

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 1.30pm
Date: Wednesday, 27 August 2014
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown

Councillor Ahipene-Mercer
Councillor Coughlan
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Lee
Councillor Lester

Councillor Marsh
Councillor Pannett
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing public.participation@wcc.govt.nz or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

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1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Announcements by the Mayor

1.3 Presentation of APW Award

1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.5 Confirmation of Minutes

The Minutes of the meetings held on 18 June 2014, 26 June 2014 and 7 August 2014 will be put to the Council for confirmation.

1.6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor Matters relating to the General Business of the Wellington City Council

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

1.7 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

3. General Business

ELECTORAL SYSTEMS AND RELATED GOVERNANCE MATTERS

Purpose

1. The purpose of this report is to outline the statutory requirement to review the electoral system Single Transferrable Vote (STV) or First Past the Post (FPP) to be used by Wellington City Council for 2016 local elections and to inform the Council on related governance matters.

Summary

2. The Council is required by the Local Electoral Act 2001 to make a decision to either retain the current STV (Single Transferrable Vote) electoral system for the 2016 triennial election or to make a change to the FPP (First Past the Post) electoral system no later than 12 September 2014. The opportunity to demand a poll to countermand this decision (whether it is to retain the status quo or to change) must be advertised no later than 19 September 2014.
3. Recent amendments to the Local Electoral Act allow councils to apply to the Local Government Commission to effect certain minor boundary alterations between representation reviews. The recent extension of Grenada Village across the Tawa Community Board boundary meets the criteria for a minor boundary alteration.

Recommendations

Officers recommend that the Council:

1. Receive the information
2. Agree that Council retain the Single Transferrable Vote Electoral System for the 2016 triennial election
3. Agree that Council submit an application to The Local Government Commission for a minor boundary alteration for Tawa Community Board to exclude the recent extension of Grenada Village to conform to current suburb boundaries.
4. Agree to delegate to the Deputy Mayor and the Electoral Officer the authority to approve the wording of the submission on the Tawa Community Board minor boundary alteration.

Background

Electoral System

4. The Local Electoral Act 2001 provides for two alternative electoral systems for local authority elections. These are the single transferable vote electoral system, commonly referred to as STV, and the first past the post electoral system, commonly referred to as FPP.

5. STV requires voters to rank candidates in order of preference and candidates are elected by allocating these votes in order of preference as candidates are elected or excluded. Voters have a single vote regardless of the number of positions to be elected and may indicate as many or as few preferences as they wish.
6. FPP voters have as many votes as there are positions to be elected. The highest polling candidates are elected.
7. Wellington City Council first adopted STV in 2004 after a poll in 2003 and has used this system in all subsequent elections. In 2009 a poll was conducted which supported the continued use of STV for the subsequent two elections in 2010 and 2013. All district health boards have been required to use STV since 2004. The Greater Wellington Regional Council changed to STV in 2013. The only election on the Wellington City Council voting paper that is still conducted using FPP is for the North Wellington Ward of the Hutt Mana Charitable Trust, which covers most of the Wellington City Northern Ward and a small part of the Onslow Western Ward. This election was not contested in 2013.
8. Council has the option to change the electoral system for the next two triennial elections, but is required by section 27 of the Local Electoral Act to make that decision no later than 12 September of the year, that is two years before the election year, in which the change will be introduced. Whether or not the Council resolves to change electoral systems, the Council is required to give public notice of the right to demand a poll on election systems no later than 19 September of the year, that is two years before the triennial election. A decision on the electoral system for the 2016 triennial election is required irrespective of regional governance changes which may arise from proposals currently being considered by the Local Government Commission.
9. The decisions Council needs to make are summarised as follows:

Options for Council Decisions	Due Date for Council Decision	Implications and next steps	Due Date for next steps
Retain STV	12/09/14	Give public notice of right to demand poll to countermand	19/09/14
Change to FPP	12/09/14	1. Notice of right to demand poll to countermand 2. Applies for the next 2 elections	19/09/14
Poll whether to retain STV/change to FPP	12/09/14	Cost in region of \$350,000	19/09/14

Minor Boundary Alteration

10. Amendments to the LEA in 2013, by the insertion of Section 19JA provide for minor boundary alterations to be made by resolution and application to the Local Government Commission between representation reviews (Council's next representation review is due for the 2020 triennial election). Such alterations must be minor in nature and must relate to recent subdivisions.

Discussion

Electoral System

11. Officers recommend that the Council retains STV. The advantages of STV include:
 - broad proportionality (in multi-member wards/constituencies)
 - majority outcomes in single-member elections
 - more equitable minority representation
 - reduction in the number of wasted votesA detailed explanation of the election system option prepared by Associate Professor Hayward of the University of Otago which comprises Attachment 1 to this report.
12. The common issue raised around the use of STV in Council elections is its complexity. However, it is now familiar to most Wellington City Voters and any confusion that may be caused by a mix of electoral systems on the same voting paper has been minimised by the adoption of STV by Greater Wellington Regional Council.
13. The other option would be to hold a poll, as Council has done on 2 previous occasions. A poll will cost in the region of \$350,000 and is subject to being superseded by regional governance changes and is not recommended.

Minor Boundary Alteration

14. Council has recently amended the Grenada Village suburb boundary to include new subdivisions around Havana Rise. This means that the current electoral boundary of the Tawa Community Board follows the old suburb boundary, which includes this new subdivision. The new subdivision is an extension of the existing development in the Grenada Village suburb, with which it shares a community of interest. Council has the option to resolve to request the Local Government Commission to amend the Tawa Community Board boundary between representation reviews. Plans of the proposed boundary change comprise Attachment 2 to this report.

Next Actions

15. Council is required to advertise no later than 19 September 2014 the right to demand a poll to change the electoral system for the 2016 triennial election. A valid demand requires the signatures of five percent of the enrolled electors of Wellington City Council.
16. Requests for minor boundary alterations in respect of new subdivisions need to be referred to the Local Government Commission no later than 15 January 2016.

Attachments

- Attachment 1. The Local Government Electoral Option 2014
Attachment 2. Proposed Minor Boundary Alteration Tawa Community Board

Author	Charlie Inggs, Project / Electoral Officer
Authoriser	Sally Dossor, Director Governance

SUPPORTING INFORMATION

Consultation and Engagement

No consultation is required in this instance

Treaty of Waitangi considerations

There are no direct Treaty of Waitangi implications.

Financial implications

There are no financial implications to current budgets and LTP projections.

Policy and legislative implications

The purpose of this report is to comply with the legislative requirements of the Local Electoral Act 2001.

Risks / legal

The risks created by any non compliance with the Local Electoral Act 2001 can be avoided by ensuring that all statutory requirements, as outlined in the report, are met.

Climate Change impact and considerations

No climate change impact or considerations have been identified.

Communications Plan

The only communication required is to comply with the the statutory public notice requirements.

The Local Government Electoral Option 2014

This guide was prepared for the Department of Internal Affairs, the Society of Local Government Managers Electoral Working Party and Local Government New Zealand by Associate Professor Janine Hayward, Department of Politics/Te Tari Tōrangapū, University of Otago

Acknowledgements

Associate Professor Hayward acknowledges the input received on earlier versions of this guide from Gavin Beattie, Department of Internal Affairs.

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Introduction

The *Local Electoral Act 2001* offers the choice between two electoral systems for local government elections: first past the post (FPP) and the single transferable vote (STV).

Councils now have the option to decide, by 12 September 2014, whether to stay with their current electoral system (either FPP or STV), or whether to change to the alternative system for the 2016 elections.

Whether or not a council passes a resolution by 12 September 2014, it must give public notice by 19 September of the right for 5% of electors to demand a poll on the electoral system to be used at the 2016 local elections.

The option was first offered for the 2004 local government elections. As a result of that option, ten city/district councils used STV at the 2004 elections (Kaipara, Papakura, Matamata-Piako, Thames-Coromandel, Kapiti Coast, Porirua, Wellington, Marlborough, Dunedin and the Chatham Islands). After the 2004 election, two councils (Papakura and Matamata-Piako) resolved to change back to FPP. The remaining eight councils used STV at the 2007 elections. For the 2010 council elections the Chatham Islands Council and Thames-Coromandel District Council resolved to change back to FPP. Waitakere City Council resolved to change to STV, although the council was subsequently absorbed into the Auckland Council. Therefore six councils used STV in 2010 (Kaipara, Kapiti Coast, Porirua, Wellington, Marlborough, Dunedin). For the 2013 elections, five of these councils used STV again (Kaipara was governed by a commission so no election was held), and Palmerston North City Council resolved to change to STV. Wellington Regional Council also became the first regional council to change to STV.

This guide has been developed to help councils and communities reach their decision. It is also intended to provide a basis for information to help councils and their communities understand the choice. Communities have an important role to play in the decision. They must be consulted by way of public notice and may be polled on their preferred electoral system or demand a poll themselves.

The guide includes:

1. a brief description of the two electoral systems including important differences
2. some commonly identified advantages and disadvantages of each electoral system
3. responses to common concerns and questions councils and the public have raised about each electoral system and the electoral option.

This guide does not intend to influence councils or communities either way in their decision-making. It presents evidence for and against both systems and encourages councils and communities to make an informed choice.

1. The Choice: First Past the Post (FPP) or the Single Transferable Vote (STV)

(a) How do the two electoral systems work?

FPP	STV
<p>FPP: casting a vote You place ticks equal to the number of vacancies next to the candidate(s) you wish to vote for.</p> <p>In multi-member wards/ constituencies you cast one vote for each vacancy to be filled, as above.</p> <p>In single-member wards/ constituencies you cast one vote.</p> <p>FPP: counting votes The candidate(s) with the most votes win(s). Each winning candidate is unlikely to have a majority of votes, just the largest number of votes cast.</p>	<p>STV: casting a vote You cast one <i>single</i> vote regardless of the number of vacancies. You cast this <i>single</i> vote by consecutively ‘ranking’ your preferred candidates beginning with your most preferred candidate (‘1’) your next preferred candidate (‘2’) and so on.</p> <p>In multi-member wards/ constituencies you cast a <i>single</i> vote by ranking as few or as many candidates as you wish, as above.</p> <p>In single-member wards/ constituencies you cast a <i>single</i> vote by ranking as few or as many candidates as you wish.</p> <p>STV: counting votes The candidate(s) are elected by reaching the ‘quota’ (the number of votes required to be elected).¹</p> <p>Vote counting is carried out by computer.² First preference votes (‘1s’) are counted. Candidates who reach the quota are ‘elected’. The ‘surplus’ votes for elected candidates are transferred according to voters’ second preferences. Candidates who reach the quota by including second preferences are ‘elected’. This process repeats until the required number of candidates is elected.³</p>

¹ The quota is calculated using the total number of valid votes cast and the number of vacancies.

² The New Zealand method of STV uses the ‘Meek method’ of counting votes. Because this method transfers proportions of votes between candidates, it requires a computer program (the STV calculator).

³ If at any point there are no surpluses left to transfer, the candidate with the lowest number of votes is excluded and the votes redistributed according to voters’ next preferences. For further information on the details of vote counting, see, for example, STV Taskforce, ‘Choosing Electoral Systems in Local Government in New Zealand: A Resource Document’, (May 2002).

FPP	STV
<p>FPP: announcing results FPP results can usually be announced soon after voting ends.</p> <p>Results are announced and published showing the total votes received by each candidate.</p>	<p>In multi-member constituencies, despite voters casting only a <i>single</i> vote, a voter may influence the election of more than one representative (if their vote can be transferred to other candidates according to voters' preferences)</p> <p>STV: announcing results Because all votes must be processed before counting can begin, it may take longer than for FPP election results.</p> <p>Official Results are announced and published showing elected candidates in the order they reached the quota and unsuccessful candidates in the reverse order they were excluded. All elected candidates will have the same share of the vote.</p>

(b) What is the difference between the two electoral systems?

FPP is a 'plurality' electoral system; this means that to get elected a candidate must win the most votes, but not a majority of the votes. In multi-member constituencies, like local government elections, voters cast *multiple* votes. This means that one voter can help to elect multiple candidates to represent him/her, and another voter may not elect any candidate to represent him/her. As a plurality system, many votes can be 'wasted' in FPP elections; 'wasted' votes do not help to elect a candidate. FPP is often described as a simple system for voters to use, but it is widely recognised as producing disproportional results; that is results that do not reflect the preferences of the broad community of voters.

STV is a 'proportional' electoral system; this means that to get elected a candidate must win a proportion of the overall votes cast (or 'meet the quota'). In multi-member constituencies like local government elections, a voter casts a *single* vote by ranking his/her preferred candidates. That single vote can *transfer* according to the voter's preferences to ensure that the voter has a good chance of helping to elect one candidate to represent the voter. As a proportional system, STV minimises 'wasted' votes; in other words more votes help to elect candidates. STV is often described as a complex system for voters to use, but it is widely recognised to produce proportional results that reflect the preferences of the broad community of voters.

2. What are the advantages and disadvantages of each system?

No electoral system is perfect, and different people will have different views on what is 'fair'. Both FPP and STV have advantages and disadvantages.

Overall, the advantages of STV relate to the people who get elected using STV.⁴ The system potentially achieves:

- broad proportionality (in multi-member wards/constituencies)
- majority outcomes in single-member elections
- more equitable minority representation
- a reduction in the number of wasted votes.

The disadvantages of STV relate to:

- the public being less familiar with the system and possibly finding it harder to understand
- matters of process such as the way votes are cast and counted (for example perceived complexity may discourage some voters)
- the information conveyed in election results.

The advantages of FPP, on the other hand, relate to the simplicity of the process including the ways votes are cast, counted and announced.

The disadvantages of FPP relate to:

- disproportional election results, including the generally 'less representative' nature of FPP councils
- the obstacles to minority candidate election
- the number of wasted votes.

Deciding which electoral system is best for your community may come down to deciding which is more important: process, or outcome. Unfortunately, neither electoral system can claim to achieve well in both.

⁴ For further discussion, see Graham Bush, 'STV and local body elections – a mission probable?' in J. Drage (ed), *Empowering Communities? Representation and Participation in New Zealand's Local Government*, pp 45–64 (Wellington: Victoria University Press, 2002).

More detailed advantages and disadvantages

FPP	STV
<p>FPP: casting votes FPP is a straightforward system of voting. FPP is familiar to most people.</p> <p>‘Tactical’ voting is possible; votes can be used with a view to preventing a candidate from winning in certain circumstances.</p> <p>FPP: counting votes FPP is a straightforward system for counting votes.</p> <p>Votes can be counted in different locations and then aggregated.</p> <p>Election results are usually announced soon after voting ends.</p> <p>FPP: election results Official results show exactly how many people voted for which candidates.</p> <p>Results are easy to understand.</p> <p>A ‘block’ of like-minded voters can determine the election of multiple candidates in multi-member wards/constituencies, without having a majority of the votes, thereby ‘over-representing’ themselves.</p>	<p>STV: casting votes STV is a less straightforward system of voting.</p> <p>There is a need for more information for people to understand the STV ranking system of candidates.</p> <p>It is virtually impossible to cast a ‘tactical’ vote under STV. As a result, voters are encouraged to express their true preferences.</p> <p>STV: counting votes STV vote counting requires a computer program (the STV calculator).</p> <p>Votes must be aggregated first and then counted in one location.</p> <p>Election results will usually take a little longer to produce.</p> <p>STV: election results Official results will identify which candidates have been elected and which have not and in which order. They do not show how many votes candidates got overall, as all successful candidates will have the same proportion of the vote (the quota). This information, at stages of the count, can still be requested.</p> <p>Results can be easy to understand if presented appropriately.</p> <p>STV moderates ‘block’ voting as each voter casts only one <i>single</i> vote, even in multi-member wards/constituencies.</p>

The overall election results will not be proportional to voters' wishes, and will not reflect the electoral wishes of the <i>majority</i> of voters, only the <i>largest group</i> of voters who may not be the majority.	The overall election results reflect the wishes of the majority of voters in proportion to their support for a variety of candidates.
FPP	STV
In single-member elections, the winner is unlikely to have the majority of votes, just the largest group of votes.	In single-member wards/constituencies, the winner will have the majority of votes (preferences).
There will be more 'wasted' votes (votes that do not contribute to the election of a candidate).	Every vote is as effective as possible (depending on the number of preferences indicated) meaning there are fewer 'wasted votes' and more votes will contribute to the election of a candidate than under FPP.

3. Common Questions and Concerns

FPP ain't broke: so why fix it?

For those voters supporting candidates who tend to get elected under FPP, it can appear that there is nothing wrong with this system. But FPP elections produce disproportional results that do not reflect the voting preferences of the broad community. As a result, FPP councils often do not 'represent' their community in terms of their composition. STV is a proportional representation voting system that means (if a diversity of candidates stand for election and a diversity of electors vote) the candidates elected will represent a greater number, and a wider diversity, of voters.

FPP is easy to understand. I can't trust a complicated system like STV.

It is often said that FPP is easy and STV is complex. A post-election survey has found, however, that most people have found it easy to fill in the STV voting document and rank their preferred candidates.⁵ The way STV votes are counted is complicated. That is why it requires a computer program (STV calculator). The STV calculator has been independently certified and voters *can* trust that it only transfers a vote according to a voter's preferences ranked on his/her voting documents. Nothing (and no person) can influence the transfer of votes set out on voting documents.

⁵ Local Government Commission, 'Report to the Minister of Local Government on the review of the local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), p 14

Won't voters be put off if the voting system is too complicated?

Voter turnout (the number of people voting) in STV local body elections has been mixed. Some councils' turnout was higher than the national average, and some lower.⁶ Turnout for District Health Board (DHB) elections (which must use STV) can be seen to be influenced by a range of factors including elections being at large for seven vacancies, the number of candidates (who are often less well-known than council candidates) and the fact this issue is usually at the end of the voting document.

Overall, voter turnout has been on the decline for many years. It is possible that *more* voters would turn out to local elections in the future if they feel with STV they have a better chance of electing a representative who better represents them than FPP has in the past.

Won't there be more blank and informal votes under STV, which is not good for democracy?

Despite voters saying in the Local Government Commission survey that they generally found STV an easy way to vote, some voters did cast an informal vote in STV elections (including DHB elections). A small proportion of these voters seemed confused by the voting system. But most blank and informal votes are thought to be due to two different voting systems (FPP and STV) appearing on the same voting document and to other factors, rather than being due to the way STV votes are cast.⁷

STV will not work for our council because of our ward/at large system.

