transfer to adjoining owners;

(e) Notes that a Memorandum of Encumbrance shall be registered against all new Certificates of Title to be mated, which shall ensure:

- Retention of the sites for **Maritime Recreational use only.**
- A height restriction for any new **buildings or alterations to existing buildings to be no higher than the existing brick wall adjoining the footpath, to protect views of adjacent owners.**
- Preservation of the heritage nature of the site and all **heritage buildings and structures.**

(f) Agrees that should any new or subsequent owner become a

WELLINGTON CITY COUNCIL

PO Box 2199, 101 Wakefield Street, Wellington, New Zealand.

Ph 64-4 499 4444, Internet www.wcc.govt.nz

8



~~for profit organisation or if any change of use occurs~~
the property shall **revert** to Council ownership; and

- (g) **Supports the Wellington Regional Council giving heritage protection to the Clyde Quay Boat Harbour.**
- (h) **Should a sale eventuate, Council reserves the right to repurchase these properties at the original sale price plus the depreciated cost of any improvement added after sale date, if any essential term or terms of the sale are not adhered to. If sale to a thirdparty is contemplated, the Council shall have a right of preemption on the same basis as outlined above.**
- (i) **Commissions on environment report to establish the extent of contamination at the Clyde Quay Marina, the measurement necessary for decontamination and the cost.**

Clause 3. **ITEM 009/00F INTERIM FINANCIAL STATEMENTS (1215/28/IM)(REPORTS')**

Moved **Councillor Parkin**, seconded **Councillor Prendergast** the substantive motion Clause 3.

The motion was **put**:

Voting for: **Councillors Armstrong, Cook, Foster, Gill, Gotlieb, Goulden, Hutchings, Johnston, Morrison, Parkin, Pepperell, Piper, Prendergast, Ritchie, Shaw, Siers and Varnham.**

Voting against: Nil.

Majority decision: **17:0**

RESOWED:

THAT Council *adopts the in **terim** financial statements for the six months ended 31 December 1999.*

Fiona Dunlop
Committee Adviser
21 March 1999