There is no 'rule' about the need or otherwise for wards or constituencies, but STV can be seen to provide the greatest benefit in wards or constituencies electing between three and nine candidates. If there are fewer than three candidates, the benefits of the transferable vote in terms of proportionality are not likely to be evident. If there is a very large number of candidates to choose from, voters are likely to find it a more difficult task to rank preferred candidates (though there is no need to rank all candidates).

STV hasn't made any difference to the diversity of representation in STV councils

Until a greater variety of people stand for local body election and a wide diversity of people vote, no representation system will be able to improve the diversity of representatives elected. There has been some change in the gender, ethnicity and age of some members elected by STV.⁸ But it will take some time for a diversity of candidates to see the opportunities of standing in an STV election and more voters to see the potential benefits of voting under a proportional representation system.

⁶ Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), p 13

⁷ Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), pp 13–18

⁸ Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), pp 18–19

Useful resources

Graham Bush, 'STV and local body elections – a mission probable?' in J. Drage (ed), *Empowering Communities? Representation and Participation in New Zealand's Local Government*, pp 45–64 (Wellington: Victoria University Press, 2002).

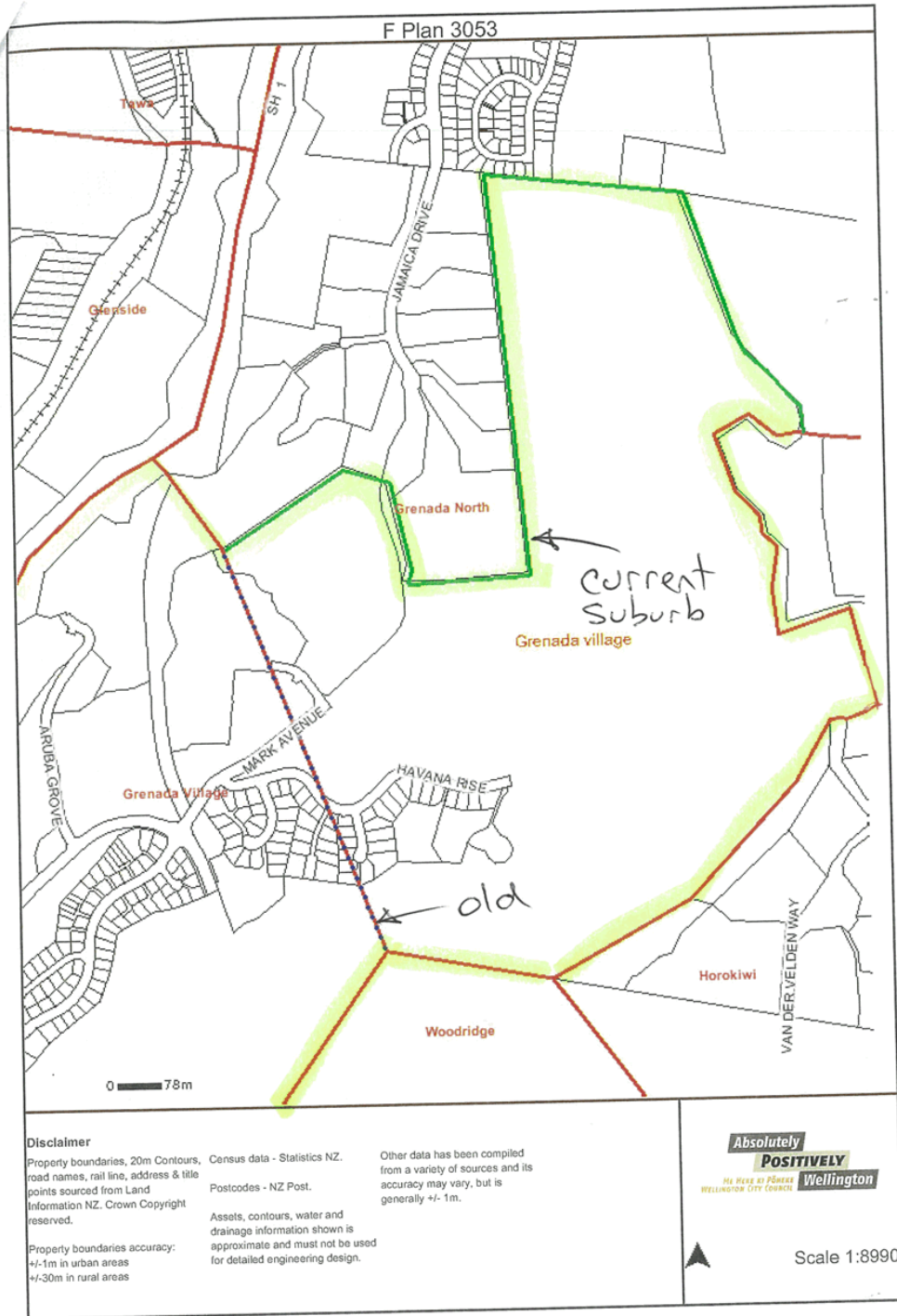
Christine Cheyne and Margie Comrie, 'Empowerment for Encumbrance? Exercising the STV Options for local Authority Elections in New Zealand, *Local Government Studies*, 31(2), April 2005: 185-204.

Justice and Electoral Committee, 'Inquiry into the 2004 local authority elections' reported to Parliament in August 2005.

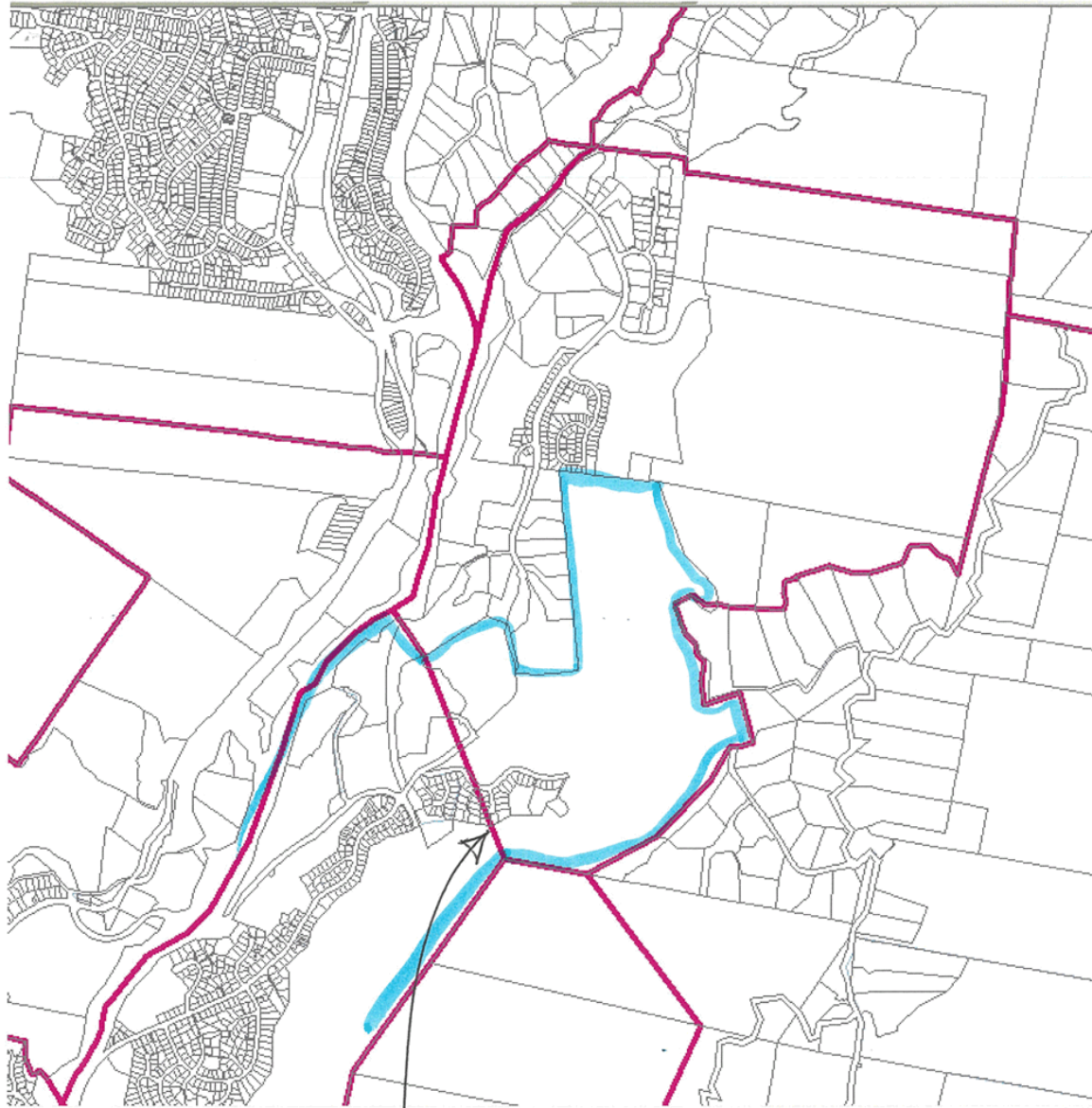
Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008)
(Note: this paper has now been withdrawn from the Commission's website but its contents may be found in the Commission's main report on its review of the above legislation which will be posted on its website in the near future at www.lgc.govt.nz .)

STV Taskforce (The Department of Internal Affairs, Ministry of Health, SOLGM, Electoral Commission and Local Government New Zealand), 'Choosing Electoral Systems in Local Government in New Zealand: A Resource Document', (May 2002).
[[http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/\\$file/STV.pdf](http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/$file/STV.pdf)]

Jack Vowles, 'STV and the 2004 local elections: Disaster or success?', *Public Sector*, 28(3), 2005: 17

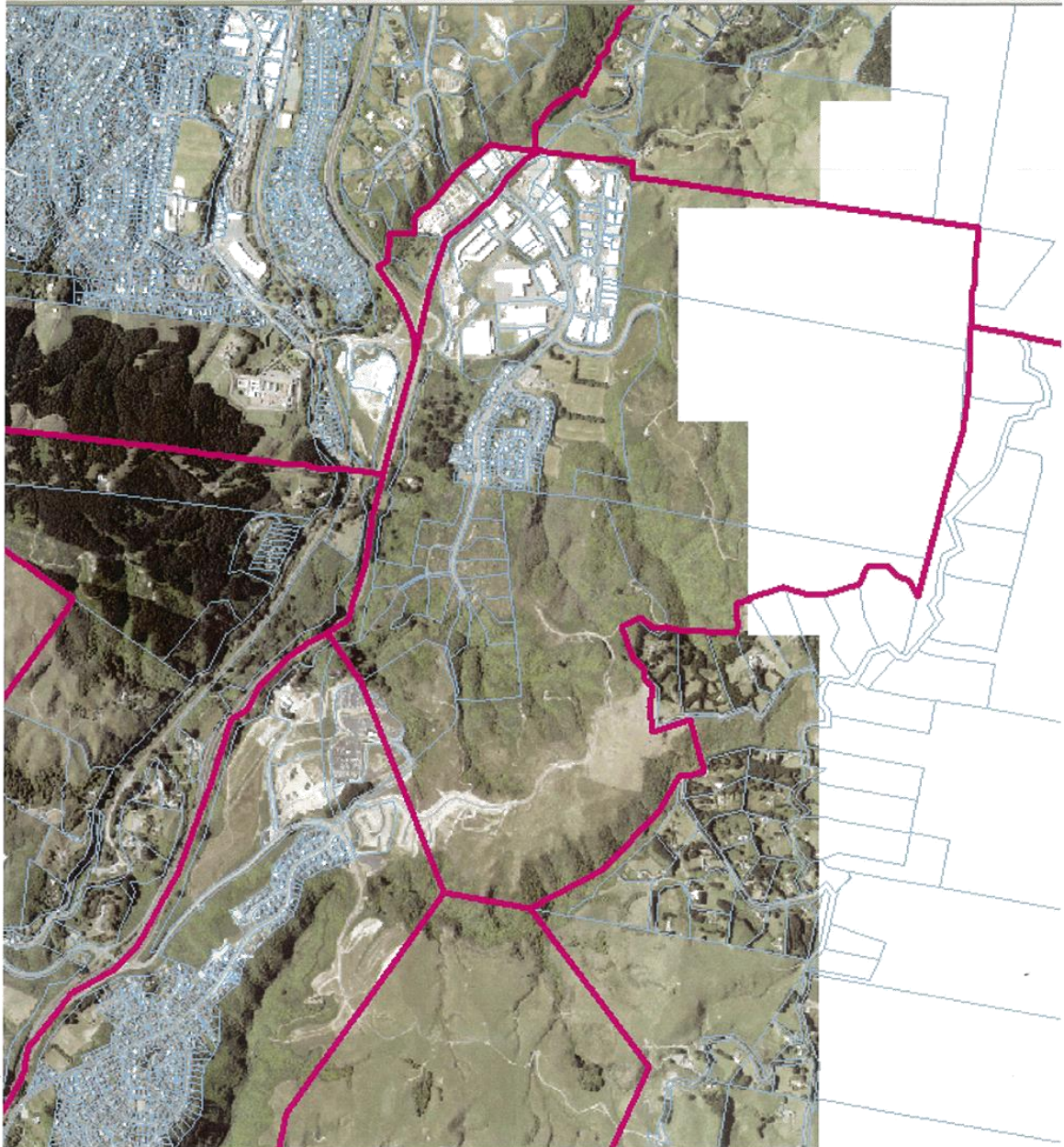


Item 3.1 Attachment 2



old suburb
boundary

brownie 7:31:28 p.m. 29/07/2014



brownie 7:21:32 p.m. 29/07/2014

APPROVAL OF PLAN CHANGE 78

Purpose

1. To report to Council the recommendations of the Hearing Committee on Plan Change 78 of the Wellington City District Plan, and the reasons for those recommendations.

Summary

2. The Hearing Committee has considered all written and oral submissions on Plan Change 78 and has recommended that it be approved. This is one of a series of Plan Changes that are periodically initiated to make minor amendments to the District Plan.
3. If Council adopts the recommendations of the Hearing Committee, then this report will become the Council decision. However if the Council rejects one or more of the proposed recommendations, the hearing process would need to be re-commenced and determined by the whole of Council.

Recommendations

Officers recommend that the Council:

1. Receive the information.
2. Approve the recommendations of the Hearing Committee in respect of Plan Change 78, as set out in Attachment 1.

Background

4. Plan Change 78 proposes to make amendments to the District Plan text and maps. The Proposed Plan Change is one of a series of Plan Changes that are periodically initiated to make minor amendments to the District Plan. The Plan Change does not involve any changes to existing objectives and policies; instead it proposes to make 33 minor amendments to the District Plan in order to ensure its efficient functioning. These changes include:
 - clarifications and updates to various zoning and text provisions
 - fixing of map errors
 - incorporation of updated national noise standards
 - rule changes relating to:
 - light from road utilities in Open Space areas
 - assessment of visual amenity effects from earthworks
 - provision of multiple household units on individual parcels of land in the Rural Area
 - earthworks in the Ridgeline and Hilltops overlays of Open Space B areas
 - smoke extractor fans in the Central Area
 - aerials too small to be classed as 'antennas'
 - the methodology for assessing wind effects and associated standards.
 - zoning and mapping changes to:
 - 79 Dixon Street, Te Aro – from legal road to Central Area
 - an area of open space between Kentwood Drive, Cedarwood Street and Woodridge Drive – from Outer Residential to Open Space B

- an area of land at Gibraltar Rock (Breaker Bay Road) – from Open Space A to Conservation Site 2D
 - 68A Victory Avenue, Karori – from Open Space A to Outer Residential.
5. Plan Change 78 was publicly notified on 6 May 2014 and submissions closed on 6 June 2014. Six submissions were received. The summary of submissions was publicly notified on 24 June 2014 and no further submissions were received. A hearing was held on 4 August 2014, at which one submitter spoke in support of her submission. The Hearing Committee consisted of Councillor Foster.

Discussion

6. Out of the six submissions received, three were in support, two were opposed to replacing the term 'stream' with 'river' and one was mixed. In response to the submitters opposed to the stream/river replacement, the Hearings Committee has recommended that they are accepted in part and that the Plan Change is amended to use both terms.
7. In response to the submission received which supported some changes and opposed others, the Hearings Committee has recommended that the support is noted and accepted, but that the points in opposition are rejected. These points are largely outside the scope of the Plan Change and would be more suited to being considered in full reviews of the relevant chapters.
8. At the hearing, it was discussed that the District Plan is ambiguous around the time frames in which earthworks standards cannot be exceeded. A submitter gave her own experiences as an example. Having completed some earthworks (below the standard at which resource consent would be required), she subsequently undertook more earthworks approximately one year later. She was informed that, as the cumulative earthworks would exceed the District Plan standards, a resource consent was required. She was also told that the 'wait period' was 20 years, during which the extent of past earthworks would be considered in addition to proposed earthworks. It should be noted that this interpretation is arguable and that, in most instances, the earthworks would be assessed individually unless they were part of a single overarching activity. The submitter felt that a time period should be explicitly stated in the District Plan to provide clarity. The Hearing Committee agreed that this should be considered by Council officers.
9. The Hearing Committee has also recommended that officers consider whether to add the new Supreme Court building as a non-heritage feature in the Stout Street Precinct Heritage Area. Further discussion on the recommendations and proposed changes is provided in the Hearing Committee's report (Attachment 1).

Options and Next Actions

10. Council can either approve or reject the recommendations from the Hearing Committee. If the recommendations are approved, the decision will be publicly notified and served on the submitters. Submitters then have the option of appealing any matter to the Environment Court within 30 working days. If no appeals are lodged, the Plan Change will become operative.
11. If the recommendations are rejected, then the hearing would need to be reheard by Council as a whole. Alternatively, the Plan Change could be fully withdrawn.

Attachments

Attachment 1. Hearing Committee Report (including Annotated Changes)

Author	Nathan Stocker, Planning Officer
Authoriser	Antoinette Bliss, Governance Advisor

SUPPORTING INFORMATION

Consultation and Engagement

Consultation has been carried out with relevant Council staff. Statutory consultation has also been carried out in accordance with the Schedule 1 of the Resource Management Act 1991.

Treaty of Waitangi considerations

The Wellington Tenth Trust and Te Runanga o Toa Rangatira were advised of the Plan Changes and no submissions or concerns were received from them.

Financial implications

None of note.

Policy and legislative implications

None of note.

Risks / legal

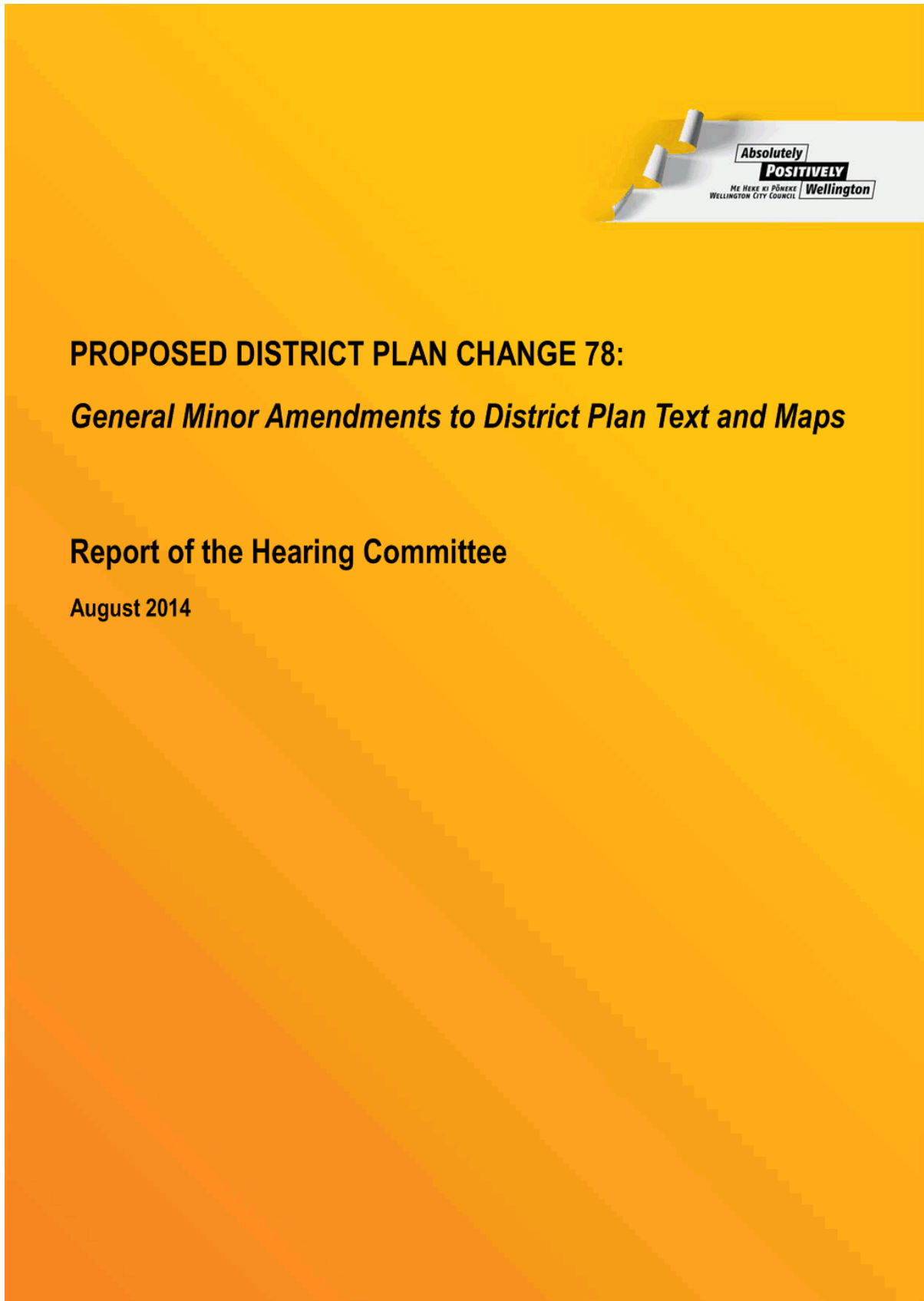
Approval of the proposed changes would reduce ambiguity in the District Plan and consequent legal risks. The Proposed Plan Change has been undertaken in accordance with the Resource Management Act 1991.

Climate Change impact and considerations

None of note.

Communications Plan

Consultation has been undertaken in accordance with the Resource Management Act 1991.



DPC78 – General Minor Amendments to District Plan Text And Maps

REPORT OF THE HEARING COMMITTEE

SUBJECT: District Plan Change 78: General Minor Amendments to District Plan Text and Maps

COMMITTEE MEMBERS: Councillor Andy Foster (Chair)

DATE OF HEARING: 4 August 2014

Proposed District Plan Change 78 – General Minor Amendments to District Plan Text and Maps

1. Recommendations

The Hearing Committee recommends that Council:

1. *Receive the information.*
2. *Approves Proposed District Plan Change 78 as publicly notified on 6 May 2014, subject to the following amendment resulting from submissions:*
 - i. *Amend references to rivers in the notified documents to refer to “rivers (including streams)”, as detailed in Appendix 1.*
3. *Note that officers will consider the setting of a time frame in which earthworks will be assessed cumulatively as part of the next appropriate Plan Change.*
4. *Note that officers will evaluate whether the new Supreme Court building should be listed as a non-heritage building in Appendix 16 of Chapter 21 (Heritage).*

2. Background

This Plan Change is the result of ongoing District Plan maintenance and monitoring work. The Plan Change does not involve any changes to existing objectives and policies; instead it proposes to make minor amendments to the District Plan in order to ensure its efficient functioning. Specifically, the Plan Change comprises 33 separate changes to the District Plan. The changes include:

- clarifications to various zoning and text provisions
- fixing of map errors
- updates to reflect recent changes and updated noise standards
- rule changes relating to:
 - light from road utilities in Open Space areas
 - assessment of visual amenity effects from earthworks
 - provision of multiple household units on individual parcels of land in the Rural Area
 - earthworks in the Ridgeline and Hilltops overlays of Open Space B areas

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- smoke extractor fans in the Central Area
- aerials too small to be classed as ‘antennas’
- the methodology for assessing wind effects and associated standards.
- changes to Volume 3 (Maps):
 - showing 79 Dixon Street, Te Aro as zoned Central Area rather than the existing legal road symbology
 - rezoning an area of open space between Kentwood Drive, Cedarwood Street and Woodridge Drive from Outer Residential to Open Space B
 - rezoning an area of land at Gibraltar Rock (Breaker Bay Road) from Open Space A to Conservation Site 2D
 - rezoning 68A Victory Avenue, Karori from Open Space A to Outer Residential.

Plan Change 78 was publicly notified on 6 May 2014, with submissions closing 6 June 2014. Six submissions were received. The summary of submissions was publicly notified on 24 June 2014 and no further submissions were received. The submitters were:

1. Mighty River Power
2. Jared Shepherd
3. Lynette Eustace
4. Brenda Stevens
5. Woodridge Planters
6. Donna Sherlock

A hearing was held on 4 August 2014, at which Ms Sherlock spoke in support of her submission.

3. Submissions and Discussion

3.1 Submissions in support

Three submissions supported various parts of the Plan Change:

- Submitter 1 (Mighty River Power) supported the changes to Chapter 23 – Utilities Rules. These focused on clarifying the permitted activity status of aerials below certain pre-existing size limits.
- Submitter 2 (Jared Shepherd) supported showing a parcel at the corner of Dixon and Victoria streets as Central Area. This parcel is currently shown as legal road, however this is incorrect and it is proposed that it is zoned Central Area, matching the surrounding land. The submitter felt that this would be conducive to the constructive redevelopment of the site, which is currently underutilised as a car park.
- Submitter 5 (Woodridge Planters) supported the rezoning of an area of open space in Woodridge (between Kentwood Drive, Cedarwood Street and Woodridge Drive) from Outer Residential to Open Space B. This land is

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already classified as a reserve under the Reserves Act and is owned by Wellington City Council. The proposed rezoning reflects the existing and future use of the site, as well as the existing restrictions.

The submission comments that Woodridge Planters have planted more than 5,000 native trees on this land and that this has significantly increased diversity of the flora and helped bring native birds to the area. Several hundred individuals from the community and various organisations have contributed to this transformation of bush and stream.

The support from the above submitters is noted. The points raised reinforce the benefits of the related proposed changes.

Recommendation: Accept the submissions.

3.2 Submissions in opposition

Two submissions were received in opposition:

- Submitters 3 (Lynette Eustace) and 4 (Brenda Stevens) both opposed the replacement of the term 'streams' with 'rivers' in Chapter 30 and requested that the existing terminology be retained. Both submitters felt that the term 'stream' is more suited to the Wellington context (which does not have any major rivers) and that using 'river' could cause confusion around what is included in the definition.

The term 'river' is defined by the Resource Management Act (RMA) 1991 and this definition, which includes streams, has been carried through to the District Plan. Alternatively, the term 'stream' is not defined in either the District Plan or RMA and is consequently open for differing interpretations. This was the reason behind the changes proposed, which would reduce the potential for legal challenges relating to earthwork rules.

It is considered as still important to link the rules to the defined term of 'rivers'. However, it is acknowledged that District Plan users may not check the definitions and instead presume that only large watercourses are relevant. A recommended compromise is to use explicitly state "rivers (including streams)" in the relevant parts of the Earthworks Chapter. This would allow the rules to have the legal certainty of including a defined term, but also draw attention to the inclusion of streams within the definition.

Under section 32AA of the Resource Management Act, a further evaluation has been undertaken (including considering alternatives, examining the appropriateness of the changes, and assessing possible effects). For the reasons given above, it is considered that the proposed changes are most appropriate.

Recommendation: Accept the submissions, by making the changes outlined in Appendix 1.

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3.3 Submission in both support and opposition

Submitter 6 (Donna Sherlock) submitted on a number of matters in the Plan Change:

1. Opposing the change of terminology in Chapter 30 (Earthwork Rules) from 'streams' to 'rivers'. The submitter felt that the definition of rivers is too encompassing.

Section 3.2 of this report outlines recommended changes to the relevant provisions to use both 'streams' and 'rivers'. In relation to the broadness of the definition of 'rivers', this is considered to be beyond the scope of Plan Change 78. The definition is set by the Resource Management Act and was recently included in the District Plan by Plan Change 70 (Earthworks) in recognition of the benefits of using a nationally-set definition.

It is recommended that the submission point is rejected and the changes outlined in Appendix 1 are made to the notified Plan Change.

2. Opposing the proposed changes relating to the residential conversion of rural buildings.

This submission point relates to the proposed change to Rule 15.3.3a. This rule currently states that, with some exceptions:

The construction, alteration of, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures... are Discretionary Activities (Restricted)

This rule is intended to capture the conversion of existing buildings to residential use and this is how it is interpreted and applied. However, there has been some misunderstanding about whether the rule includes conversion. The proposed change would clarify the existing situation and ensure that conversions continue to require resource consent, allowing possible adverse effects to be assessed.

The submitter opposed the change, considering that having multiple dwellings on rural land is often appropriate, as it strengthens the economic viability of rural properties and is an efficient use of land and natural resources. The submitter felt that this was particularly true for land which is zoned Rural but which is not suited to farming.

At the hearing, Ms Sherlock spoke of inconsistencies in the management of residential conversions, particularly between residential and rural areas, despite her view that they were no less appropriate in a rural environment. An example was converting garages to sleepouts. She also requested more clarity over when land owners could have multiple household units on their property or could subdivide (e.g. by further use of minimum lot sizes).

The proposed change to Rule 15.3.3a relates only to clarifying the status of residential building conversions in Rural Areas. If conversion was not captured by this rule, it would allow rural land owners to construct 'rural' buildings and then convert them to housing without the appropriate controls and assessments being applied. Converting rural buildings to residential use has the potential to have significant adverse effects and certain issues need to be assessed, including site landscaping, hazard management and the design and location of waste water disposal.

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Any change to the underlying policy intent (as requested by the submitter) would require a significant in-depth review of existing provisions and possible alternatives. This is not considered to be within the scope of Plan Change 78, which is limited to clarifying the existing situation and not making policy changes.

For this reason, it is recommended that the submission point is rejected and the change is adopted as publically notified.

3. Opposing the proposed changes relating to establishing additional dwellings on rural land.

Under the existing District Plan provisions, establishing a second (or subsequent) dwelling on a rurally-zoned parcel is a Non-Complying activity. However, this would only be a Discretionary (Unrestricted) activity within an identified ridgeline or hilltop area. As the ridgelines and hilltops overlay is intended to provide a greater level of protection to prominent and visible parts of the Rural Area, it is illogical that multiple dwellings would have a more lenient activity status in these areas.

The proposed change would make the construction of a second (or subsequent) household unit on a rurally-zoned allotment a Non-Complying activity, regardless of whether it is in an identified ridgeline or hilltop. The submitter opposed this change for the reasons discussed in the submission point above, namely that multiple dwellings are appropriate on some rural properties.

The District Plan has an underlying policy of limiting the number of dwellings on rural parcels, which is a result of substantial consideration and debate in the mid-late 2000s. The proposed change does not seek to move away from this policy, but is instead limited to ensuring that Rural Chapter rules are consistent and reflect the policy intents. Any change to the underlying policy would be outside the intent and scope of Plan Change 78.

It is recommended that the submission point is rejected and the change is adopted as publically notified.

4. Opposing the changes relating to consideration of visual amenity resulting from earthworks.

In the decision on Plan Change 70 (Earthworks), a change was confirmed to allow Council to consider the effects of earthworks on visual amenity if they exceed an area standard *or* a height/depth standard. However, this was not correctly incorporated into the District Plan due to a drafting error and the current rules state that both the area *and* height/depth standards need to be exceeded to allow an assessment of visual amenity. The proposed change would correct this error and allow visual amenity to be assessed if either the area standard or height/depth standard is exceeded, as intended by Plan Change 70.

The submitter opposed this change for two key reasons. Firstly, the impact on visual amenity may be offset by the purpose of the earthworks. Secondly, the submitter considered that visual amenity is too subjective to have objective standards. However, the submissions also states that “visual amenity should be considered in conjunction with overall impact”.

Earthworks have the potential to cause significant adverse effects on visual amenity. This can be the result of the earthworks either having a large height/depth, or from

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covering a large area. The use of standards does not presuppose that all developments above the standards would be inappropriate, but only requires an assessment due to their potential to be significant and inappropriate. A holistic approach of balancing positive and adverse effects is dependent on resource consent being required so that Council can assess the actual effect on visual amenity and balance it with other considerations.

At the hearing, Ms Sherlock spoke about the ambiguity in the Plan regarding the time frames in which earthworks standards cannot be exceeded. She gave her own experiences as an example. Having completed some earthworks (below the standard at which resource consent would be required), she subsequently undertook more earthworks approximately one year later. However, Council's Compliance Team informed her that as the cumulative earthworks would exceed the District Plan standards, a resource consent was required. She was also informed that the 'wait period' in which earthworks would be considered cumulatively was 20 years. The submitter felt that a time period should be explicitly stated in the District Plan and should be set at roughly 5 years. This seems to be a sensible request, as the current situation is ambiguous and overly restrictive.

As Plan Change 78 is not the appropriate process to introduce a time frame for earthworks due to being beyond its scope, it is recommended that officers consider this idea in the next appropriate Plan Change process. It is otherwise recommended that the submission point is rejected and the changes are adopted as publically notified.

5. Supporting an additional part of Victoria Street being shown as Principal Road on Map 34.

The support for this proposed change is noted. The additional request that the 'no stopping' zone is extended is outside of the scope of the District Plan and Plan Change 78. Officers have passed this submission point on to the Roading Traffic Operations Team for their consideration.

6. Supporting the rezoning of land in Breaker Bay to Conservation Site.

The support for this proposed change is also noted. The proposed rezoning is further supported by the information included in the submission that there is a significant population of penguins living in this coastal area that are appreciated by Wellingtonians.

Recommendation: Accept the submission in part (in relation to points 5 and 6 above) and otherwise rejected (in relation to points 1-4).

3.4 Non-Submission Points

In addition to the points raised in the submissions, the Hearing Committee has also reviewed the remainder of the Plan Change. As part of this, it was noted that the new Supreme Court building is not explicitly listed as a non-heritage feature. While a decision on this is beyond the scope of Plan Change 78 and this decision report, it is recommended (as a procedural note) that this is reviewed by officers.

It is also desirable to be clear on the status of 'Legal Road'. While the notified Plan Change referred to various 'rezonings' to and from Legal Road, the District Plan does not have a Legal Road zone. Legal Road is an overlay on the District Plan maps which

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is used for specific rules and land which is shown as Legal Road is subject to the provisions of the adjoining zone. Changes have been made to the wording of notations in the amended provisions (Appendix 2) to reflect the Hearing Committee's determination that the changes relate to where land is shown as Legal Road but are not zone changes.

Having reviewed the proposed changes to methods for assessing noise and wind, the Hearing Committee feels that a brief explanation of these changes may be useful.

Plan Change 78 proposes amending the methodology for measuring wind effects by adding data to the District Plan that is necessary to undertake assessments. This would allow a greater range of experts to assess the potential wind effects from proposed developments. The proposed changes also clarify that computer-based wind tunnel testing can be used instead of a physical wind tunnel test, provided that the accuracy of the computer model can be demonstrated. In addition, wind standards are proposed to be amended to allow the stated wind strengths to be exceeded more often and for the measurements to be made in days per year, rather than the current hours per year. Plan Change 48 inadvertently made it more difficult to meet the wind standards and this Plan Change seeks to reverse that change.

Changes to noise provisions are proposed to reflect updated best practice standards. The District Plan currently uses New Zealand Standards NZS6801:1991 "Measurement of Sound" and NZS6802:1991 "Assessment of Environmental Sound" and it is proposed to update these to the current 2008 versions of each document. As part of this, updated notations are proposed for sound measurements to reflect changes in the 2008 documents. Specifically, this includes changing measurements in L_1 , L_{10} and L_{max} formats to $L_{Aeq(1min)}$, $L_{Aeq(15min)}$ and L_{AFmax} respectively.

4. Conclusion

Out of the six submissions received, three were in support, two were opposed to replacing the term 'stream' with 'river' and one supported and opposed various aspects.

The Hearing Committee recommends that the submissions in support be noted and accepted. In relation to the submissions in opposition, it is recommended that they be accepted in part and that the changes discussed in section 3.2 and outlined in Appendix 1 are made to the notified Plan Change.

A submission by Donna Sherlock was also received, which supported some changes and opposed others. The Hearing Committee recommends that the support is noted and accepted, but that the points in opposition are rejected. These points are considered to involve matters that affect the existing policy approach in the District Plan and therefore are considered to be outside the scope of Plan Change 78. However, it is recommended that, in a future appropriate process, officers review the possibility of including time frames in which earthworks are to be assessed cumulatively. In addition, it is recommended that officers consider adding the new Supreme Court building as a non-heritage feature in the Stout Street Precinct Heritage Area.

Andy Foster

Chair PC78 Hearing Committee

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Appendix 1. Recommended Changes

Key to Changes	
Abcdefghijklmnop	Operative unaltered text
<u>Abcdefghijklmnop</u>	Text recommended to be added
Abcdefghijklmnop	Text recommended to be deleted

Provision	Changes as Notified	Changes as Recommended
30.1	Permitted Activities... Effects on Streams <u>Rivers</u> , Wetlands and the Coastal Marine Area	Permitted Activities... Effects on Streams <u>Rivers</u> (<u>including Streams</u>), Wetlands and the Coastal Marine Area
30.1.1.2	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> , a wetland or the coastal marine area...	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> (<u>including streams</u>), a wetland or the coastal marine area...
30.1.2.2	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> , a wetland or the coastal marine area...	The cut or fill is no closer than the following (measured on a horizontal plane) to a stream <u>river</u> (<u>including streams</u>), a wetland or the coastal marine area...
30.2.1.1(v)	Earthworks and structures associated with streams rivers and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> , wetland or the coastal marine area...	Earthworks and structures associated with streams <u>rivers</u> (<u>including streams</u>) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> (<u>including</u> <u>streams</u>), wetland or the coastal marine area...
30.2.1.2(v)	Earthworks and structures associated with streams <u>rivers</u> and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> or the coastal marine area...	Earthworks and structures associated with streams <u>rivers</u> (<u>including streams</u>) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream <u>river</u> (<u>including</u> <u>streams</u>) or the coastal marine area...

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Appendix 2: Amended Provisions showing Decision

Wellington City District Plan

Proposed District Plan Change 78

General Minor Amendments to District Plan Text and Maps VI

ALTERATIONS TO THE WELLINGTON CITY DISTRICT PLAN

Detailed below are changes relating to:

- A. Clarifications
- B. Mapping Errors
- C. Rule Changes
- D. Updates
- E. Zoning Changes

Proposed amendments to District Plan maps are included as appendices to this document.

The proposed new provisions (as notified) are shown as underlined, and deleted provisions are shown as struck through. Text amended as part of the decision is highlighted.

Note: Changes to the wording of some instructions have been made as part of the decision. This is to improve clarity and do not reflect any changes to the content of the Plan Change.

Key to Changes	
Abcdefghijklmnop	Existing unaltered text
<u>Abcdefghijklmnop</u>	Text recommended to be added
Abcdefghijklmnop	Text recommended to be deleted
Abcdefghijklmnop	Text amended in Decision Report

A. CLARIFICATIONS – ALTERATIONS TO VOLUMES 1 AND 3

1. Change District Plan text in Chapter 3 (General Provisions) as follows:

Where a formed, unformed or stopped road, [service lane or motorway]^{PC34} is bounded by different areas, the demarcation between areas is the centre of the legal road.

2. Amend Central Area Appendix 11 - Central Area Viewshafts No. Vs 4 (Whitmore Street) text as follows. Amend map as shown in Appendix 1.

VIEWPOINT LOCATION: The footpath on ~~south~~ north west corner of the intersection of Bowen Street and Lambton Quay.

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Left margin	Right margin	Base
Southwestern edge corner of Telecommunications Building, 70 Featherston Street (Sec 1 SO 17350)	The southeastern Whitmore Street boundary corner of 93 Featherston Street (Lot 3 DP 360)	Ground level 2.4m

3. Amend Chapter 13 (Central Area Rules) as follows:

13.6.4.1.2 Any sign located on a building:

...

must not project above the parapet level, or the highest part of that part of the building to which the sign is attached (including above the verandah). Where the sign is attached to a part of the building higher than the parapet level, the lower of the two levels shall be the maximum. This part of the standard does not apply to temporary signs.

4. Amend Map 7 to show strata above Seatoun Tunnel as Outer Residential instead of Legal Road, as shown in Appendix 2.

5. Amend Chapter 23 (Utilities Rules) as follows:

23.1.13.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.1.14.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.1.15.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.1.18.5 All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

23.2.1A.12 Whether utility structures comply with New Zealand Standard NZS2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~).

23.2.4...

Standards and terms

All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (~~or subsequent amendments~~) at all times and in all places to which the public has access.

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23.2.4A.4 All antennas must be designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.

23.3.2...

Standards and Terms

The additional antennas and aerials shall be designed and operated in compliance with New Zealand Standard NZS2772: Part 1 : 1999 Radio Frequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300GHz (or subsequent amendments) at all times and in all places to which the public has access.

6. Amend Chapter 30 (Earthworks Rules) as follows:

30.1 Permitted Activities...

Effects on Streams Rivers (including Streams), Wetlands and the Coastal Marine Area

30.1.1.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a stream river (including streams), a wetland or the coastal marine area:

30.1.2.2 The cut or fill is no closer than the following (measured on a horizontal plane) to a stream river (including streams), a wetland or the coastal marine area:

30.2.1.1...

(v) Earthworks and structures associated with streams rivers (including streams) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream river (including streams), wetland or the coastal marine area:

30.2.1.2...

(v) earthworks and structures associated with streams rivers (including streams) and the coastal marine area where the cut or fill is closer than the following (measured on a horizontal plane) to a stream river (including streams) or the coastal marine area:

7. Amend Chapter 15 (Rural Rules) as follows:

15.3.3a The construction, alteration of, conversion to, or addition to, residential buildings, accessory buildings (associated with a residential activity) and residential structures, except:

8. Amend Chapter 23 (Utilities Rules) as follows:

Non-notification

The written approval of affected persons will not be necessary in respect of items 23.3.3.1 to 23.3.3.4 23.3.2.1 to 23.3.2.5. [Notice of applications need not be served on affected persons]^{PC28} and applications need not be notified.

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B. MAPPING ERRORS – ALTERATIONS TO VOLUME 3 MAPS

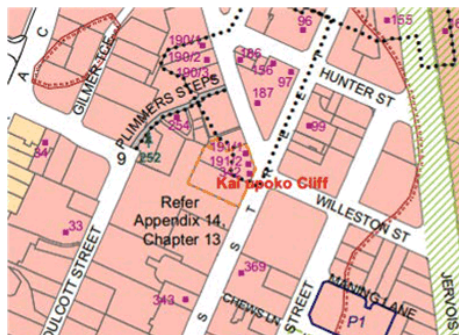
9. Delete and move heritage tree symbols for Heritage Tree #10 (35 Hobson Crescent) on Map 18, as shown in Appendix 3.
10. Amend Map 16 to show Heritage Tree #286 at 108 Abel Smith Street, as shown in Appendix 4.
11. Move symbol for Heritage Building #348 (128 Willis Street) as shown in Appendix 5.
12. Move symbol for Heritage Building #405 (26 Stoke Street) as shown in Appendix 6.
13. Make changes in the heritage schedule as shown in table below. Make changes on Map 16 to reflect changes, as shown in Appendix 7.

Street	Number	Building and Date of Construction (if known)	Map Ref	Symbol Ref
Allen Street	7-23 <u>7-17</u>	Warehouse (former Wellington Produce Market) 1905-06	16	10/3
Blair Street	24 <u>10-16</u>	Warehouse (former Wellington Produce Market) 1906	16	26/5
Allen Street	21-23 <u>19-23</u>	Building (former Wellington Produce Market) 1905-06	16	10/6
Blair Street	6-20 <u>24-28</u>	Warehouse (former Wellington Produce Market) 1906	16	26/1

14. Remove boundaries for Civic Centre, Cuba Street and Courtenay Place character areas from District Plan Maps 16 and 17.
15. Alter Map 32 to show Open Space A areas using a new symbology, as shown in Appendix 8.
16. Amend Map 34 to re-apply the 'Principal Road' status to Victoria Street between Vivian and Webb streets, as shown in Appendix 9.

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17. Change text of annotation on Map 17 (as shown below) from 'Refer Appendix 14, Chapter 13' to 'Refer Appendix 15, Chapter 13'.



18. Amend Chapter 21 (Heritage Rules) as follows. Update Maps 15 and 18 to reflect renumbering of Taikiwai.

HERITAGE LIST: BUILDINGS				
Street	Number	Building and Date of Construction (if known)	Map Ref	Symbol Ref
Stowe Hill	6	Taikiwai circa 1870	15/18	407 467
Frangi Street	6A	Taikiwai circa 1870	15/18	407 467
The Esplanade	206-212	Group of Houses	4	407

C. RULE CHANGES – ALTERATIONS TO VOLUME 1 DOCUMENTS

19. Amend Chapter 23 (Utilities Rules) as follows:

(Introduction)

The area based objectives, policies and rules shall not apply to utility network infrastructure dealt with in this chapter except that (unless specified to the contrary) the conditions that apply to Permitted Activities in respect of noise, dust, lighting, electromagnetic radiation and hazardous substances apply to all activities in this chapter...

...

23.1.7 On legal roads in all Areas, the [construction, alteration, addition to and operation]^{PC74} of traffic management and control structures, and street lighting are Permitted Activities.

23.1.7.1 Condition 17.1.1.4.3 does not apply to Rule 23.1.7

20. Amend Chapter 30 (Earthworks Rules) as follows:

30.2.1.1 For non compliance with the permitted activity conditions in Rule 30.1.1 the Council has restricted its discretion to:

- (i) earthworks stability (except for cuts and fills for tracks associated with permitted rural activities);
- (ii) erosion, dust and sediment control;

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- (iii) visual amenity – where the cut height or fill depth exceeds 2.5m ~~and~~ or the area exceeds 250m²;

30.2.1.2 For non compliance with the permitted activity conditions in Rule 30.1.2 the Council has restricted its discretion to;

- (i) earthworks stability;
- (ii) erosion, dust and sediment control;
- (iii) visual amenity – where the cut height or fill depth exceeds 1.5m ~~and~~ or the area exceeds 100m²;

21. Amend Chapter 30 (Earthworks Rules) as follows:

30.2.1 Earthworks that do not comply with the permitted activity conditions under Rule 30.1.1, and 30.1.2 except;

- (i) Earthworks that do not comply with the permitted activity conditions in the Ridgelines and Hilltops Overlay (Rural Area and Open Space B); and

...

30.3.2 Earthworks that do not comply with the permitted activity conditions for earthworks in the Ridgelines and Hilltops Overlay (Rural Area and Open Space B):

are a Discretionary (Unrestricted) Activity.

22. Amend Rule 13.6.1.1.2 (Central Area Noise Rules) as follows:

13.6.1.1.2 The noise limits set in standard 13.6.1.1.1 shall not apply to fixed plant that is used solely for emergency purposes. Examples of such equipment are standby generators sets that are used to provide electricity only at times of electrical supply failure, or for plant used only during life threatening situations such as smoke fans or sprinkler pumps. This fixed plant is exempt from the noise limits provided that it:

- (i) only operates for maintenance between 8am and 5pm weekdays
- (ii) ~~with the exception of smoke extract fans, can comply with standard 13.6.2.1.1 and Appendix 5~~
- (iii) ~~with the exception of smoke extract fans, can comply with Appendix 5 when operated for maintenance~~
- (~~iii~~ iv) in the case of electricity generators sets can only be used on an emergency basis and is not used to generate power for the national grid.

23. Amend Chapter 15 (Rural Area Rules) as follows:

15.4.2 [The construction or, alteration of, or addition to buildings or siting of any structures (except minor rural structures that are Permitted Activities) within identified ridgelines and hilltops are Discretionary Activities (Unrestricted).

Standards and Terms

The number of household units per allotment shall not exceed one.

24. Amend Chapter 23 (Utilities Rules) as follows:

23.1.13 Except as provided in Rule 23.1.16, Antennas in Residential Areas or Open Space A Areas are a Permitted Activity provided that they comply with the following conditions:

23.1.13.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.

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- 23.1.13.2 The antenna shall not be located closer than [3m]^{PC74} from a boundary in the Residential Area.
- 23.1.13.3 The antenna shall not exceed 0.6m² in area or 800mm diameter. [Where the antenna is attached to a building or structure (excluding a mast) and the antenna mounting elevates the antenna above the building or structure, the part of the mounting that elevates the antenna shall not exceed 150mm in width or diameter and no guy wires are permitted. If the antenna is attached to a building or structure (excluding a mast) so that the antenna does not protrude above that part of the buildings or structure to which it is attached, the antenna shall not exceed 1m² in area or 1m diameter.]^{PC44}
- 23.1.13.4 Antennas attached to a mast shall not exceed 0.6m² in area or 800mm diameter and must be located on the mast [within a 3m horizontal diameter circle.]^{PC74}
- [23.1.13.5 No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]^{PC74}

23.1.14 Except as provided in Rule 23.1.16, Antennas in the Central Area, Institutional Precincts, Suburban Centres, or Airport and Golf Course Precinct are a Permitted Activity provided that they comply with condition 23.1.14.1 [and 23.1.14.6]^{PC74} and any one of conditions 23.1.14.2 to 23.1.14.5:

- 23.1.14.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.
- 23.1.14.2 The antenna shall not exceed 0.6m² in area or 800mm diameter except if 23.1.14.3, 23.1.14.4 or 23.1.14.5 below applies. [Where the antenna is attached to a building or structure (excluding a mast) and the antenna mounting elevates the antenna above the building or structure, the part of the mounting that elevates the antenna shall not exceed 150mm in width or diameter and no guy wires are permitted.]^{PC44}
- 23.1.14.3 The antenna shall not exceed 1.5m² in area or 1.4m diameter where the antenna is:
- attached to a building or structure (excluding a mast) and the antenna is no more than 5m in height above the highest part of the building or structure to which it is attached; and
 - located no less than 10m from a Residential Area boundary.
- 23.1.14.4 The antenna shall not exceed 2.5m² in area or 2.0m diameter, except that in Suburban Centres the antenna shall not exceed 2.0m² in area or 1.5m diameter, where the antenna is:
- attached to a building or structure (excluding a mast) and the antenna does not protrude above that part of the building or structure to which it is attached; and
 - located no less than 10m from a Residential Area boundary.
- 23.1.14.5 Antennas attached to a mast shall not exceed 1.5m² in area or 1.4m diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.
- [23.1.14.6 No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]^{PC74}

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23.1.15 Except as provided in Rule 23.1.16, Antennas in the Rural Area are a Permitted Activity provided that condition 23.1.15.1 [and 23.1.15.5]^{PC74}, and any one of conditions 23.1.15.2 to 23.1.15.4 are met:

- 23.1.15.1 They are designed and operated in compliance with New Zealand Standard NZS 2772 : Part 1 : 1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz (or subsequent amendments) at all times and in all places to which the public has access.
- 23.1.15.2 Where antennas are attached to a building or structure (including a mast that was erected on or before 1 October 1991, but excluding a mast erected after that date), the antenna shall not exceed 5m² in area or 2.6m diameter and rules 23.1.8.7 and 23.1.8.8. do not apply.
- 23.1.15.3 Except as provided for in 23.1.15.2 or 23.1.15.4 antennas attached to a mast shall not exceed 0.6m² in area or 800mm diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.
- 23.1.15.4 Except as provided for in 23.1.15.2, antennas attached to a mast 8m or less in height, shall not exceed 1.5m² in area or 1.4m diameter and must be located on the mast to comply with the horizontal diameter circle requirement provided for in rule 23.1.8.7 or 23.1.8.8 as appropriate.
- [23.1.15.5 No antenna may be located on a site that is, or contains, a listed heritage item. In respect of listed heritage areas, no antenna may be located on a site within a listed heritage area or on any legal road within that heritage area.]^{PC74}
- 23.1.16 Any antenna where no part of the antenna is greater than 70mm in diameter (not including any mountings) or where its total area is less than 150cm² is a Permitted Activity.

Rule 23.1.16 has been deleted by Plan Change 74

Insert a margin note next to the new Rule 23.1.16 as follows:

The radiofrequency emission provisions of the NES for Telecommunication Facilities still apply in respect of antennas permitted under this Plan.

25. Amend Chapter 13 (Central Area Rules) and Central Area Appendix 8 as follows:

- 3.2.2.15 A **wind tunnel test report** (or demonstrated, calibrated equivalent e.g. electronic wind tunnel) must be supplied to show compliance with the wind standards in rule 13.6.3.5.2 (unless 3.2.2.15A below applies).

The wind tunnel test study must examine the effects of the proposed building upon all areas open to the public, including roads, parks, malls, plazas, public carparks, the immediate forecourt area and entranceways to the proposed building/s. The proposed development must be tested against the existing situation except where the site is currently cleared. If the site is cleared, the proposal must be tested against any building which existed within the previous 5 years.

Details of the test requirements, and the form and content of a wind tunnel test report is outlined in Appendix 8 of Chapter 13.

- 13.6.3.5.2 New buildings, structures, or additions above 18.6 metres in height will be designed to comply with the following standards:

...

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Wind strength	Change in annual hours days of occurrence with the development at all measurement points	Requirements on developer
Strong (mean hourly wind speed = 3.5 m/s)	If hours days that 3.5 m/s is equalled or exceeded increase by more than 170 hr/yr <u>20 days/year</u> (i.e. 2-5.5% <u>20%</u> of the year)	Reduce change in hours days to a maximum of 170 hours <u>20 days</u> .
Moderate (mean hourly wind speed = 2.5 m/s)	If hours days that 2.5m/s is equalled or exceeded increase by more than 170 hr/yr <u>20 days/year</u> (i.e. 2-5.5% <u>20%</u> of the year)	Reduce change in hours days to a maximum of 170 hours <u>20 days</u> .

(c) ~~While hours exceeded at some locations in the Cumulative Effect Criteria may increase or decrease, the overall impact of a building on the wind conditions must be neutral or beneficial. Under the Cumulative Effect Criterion, the overall impact of a building on the wind conditions must be neutral or beneficial.~~

(d) COMFORT: The comfort criteria only applies to the public spaces listed in standard 13.6.3.4

Comfort wind strength	Annual hours days of occurrence with the development	Requirements on developer
Mean hourly wind speed = 2.5 m/s	If hours days that 2.5 m/s is equalled or exceeded increase above 1700 hours <u>73 days/year</u> (i.e. <u>20%</u> of the year).	If existing building exceeds 1700 hours <u>73 days</u> , then reduce number of hours days for proposed building to existing levels. If existing building is below 1700 hours <u>73 days</u> then reduce number of hours days for proposed building to below 1700 hours <u>73 days</u> .

Chapter 13 (Central Area) Appendix 8 (Wind)

- 2.4 ~~Where there is no site wind speed data of sufficient quality, the reference wind speeds shall be derived using wind data from Wellington Airport, with the following corrections;~~
- winds at a height of 10 m at Wellington Airport have equivalent mean speed to winds at a height of 150 m above Wellington City, and
 - wind directions over Wellington City are the same as those at Wellington Airport, except that the northerly wind directions (i.e. 0°-80° & 280°-360°) are rotated to the west by 10° (e.g. 360° at the airport becomes 350° over the city).
- 2.4.5 Wind speeds shall be measured for the reference wind directions (degrees clockwise with respect to true North) 150°, 170°, 190°, 210°, 320°, 340°, 360° and 020°.
- 2.5 ~~The reference wind speeds for the reference wind directions are those derived from Wellington Airport wind data. These wind speeds are the equivalent annual maximum hourly mean wind speeds at a height of 150m above Wellington City. The reference mean speeds for the reference wind directions are:~~

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150°-15m/s	170° 20m/s	190° 22m/s	210° 22m/s
320° 19m/s	340° 22m/s	360° 20m/s	020° 15m/s

2.6 The gust speeds shall be calculated ~~as at each measurement location for each wind direction:~~

$$\text{gust} = v + 3.7\sigma,$$

where v = the annual maximum hourly mean wind speed for ~~the particular all wind directions combined,~~ and

σ = the corresponding standard deviation of the wind speed.

This overall gust speed will be used to assess the compliance with the safety criteria given in standard 13.6.3.5.2 (a).

2.7 The number of ~~hours days~~ that a 1-hour mean wind speed of 2.5 m/s and 3.5 m/s are equalled or exceeded in a year shall be calculated in order to assess compliance with creep criteria given in standard 13.6.3.5.2 (b). Where applicable, the ~~hours days~~ that a 1-hour mean wind speed of 2.5 m/s is equalled or exceeded in a year shall be calculated in order to assess compliance with comfort criteria given in standard 13.6.3.5.2 (c).

2.8 ~~Where there is no wind speed data of sufficient quality, the days of occurrence shall be derived using wind data from Wellington Airport, with the following corrections:~~

- ~~winds at a height of 10 m at Wellington Airport have equivalent mean speed to winds at a height of 150 m above Wellington City, and~~
- ~~wind directions over Wellington City are the same as those at Wellington Airport, except that the northerly wind directions (i.e. 0°-80° & 280°-360°) are rotated to the west by 10° (e.g. 360° at the airport becomes 350° over the city).~~

2.9 ~~8~~ All wind speeds shall be measured at a full-scale height of 2 metres.

2.10 ~~9~~ The percentage change in ~~hours days~~ shall be calculated by dividing the change in the number of ~~hours days~~ by ~~8760- 365~~(i.e. the total ~~hours days~~ in one year)

2.11 ~~0~~ Flow visualisation tests that show the spatial extent of windy areas throughout public areas that surrounding the development shall be made for the existing situation and for the proposed development. Flow visualisation testing will include at least six different wind speeds, and be undertaken for at least two representative northerly wind directions and two representative southerly wind directions.

2.12 ~~4~~ ~~Where the standards set in 13.6.3.5.2 are not met, additional wind tunnel testing should be undertaken to quantify the effects of alternative building designs and/or modifications. Clear evidence should be gathered to show that the development is the best practical attempt to achieve these standards. This investigation of alternatives need only be for those areas around the development, and for those wind directions, where problems have been identified. However, sufficient measurements must be taken to quantify all the changes with the alternative designs.~~

~~In situations where the standards set in 13.6.3.5.2 are not met because the wind speed criteria in the surrounding area are already exceeded with the existing situation, and cannot be practically improved by changing the design of the development (e.g. because the location is too far away to be influenced by the design), analysis of the wind tunnel data should be provided to demonstrate this.~~

~~Where the standards set in 13.6.3.5.2 cannot be met, such as when the criteria are already exceeded in the surrounding area with the existing building, additional wind tunnel testing should be undertaken to quantify the effects of alternative building designs and/or modifications. Clear evidence should be gathered to show that the proposed building is the best practical aerodynamic design with respect to achieving these standards. The recording and measurement of wind speeds for this investigation of alternatives need only be for those areas around the proposed building, and for those wind directions, where problems have been identified. However, sufficient measurements must be taken to quantify all the changes with the alternative designs.~~

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...

3.11 ~~Where the standards set in 13.6.3.5.2 are not met, additional wind tunnel testing should be undertaken to quantify the effects of alternative building designs and/or modifications. Clear evidence should be gathered to show that the development is the best practical attempt to achieve these standards. This investigation of alternatives need only be for those areas around the development, and for those wind directions, where problems have been identified. However, sufficient measurements must be taken to quantify all the changes with the alternative designs.~~

In situations where the standards set in 13.6.3.5.2 are not met because the wind speed criteria in the surrounding area are already exceeded with the existing situation, and cannot be practically improved by changing the design of the development (e.g. because the location is too far away to be influenced by the design), analysis of the wind tunnel data should be provided to demonstrate this.

~~Where the standards set in 13.6.3.5.2 cannot be met, such as when the criteria are already exceeded in the surrounding area with the existing building, an assessment of alternative designs and modifications including the results of additional wind tunnel testing that quantify the wind effects shall be provided. Clear evidence should be provided that the proposed building is the best practical aerodynamic design with respect to achieving these standards. Existing wind speeds and hours of occurrence shall be reported only at the locations / wind directions where alternative designs have been tested.~~

D. UPDATES – ALTERATIONS TO VOLUMES 1 AND 3

26. Amend map of non-heritage features within the Stout Street Heritage Area, as shown in Appendix 10 of this document. Amend text in Heritage Chapter Appendix 16 as follows:

The following buildings or sites are identified as non-heritage buildings for the purpose of Rule 21B.2.2.

Name of building / feature	Number (Refer to Map 2)
Justice Park (incl. remnants of demolished buildings and Osear Wilde plaque)	4
Supreme Court annexe, Whitmore Street	2
Façade (above second floor), Courts Building, cnr, Stout and Whitmore Sts	31

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27. Amend District Plan Volume 3 (maps) to reflect new formed legal roads, as shown in Appendix 11 - Appendix 17.

28. Amend Chapter 21 (Heritage Rules) as shown below. Remove heritage tree symbol for Tree #198 from Map 16, as shown in Appendix 18 of this document.

Heritage List: Trees					
Symbol Reference	Number	Street	Map Reference:	Species	Common name
...					
198	144b	Abel Smith Street	16	Ulmus-procera	English Elm

29. Amend Chapters 3, 9, 11, 13, 15 and 17 to reflect updated noise standards by changing all references:

- from L_{10} to $LA_{eq}(15\text{ min})$
- from L_{max} to L_{AFmax}
- from L_1 to $LA_{eq}(1\text{ min})$
- from NZS 6801: 1991 "Measurement of Sound" to NZS 6801: 2008 "Acoustics – Measurement of Environmental Sound"
- from NZS 6802: 1991 "Assessment of Environmental Sound" to NZS 6802: 2008 "Acoustics – Environmental Sound"

as shown below. Also, amend the definition of Noise Emission Level as shown below.

Chapter 3 – District Plan General Provisions: Definitions

NIGHT CURFEW EXEMPTION CERTIFICATE: means a certificate issued by the Wellington City Council to the effect that the single event noise level of the stated aircraft type (and configuration) has been measured at Wellington International Airport and has been able to adequately demonstrate that it creates no more than 75 dBA L_{max} L_{AFmax} (1 sec L_{eq} L_{eq} time-weighting) at or beyond the airnoise boundary during a minimum of 10 landings and/or departures. A list of night curfew exempt aircraft shall be compiled and copies of the approved list will be maintained by WIAL with copies held at Wellington City Council offices for public inspection.

NOISE EMISSION LEVEL: means the noise level measured and assessed in accordance with NZS 6801: 1991 "Measurement of Sound" 2008 Acoustics – Measurement of Environmental Sound and NZS 6802: 1991 "Assessment of Environmental Sound" 2008 Acoustics – Environmental Noise, except as expressly provided for in this Plan.

In addition:

- The assessment of cumulative effect of activities (with the exception of road traffic noise) shall be determined. Measurement of noise shall be made in such a way that as far as reasonably practical, the contribution of individual activities creating the noise shall be identified.
- Measurement time intervals shall be selected in accordance with paragraph 5.12 NZS 6802 : 1991 2008 "Assessment of Environmental Sound" Acoustics – Environmental Noise. An appropriate survey period or periods shall be selected so that relevant and representative samples of the sound under investigation are obtained. Measurement time intervals and the number of measurements taken should cover any significant variations of sound. The particular nature and variability of the sound will determine

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~~whether simple or detailed method is used to determine the rating level described in paragraph 6, NZS 6802: 2008 Acoustics – Environmental Noise with adjustments made to the rating level as described in Appendix B: Rating Level and Adjustments, and the duration of measurement shall be sufficient to be representative of the range and variability of the sound environment. At night, single measurements shall be adequate to demonstrate non-compliance with a noise limit. At other times, the number of measurements taken shall be no less than three and shall accurately represent the variation in the sound or sounds. The number of measurements will often need to be more than three.~~

~~Where measurements are made at night they shall not be averaged for comparison with night-time limits but each measurement compared separately. The measured levels for other time periods shall be averaged to derive a single figure according to the constraints detailed in NZS 6802 : 1991 paragraph 4.5.2 and assessed in accordance with that paragraph.~~

- ~~In circumstances where the noise from any activity has special audible characteristics adjustments to the rating level are made in accordance with Appendix B4 of NZS 6802:2008 Acoustics - Environmental Noise. In most cases, the value of the adjustment (k2) shall be increased by 5dB for the sample. Where the 'reference method' is used, the value of the adjustment (k2) may be up to 6dB where justified. Only one adjustment value shall be applied to each measurements, even if more than one type of special audible characteristic is present. the L10 limits shall be reduced arithmetically by 5dB for comparison with the measured L10 descriptor of the noise. No relevant performance standard L10 descriptor shall be reduced overall by more than 5dB.~~
- ~~The following activities and specific noise sources are not appropriately controlled using assessment by NZS6802:1994 2008 Assessment of Environmental Sound Acoustics – Environmental Noise and noise rules in this Plan, unless the rule states to the contrary:~~
 - ~~vehicles driven on a road (within the meaning of s.2(1) of the Transport Act 1962) or vehicular movements on any sites which are in keeping with normal residential activity~~
 - ~~the operation of aircraft including helicopters, at Wellington International Airport and airborne aircraft elsewhere throughout the District.~~
- ~~High energy impulsive sounds such as gunfire, blasting and warning devices are not adequately controlled using assessment by NZS6802:1994 2008 Assessment of Environmental Sound Acoustics – Environmental Noise and noise rules in this Plan, unless the rule states to the contrary.~~

Noise from high energy impulsive sounds are not adequately controlled using the current New Zealand Standards. Activities that emit noise with such characteristic are generally likely to cause greater annoyance than assessment using Rules within this Plan would indicate. The impact of such activities would be assessed by reference to Section 16(1) of the Resource Management Act.

- ~~Noise from construction, maintenance and demolition activities, including those associated with the urgent repair of utilities to maintain continuity of service, on any site or on any road shall comply with, and be measured and assessed using, the recommendations of NZS6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work. Nothing in the noise rules shall be used to prevent emergency work from taking place. Such work would arise from the need to protect life or limb or minimise or prevent loss or serious damage to property or minimise or prevent environmental damage.~~
- ~~Where in noise rules in this Plan, the noise emission limit applies “at or within the boundary of any site, other than the site from which the noise is generated” then neither shall the noise standard apply at or within the boundaries of any other site included in~~

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the parcel of land that incorporates the site from which the noise is generated, provided that:

- all sites in the parcel of land are held under the same ownership or under the same management
- to be considered part of the parcel of land each site shall remain contiguous with at least one other site in the parcel that is under the same ownership.

Chapter 9 - Institutional Precinct Rules

9.1.1.2.1 Noise emission levels when measured at or within the boundary of any site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

<i>At all times</i>	<i>60dBA (L10 LAeq(15min))</i>
<i>At all times</i>	<i>85dBA (Lmax LAFmax)</i>

Chapter 9 - Institutional Precinct Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA (L10 LAeq(15min))</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA (L10 LAeq(15min))</i>
<i>At all other times</i>	<i>40dBA (L10 LAeq(15min))</i>
<i>All days 10pm to 7am</i>	<i>70dBA (Lmax LAFmax)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA (L10 LAeq(15min))</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA (L10 LAeq(15min))</i>
<i>At all other times</i>	<i>40dBA (L10 LAeq(15min))</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax LAFmax)</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Rural Area

Noise emission levels when measured at or within the boundary of any site (other than the site from which the noise is generated) in the Rural Area must not exceed:

<i>At all times</i>	<i>55dBA (L10 LAeq(15min))</i>
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and noise emission levels when measured on any Conceptual Boundary of a residential building must not exceed:

<i>Monday to Saturday 7am to 8pm</i>	<i>45dBA (L10 LAeq(15min))</i>
<i>At all other times</i>	<i>35dBA (L10 LAeq(15min))</i>
<i>All days 8pm to 7am</i>	<i>60dBA (Lmax LAFmax)</i>

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Chapter 11 - Airport and Golf Course Recreation Precinct Rules

- 11.1.1.1.6 The following are exceptions to rule 11.1.1.1.5:
...
(h) no more than 4 aircraft movements per night with noise levels not exceeding 65 dBA L_{max} L_{AFmax} (1 sec) at or beyond the airnoise boundary.
- 11.1.1.1.7 ...
(c) Restrictions on engine testing from 2300hrs to 0600hrs do not apply if engine testing can be carried out in compliance with all of the following:
(i) measured noise levels do not exceed ~~$L_{eq}(15\text{ mins})$~~ $L_{Aeq(15min)}$ 60 dBA at or within the boundary of any residentially zoned site
(ii) measured noise levels do not exceed ~~L_{max} L_{AFmax}~~ 75dBA dBA at or within the boundary of any residentially zoned site
(iii) noise levels shall be measured in accordance with NZS6801:1994 ~~“Measurement of Environmental Sound”~~ 2008 Acoustics – Measurement of Environmental Sound
- 11.1.1.1.8 Noise emission levels, from any activity within the Airport area, other than aircraft operations, engine testing and the operation of APUs (as provided for in rule 11.1.1.1.9) when measured at any residential site shall not exceed the following limits:
Monday to Saturday 7am to 10pm 55 dBA ~~L_{10}~~ $L_{Aeq(15min)}$
At all other times 45 dBA ~~L_{10}~~ $L_{Aeq(15min)}$
All days 10pm to 7am 75 dBA ~~L_{max} L_{AFmax}~~
- 11.5.1.1.1 Noise emission levels when measured at or within the boundary of any site, other than the site from which the noise is generated, shall not exceed the following:
Monday to Saturday 7am to 10pm 45 dBA ~~L_{10}~~ $L_{Aeq(15min)}$
At all other times 40 dBA ~~L_{10}~~ $L_{Aeq(15min)}$
All days 10pm to 7am 65 dBA ~~L_{max} L_{AFmax}~~

Chapter 11 - Airport and Golf Course Recreation Precinct Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	50dBA (L_{10} $L_{Aeq(15min)}$)
<i>Monday to Saturday 7pm to 10pm</i>	45dBA (L_{10} $L_{Aeq(15min)}$)
<i>At all other times</i>	40dBA (L_{10} $L_{Aeq(15min)}$)
<i>All days 10pm to 7am</i>	65dBA (L_{max} L_{AFmax})

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Chapter 13 - Central Area Rules

- 13.6.1.1.1 Noise emission levels from fixed plant shall not exceed the following at or within the boundary of any land parcel, or at the outside wall of any building on any site, other than the building or site from which the noise is emitted:
At all times 55dBA ~~L_{10}~~ $L_{Aeq(15min)}$

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10pm to 7am 70dBA L_{max} L_{AFmax}

13.6.2.1.1 [Except for noise from port related activities which is covered in 13.6.2.1.4a,]^{VAR3} noise emission levels when measured at or within the boundary of any fee simple site or at the outside wall of any building on any site, other than the site from which the noise is emitted, shall not exceed the following:

At all times 60dBA (L_{H0} $L_{Aeq(15min)}$)
At all times 85dBA (L_{max} L_{AFmax})

13.6.2.1.3 The Noise Emission Level in any public space (including streets and parks) generated by electronic sound systems (operating prior to 8 October 2007) shall not exceed 75dBA L_{H0} $L_{Aeq(15min)}$ when measured over any 2 minute period. In any event the measurements shall be made no closer than 0.6 metres from any part of a loudspeaker and at a height no greater than 1.8 metres (representative of the head of a passer-by).

13.6.2.1.4a [At any point on land at, or beyond, the Port Noise Control Line shown on Plan Map 55, noise from port related activities shall not exceed the following noise levels:

Time Period	Sound Level
Any 5 consecutive 24 hour periods	65dBA L_{dn}
Any 24 hour period	68dBA L_{dn}
10pm – 7am (all days)	60dBA L_{eq} (9 hr)
	65dBA L_{eq} (15 min)
	85dBA L_{max} L_{AFmax}

Measurements shall be made in accordance with the requirements of NZS 6801:1991-“Measurement of Sound” 2008 “Acoustics – Measurement of Environmental Sound” and NZS 6809:1999 “Port Noise Management and Land Use Planning”.

13.6.2.1.8 Noise generating equipment used as part of a special entertainment event shall be designed, tested and operated to not exceed:

7am - 12 noon 55dBA (L_{H0} $L_{Aeq(15min)}$)
12noon - 11pm 75dBA (L_{H0} $L_{Aeq(15min)}$)
11pm - 7am 45dBA (L_{H0} $L_{Aeq(15min)}$) and 75dBA (L_{max} L_{AFmax})

The noise levels for the six special entertainment events shall be monitored for the duration of the event in accordance with NZS 6801: ~~1991~~ Measurement of Sound 2008 Acoustics – Measurement of Environmental Sound. The results of the noise monitoring shall be made available to the Council.

13.6.2.8.2 Noise from any vehicle racing on the track must not exceed 100dBA L_{max} L_{AFmax} at a point 30 metres at right angles to the track, at a location where vehicles are at maximum power. This point will be determined by the Circuit Safety Inspector appointed by the New Zealand Motorsports Association.

Chapter 13 - Central Area Appendix 5 (Noise)

Except where areas are affected by noise from the Operational Port Area, activities must comply with following noise limits. Noise from the Operational Port Area must comply with the third category below.

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5.1 Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>55dBA(L10)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>50dBA(L10)</i>
<i>At all other times</i>	<i>40dBA(L10)</i>
<i>All days 10pm to 7am</i>	<i>70dBA(Lmax L_AF_{max})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

5.2 Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA(L+0 L_{Aeq(15min)})</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA(L+0 L_{Aeq(15min)})</i>
<i>At all other times</i>	<i>40dBA(L+0 L_{Aeq(15min)})</i>
<i>All days 10pm to 7am</i>	<i>65dBA(Lmax L_AF_{max})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Chapter 15 - Rural Area Rules

15.1.1.1.1 Noise emission levels resulting from noise associated with power generation, heating, ventilating or air conditioning systems, or water or sewage pumping/treatment systems and other similar domestic installations when measured at or within the boundary of any site, other than the site from which the noise is generated, in the Rural Area shall not exceed the following limits:

<i>7.00am to 7.00pm</i>	<i>55dBA(L+0 L_{Aeq(15min)})</i>
<i>7.00pm to 7.00am</i>	<i>45dBA(L+0 L_{Aeq(15min)}); and</i>
<i>7.00pm to 7.00am</i>	<i>75dBA(Lmax L_AF_{max}).</i>

15.1.1.1.2 Noise emission levels resulting from noise associated with power generation, heating, ventilating or air conditioning systems, or water or sewage pumping/treatment systems or other similar domestic installations when measured at or within any conceptual boundary of a residential building, other than the site from which the noise is generated, shall not exceed:

<i>Monday to Saturday 7am to 8pm</i>	<i>45dBA(L+0 L_{Aeq(15min)})</i>
<i>All days 8pm to 7am</i>	<i>60dBA(Lmax L_AF_{max})</i>
<i>At all other times</i>	<i>35dBA(L+0 L_{Aeq(15min)})</i>

Chapter 15 - Rural Area Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

DPC78 – General Minor Amendments to District Plan Text And Maps

<i>Monday to Saturday 7am to 7pm</i>	<i>50dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>Monday to Saturday 7pm to 10pm</i>	<i>45dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>At all other times</i>	<i>40dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Chapter 17 - Open Space Rules

17.1.1.1.1 Noise emission levels from any activity located in an Open Space Area when measured at the Conceptual Boundary of the activity must not exceed 45dBA (~~L+0~~ $L_{Aeq(15min)}$).

17.1.3.1 That there are no more than 6 concerts per calendar year. Noise from any concert must not exceed:

$L+0$ $L_{Aeq(1min)}$	<i>90dBA</i>
$L+0$ $L_{Aeq(15min)}$	<i>85dBA</i>

when measured over any 15 minute period at the front of the site at No.21 Ellice Street (Lot 10 D.P. 78).

17.1.17.1.1 Noise emission levels when measured on any residential site boundary in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 10pm</i>	<i>50dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>All other times</i>	<i>40dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Chapter 17 - Open Space Appendix 1 (Noise)

Activities must comply with the following noise limits.

Residential (Inner)

Noise emission levels when measured on any residential site in the Inner Residential Area must not exceed:

<i>Monday to Saturday 7am to 10pm</i>	<i>50dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>All other times</i>	<i>40dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

Residential (Outer)

Noise emission levels when measured on any residential site in the Outer Residential Area must not exceed:

<i>Monday to Saturday 7am to 10pm</i>	<i>45dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>All other times</i>	<i>40dBA (L+0 $L_{Aeq(15min)}$)</i>
<i>All days 10pm to 7am</i>	<i>65dBA (Lmax L_{AFmax})</i>

Where it is impractical to measure outside a dwelling, then measurements shall be made inside (with windows closed). Where indoor measurements are made the noise limits stated above shall be reduced by 15dBA.

DPC78 – General Minor Amendments to District Plan Text And Maps

Rural Area

Noise emission levels when measured at or within the boundary of any site (other than the site from which the noise is generated) in the Rural Area must not exceed:

At all times *55dBA (L10 L_{Aeq(15min)})*

and

noise emission levels when measured on any Conceptual Boundary of a residential building must not exceed:

<i>Monday to Saturday 7am to 8pm</i>	<i>45dBA (L10)</i>
<i>At all other times</i>	<i>35dBA (L10)</i>
<i>All days 8pm to 7am</i>	<i>60dBA (L_{max} L_{AFmax})</i>

E. ZONING CHANGES – ALTERATIONS TO VOLUME 3 MAPS

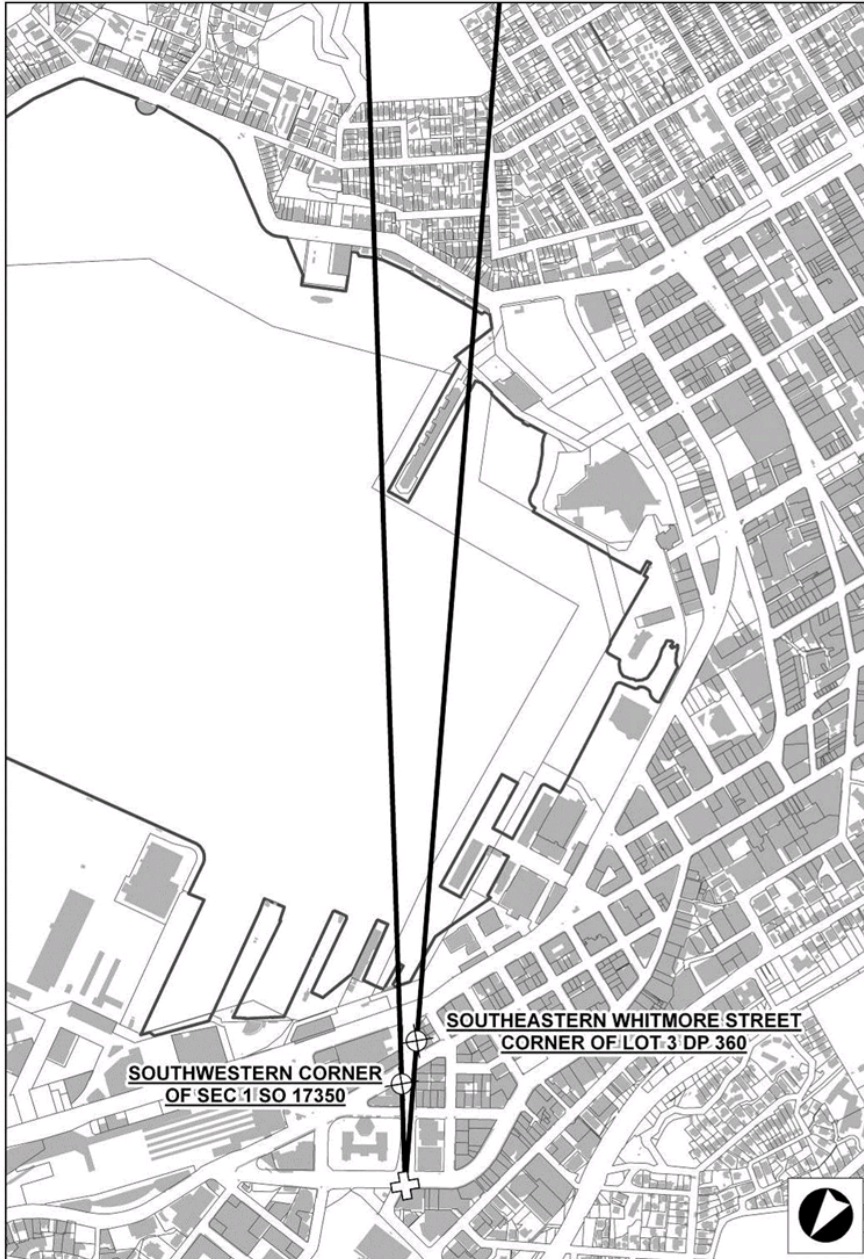
30. Change Map 16 to show Lot 1 DP 82741 (79 Dixon Street) as Central Area instead of Legal Road, as shown in Appendix 19.
31. Rezone Lot 441 DP 352897 from Outer Residential to Open Space B, as shown in Appendix 20. Amend Map 24 accordingly.
32. Rezone a portion of Pt Sec 56 Watts Peninsula District and Pt Sec 3 SO 35920 from Open Space A to Conservation, as shown in Appendix 21. Amend Map 5 accordingly.
33. Rezone Lot 28 DP 48695 (68A Victory Avenue) from Open Space A to Outer Residential, as shown in Appendix 22. Amend Map 24 accordingly.

DPC78 – General Minor Amendments to District Plan Text And Maps

Appendices

DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 1 – Amended Map for Whitmore Street Viewshaft



Appendix 2 – Area to be Shown as Outer Residential: Land Above
Seatoun Tunnel



DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 3 – Relocated Symbol for Heritage Tree #10



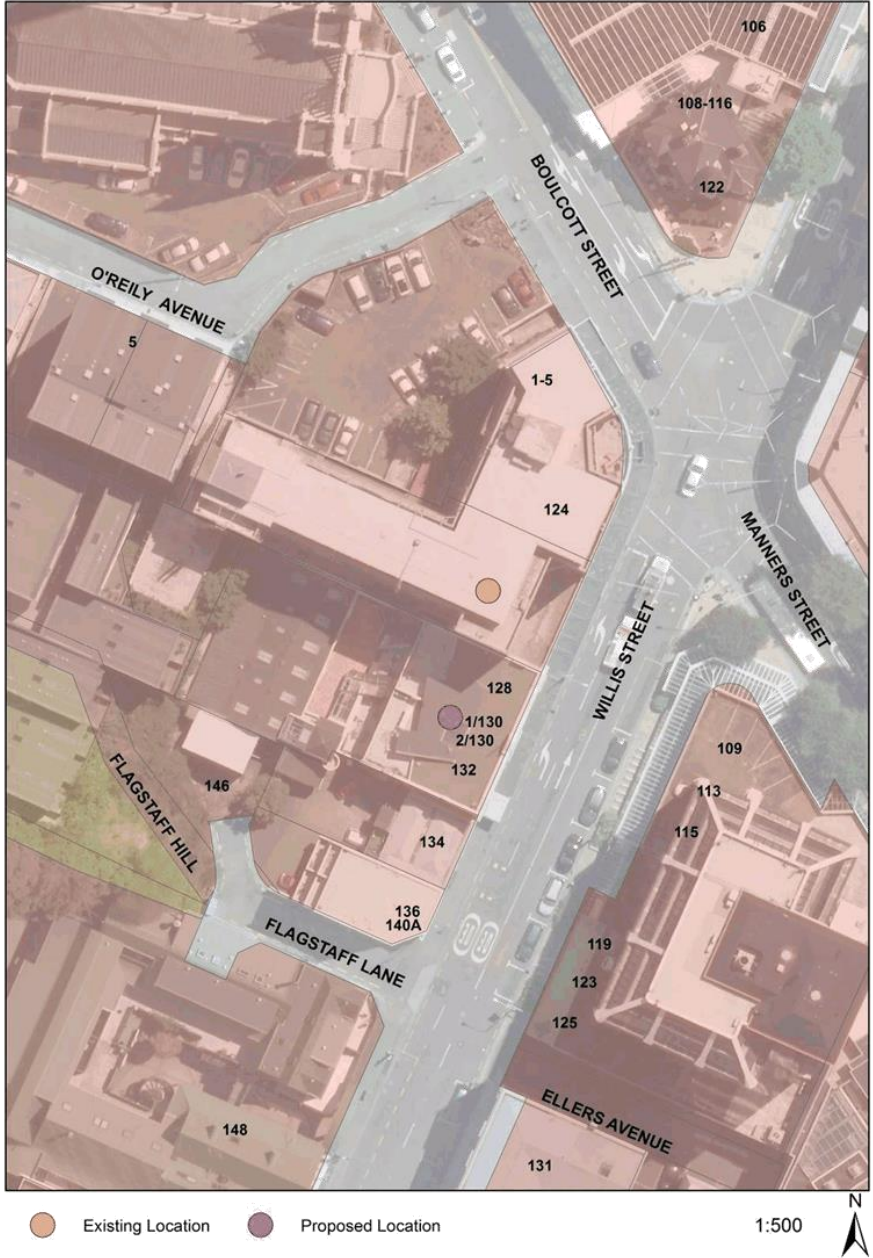
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 4 – Addition of Symbol for Heritage Tree #286



DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 5 – Relocated Symbol for Heritage Building #348

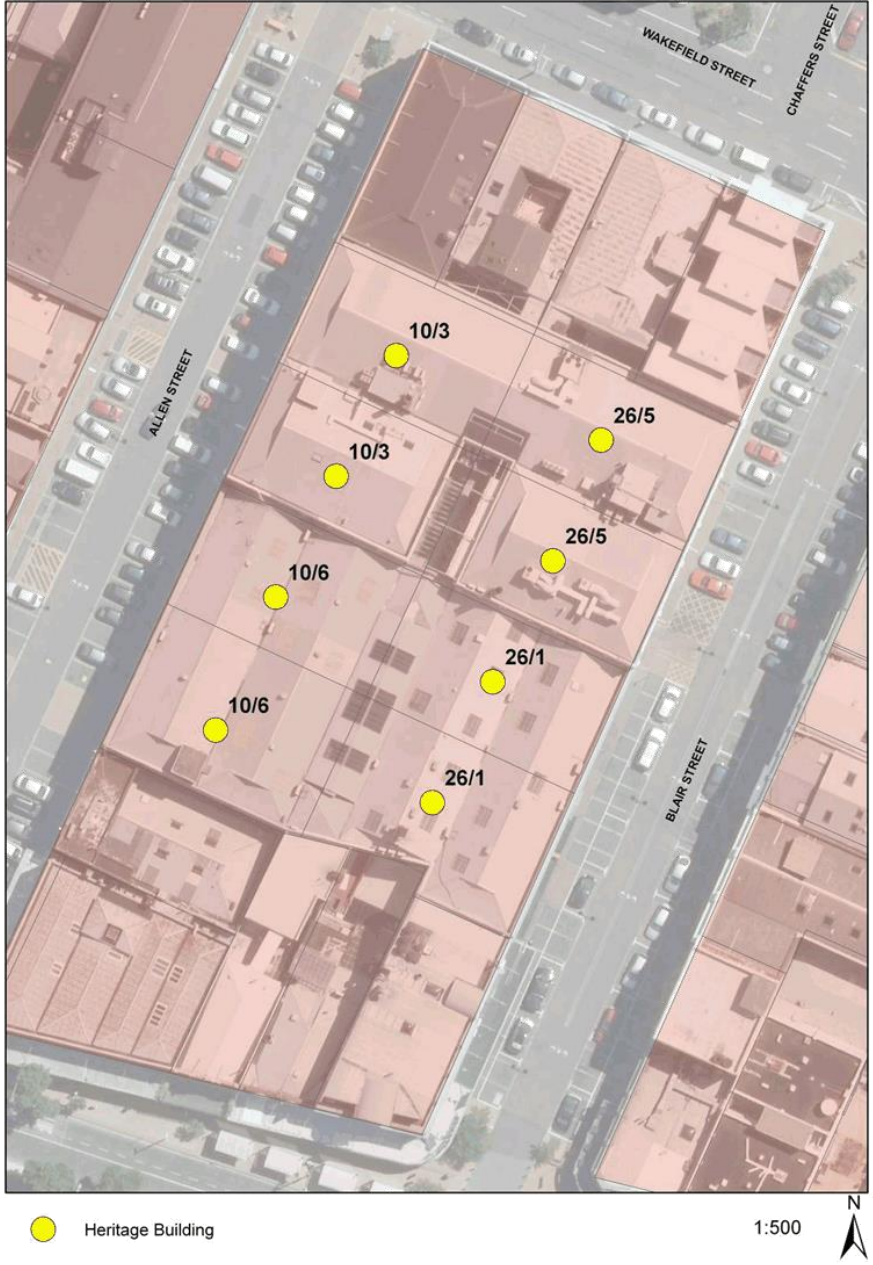


Appendix 6 – Relocated Symbol for Heritage Building #405



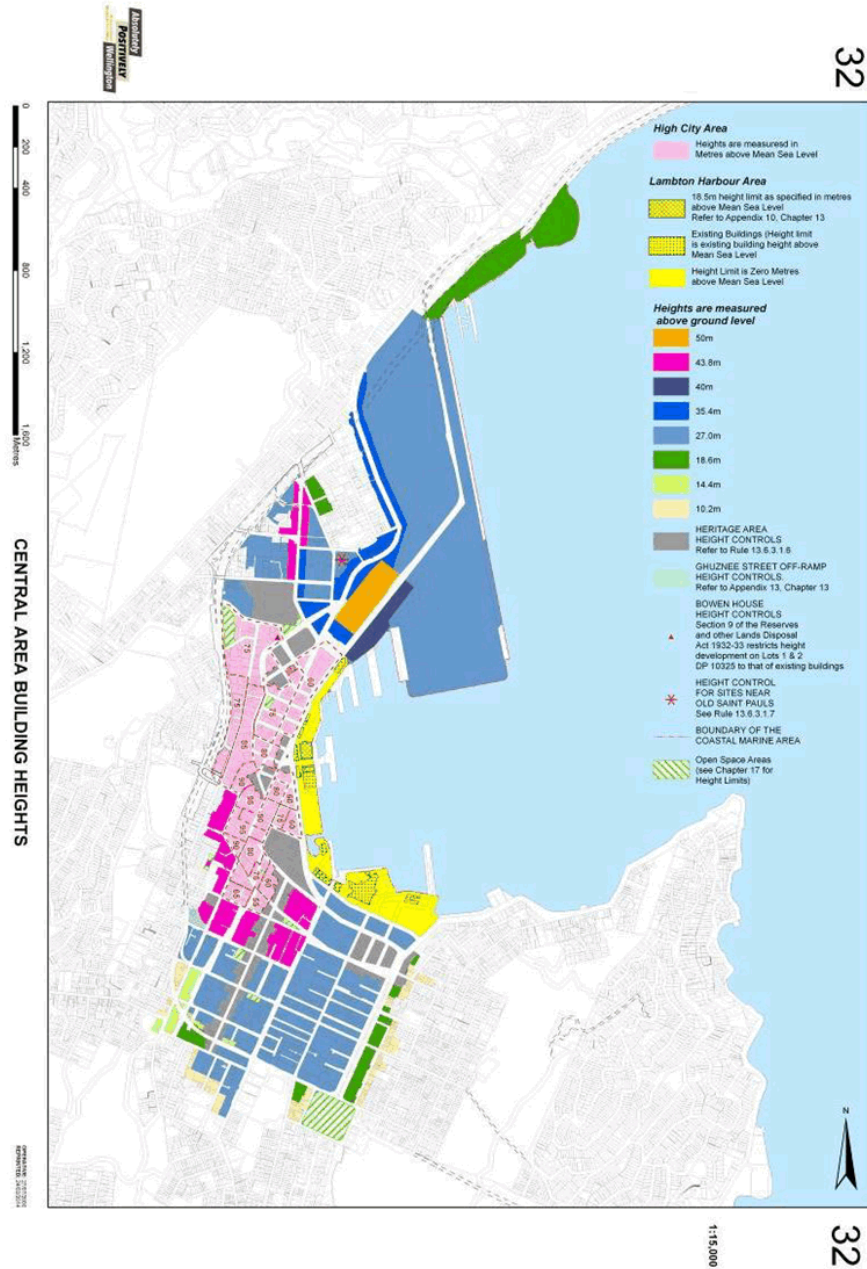
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 7 – Amended Heritage Building Labels



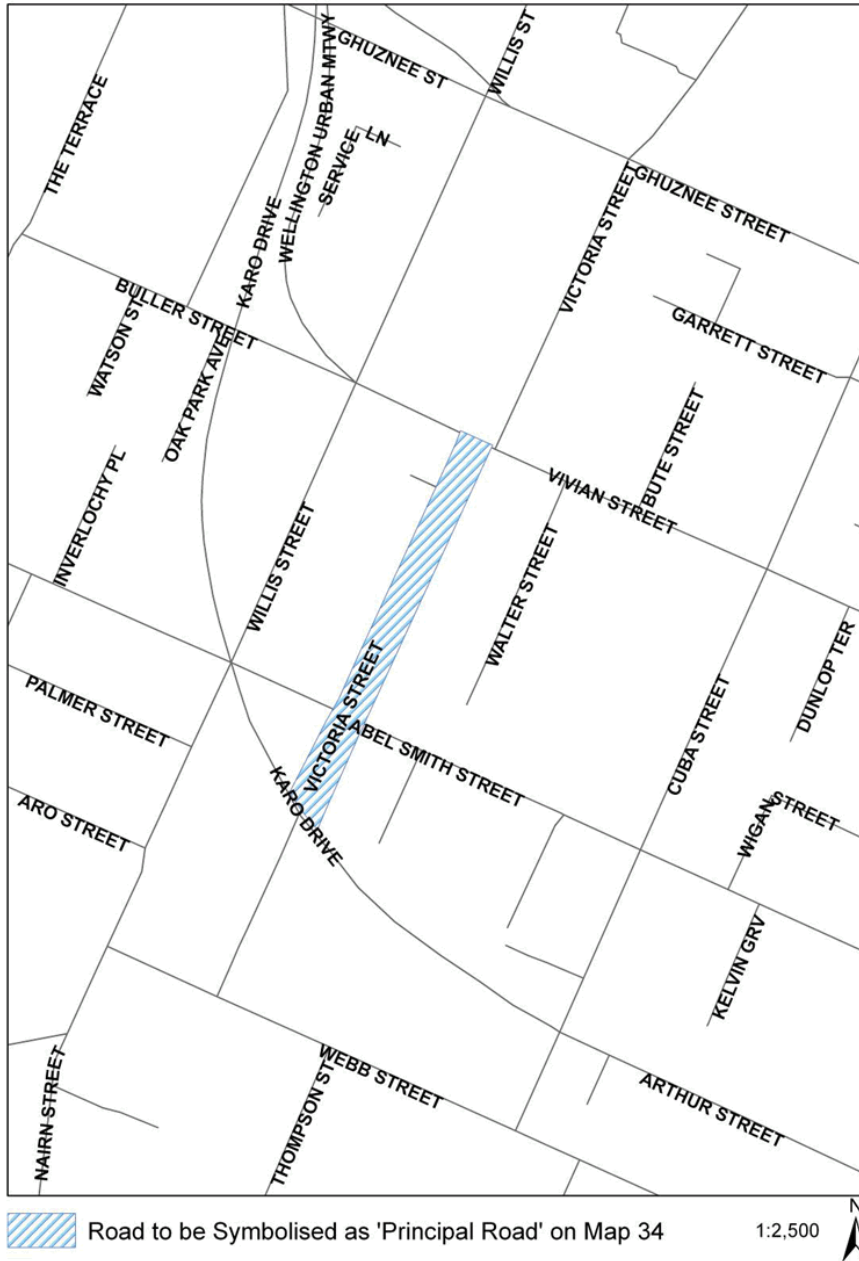
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 8 – Amended Symbology for Open Space A Areas in Map 32



DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 9 – Reincorporation of Victoria Street on Map 34

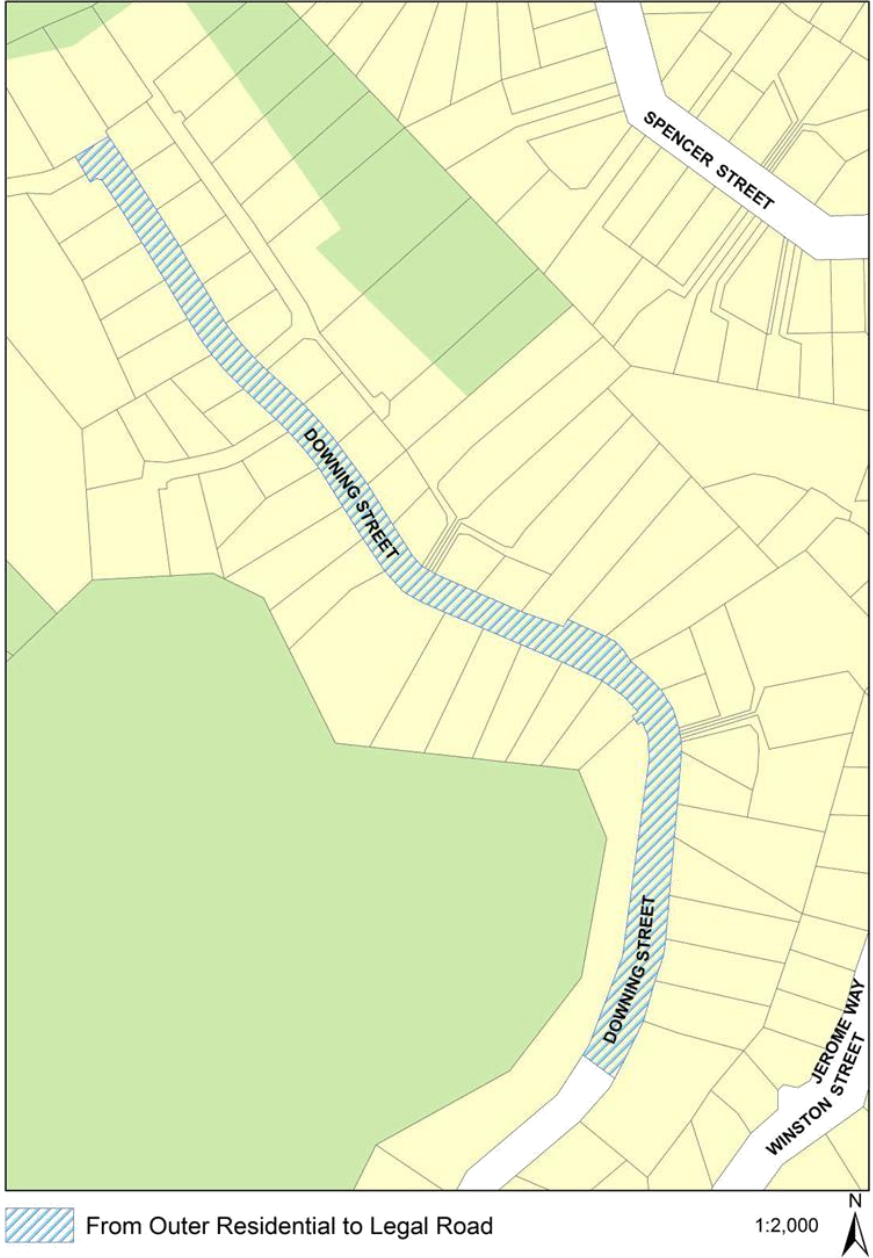


Appendix 10 – Stout Street Non-Heritage Features



DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 11 – Area to be Shown as Legal Road: Downing Street



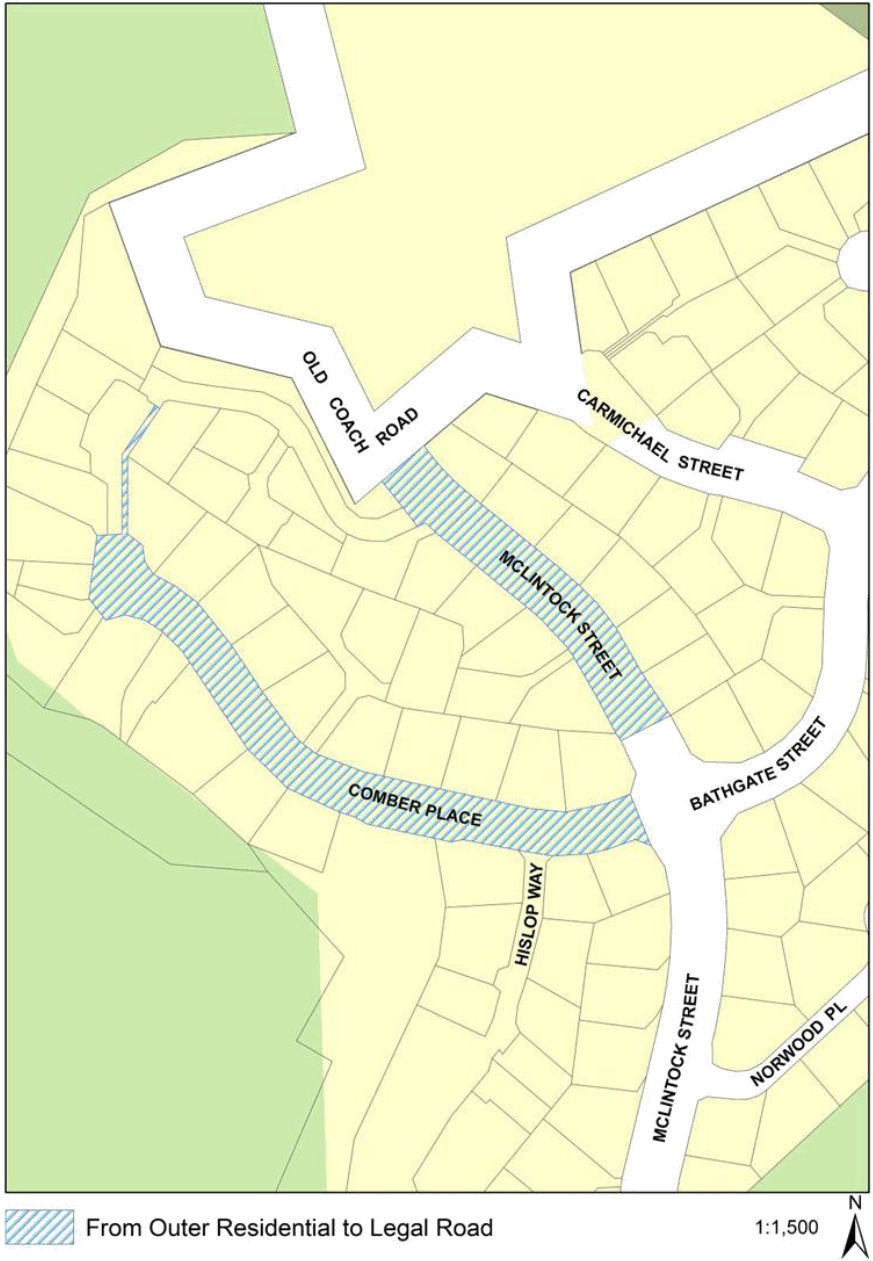
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 12 – Area to be Shown as Legal Road: Woodridge



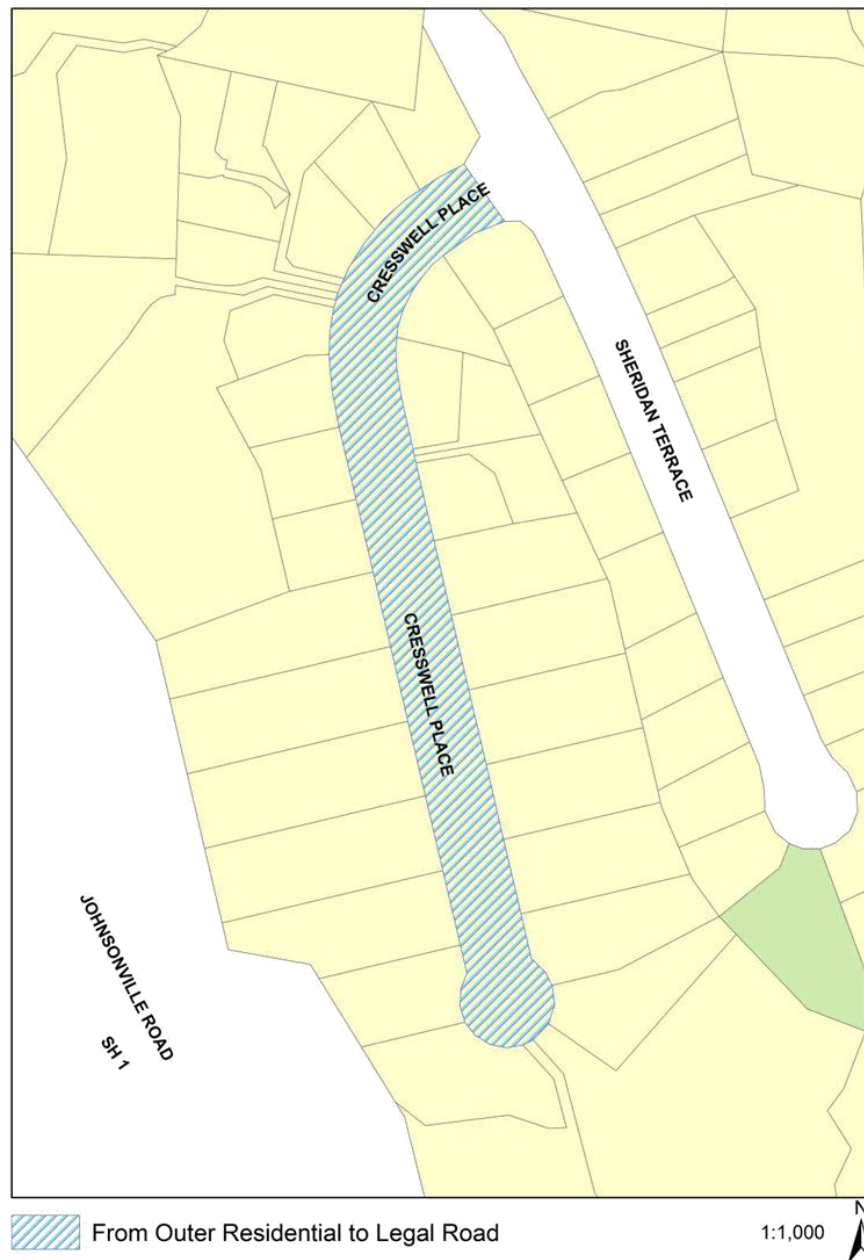
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 13 – Area to be Shown as Legal Road: Comber Place and
McLintock Street



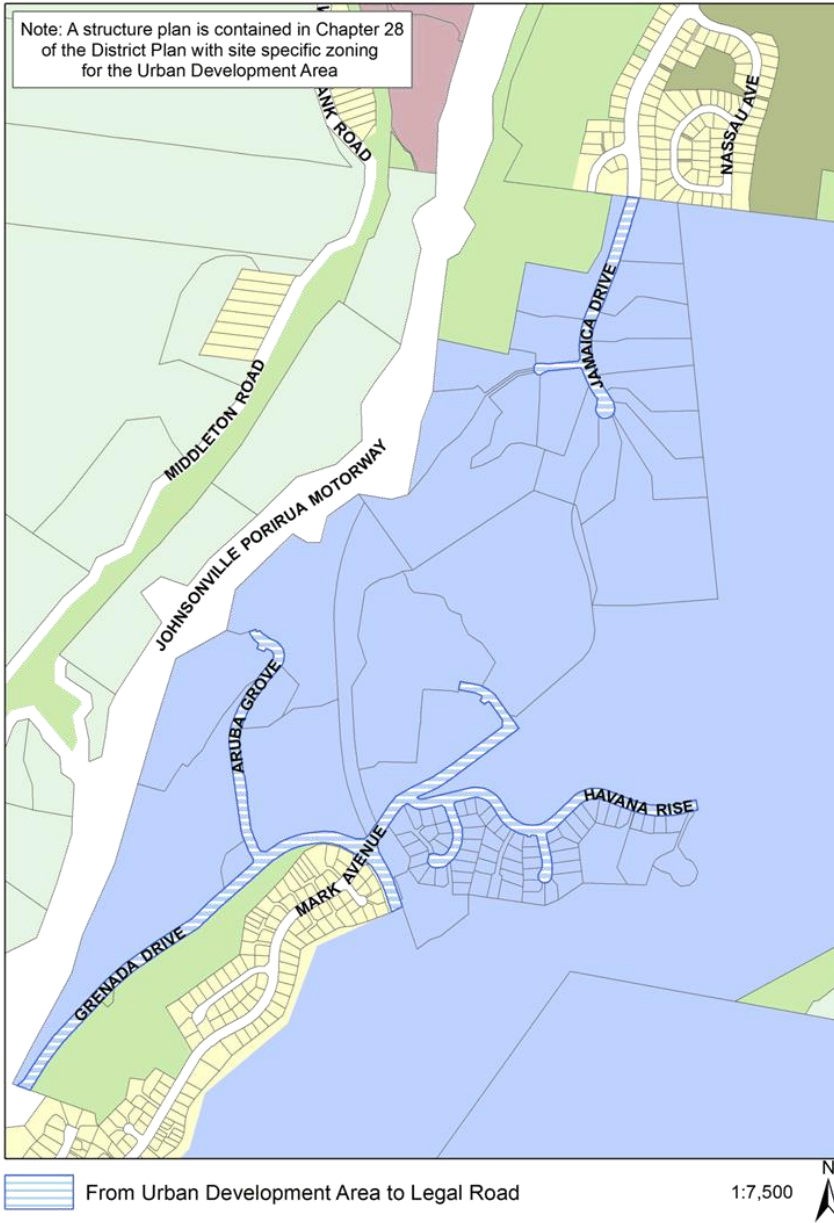
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 14 – Area to be Shown as Legal Road: Cresswell Place



DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 15 – Area to be Shown as Legal Road: Grenada Village



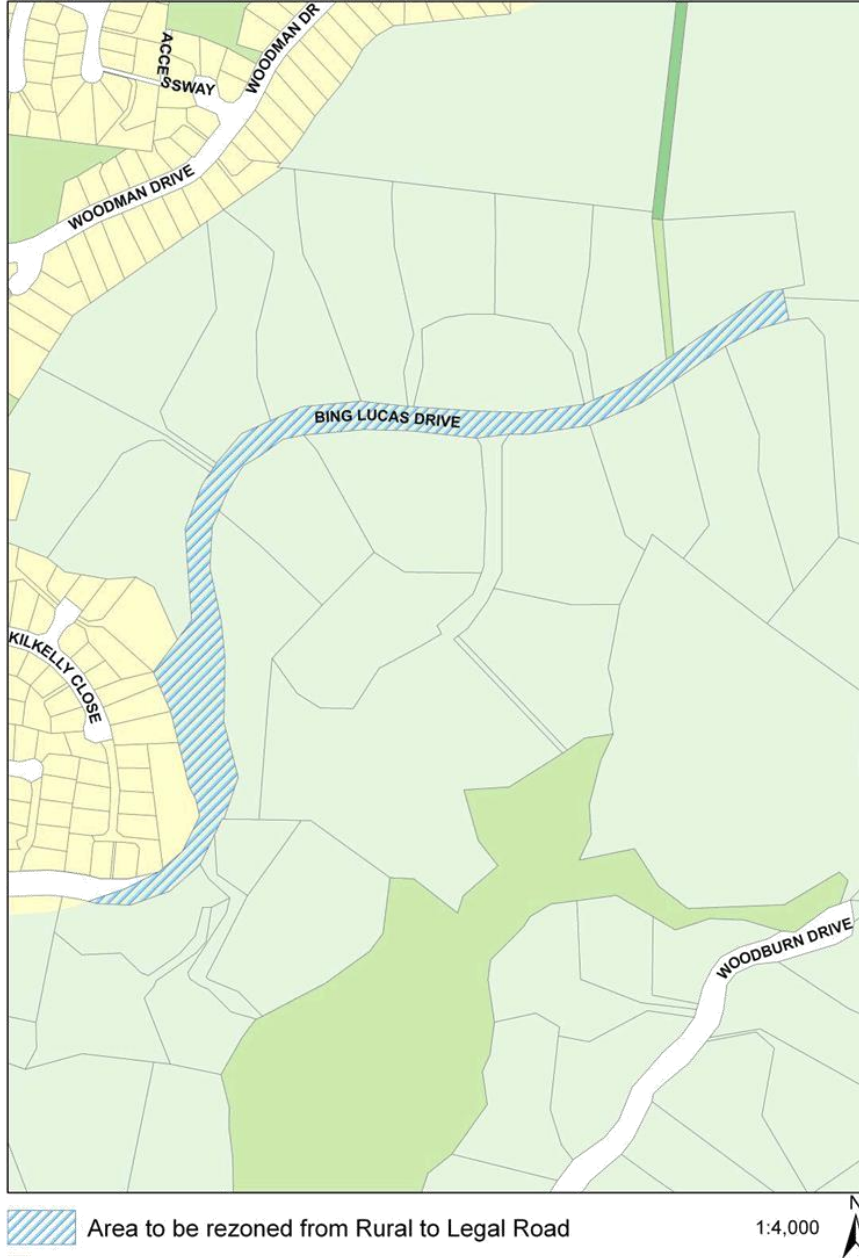
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 16 – Area to be Shown as Legal Road: Churton Park



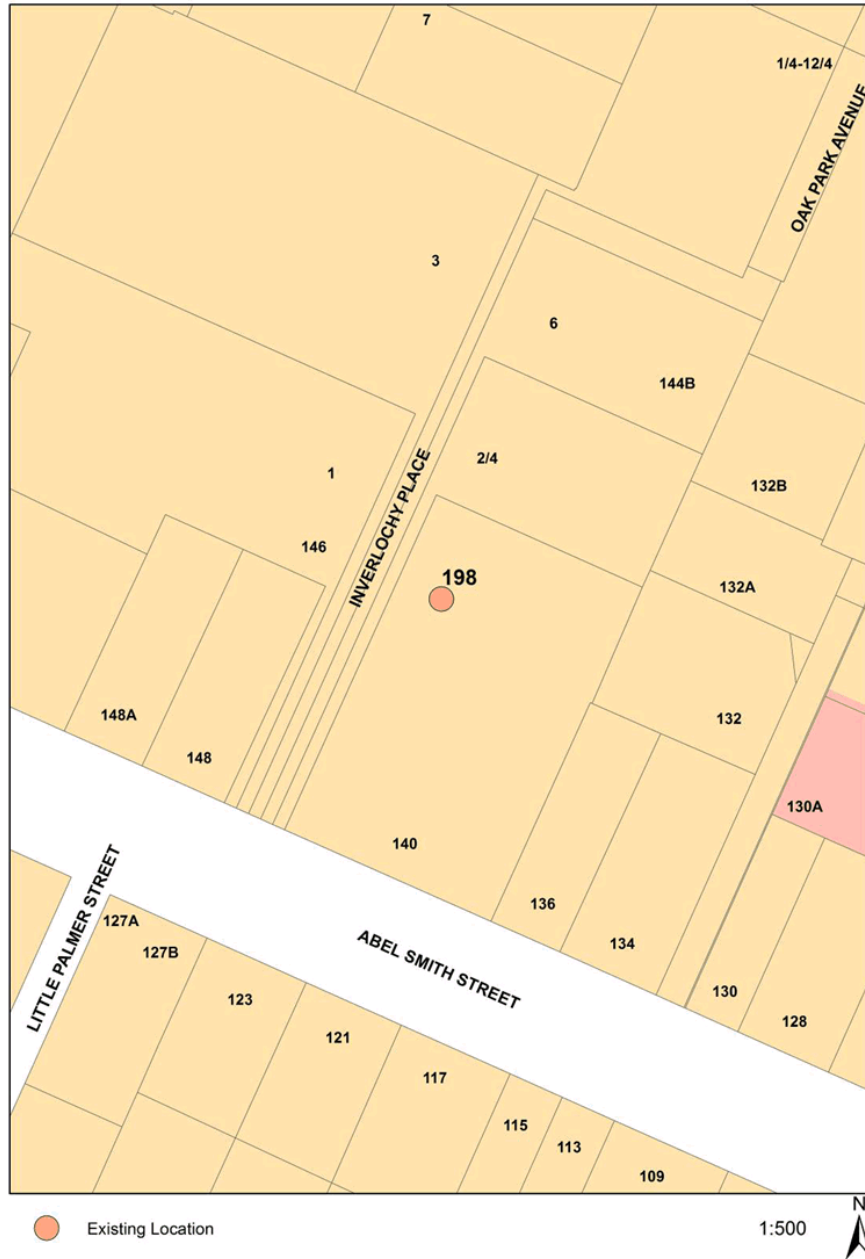
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 17 – Area to be Shown as Legal Road: Bing Lucas Drive



DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 18 – Removal of Symbol for Heritage Tree #198



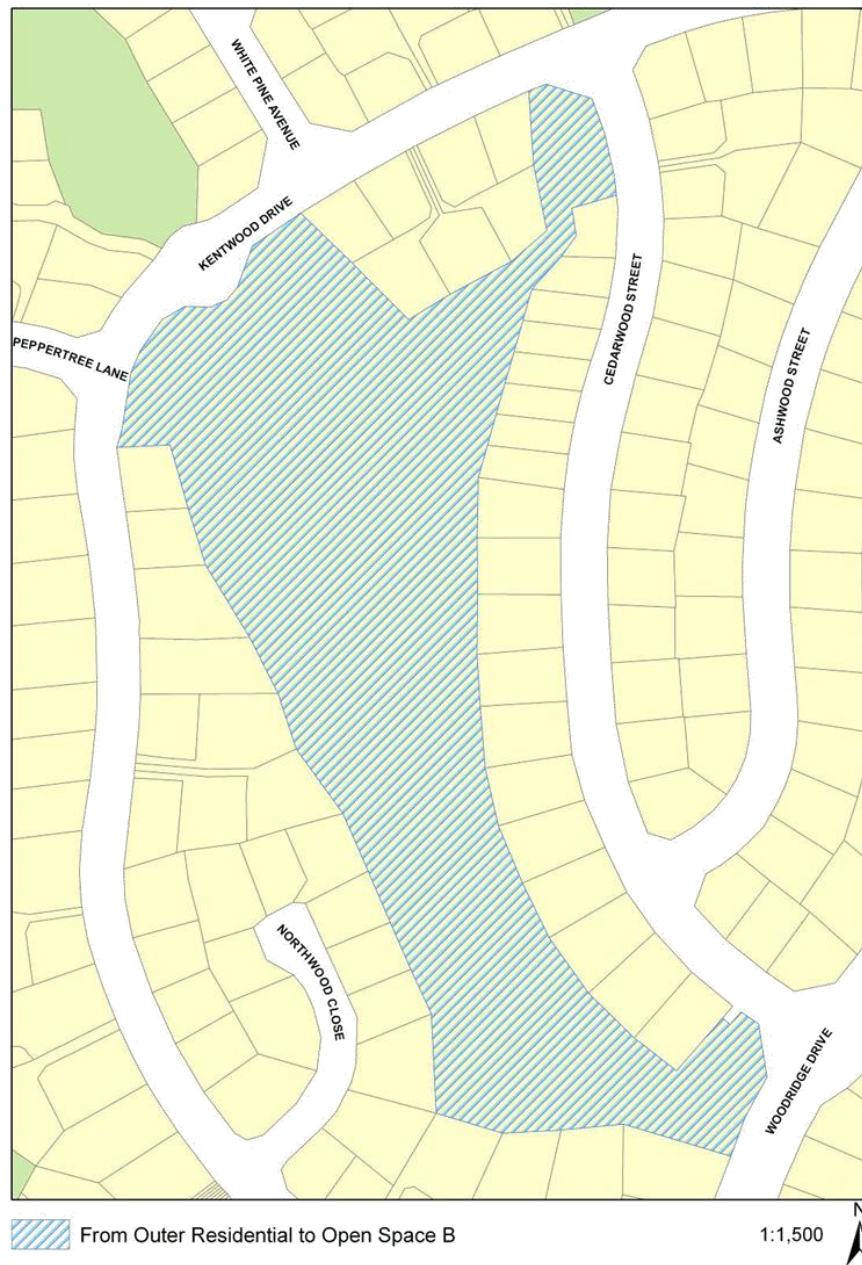
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 19 – Area to be Shown as Central Area: 79 Dixon Street



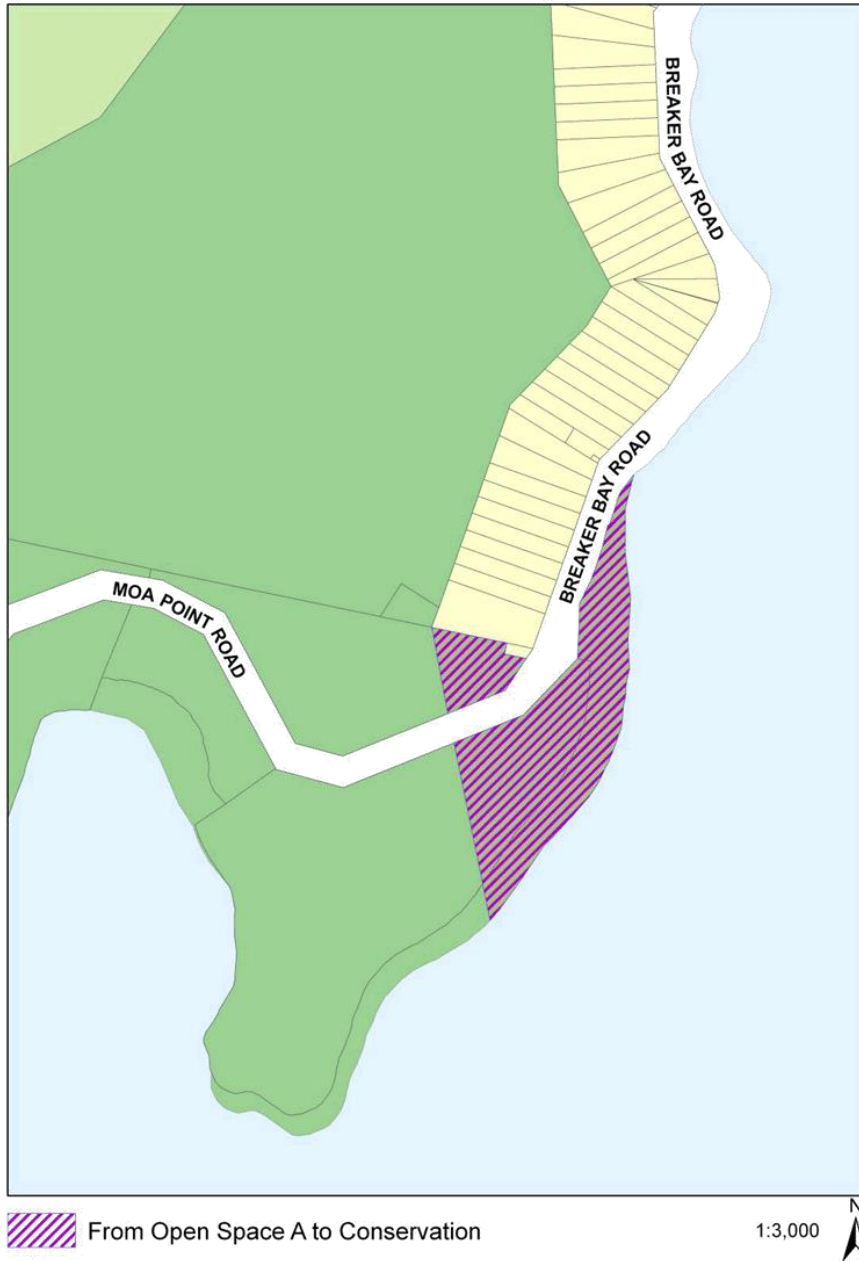
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 20 – Rezoning of Open Space in Woodridge



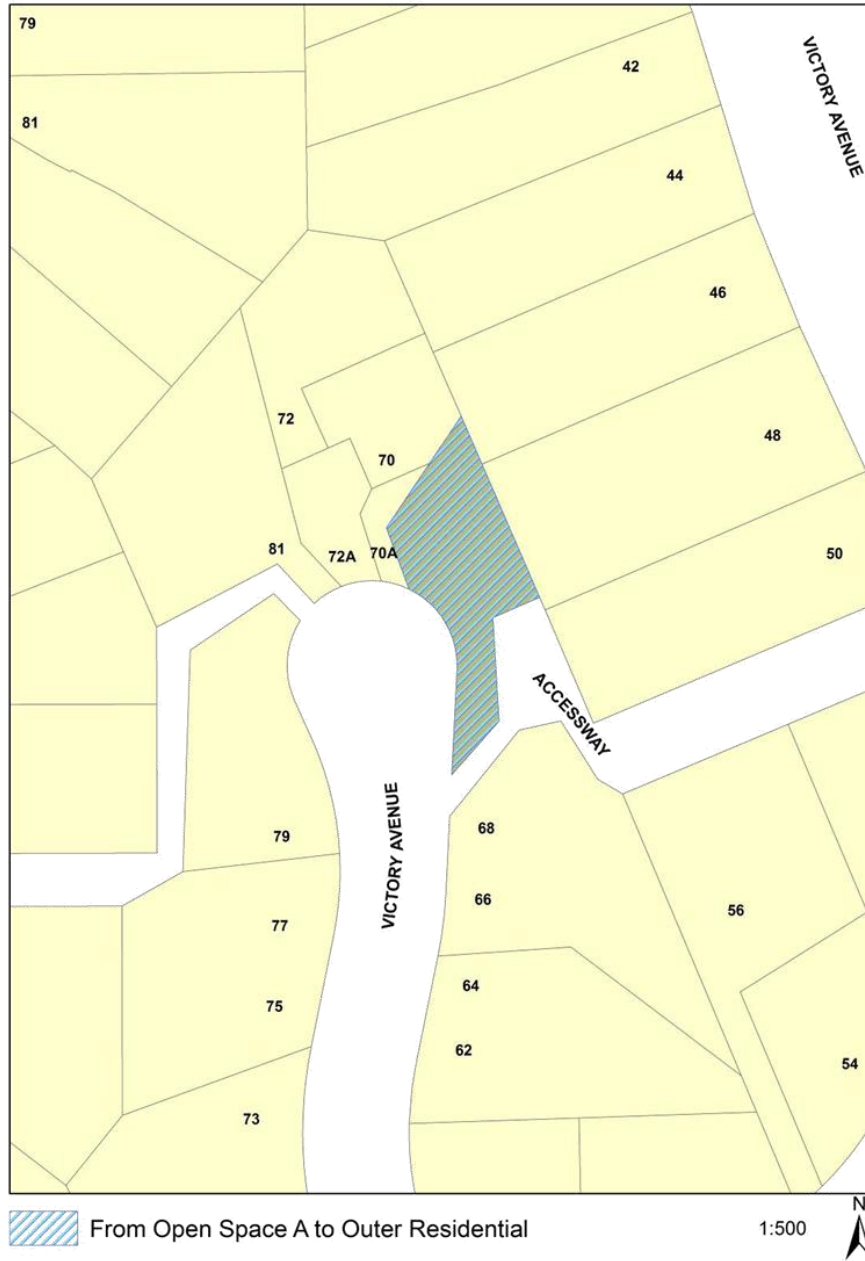
DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 21 – Rezoning of Land at Gibraltar Rock



DPC78 – General Minor Amendments to District Plan Text And Maps

Appendix 22 – Rezoning of 68A Victory Avenue



SCHEDULE OF PUBLICLY NOTIFIED MEETINGS - JANUARY 2015 TO DECEMBER 2015

Purpose

1. This report seeks the Council's approval of the proposed schedule of ordinary meetings for the Council and its committees for the period January to December 2015.

Summary

2. The adoption of a meeting schedule allows for reasonable public notice, planning of forward programmes, and for the planning of other commitments around meetings.

Recommendations

Officers recommend that the Council:

1. Receive the information.
2. Adopt the schedule of meetings for the Council and its committees for the period January 2015 to December 2015.
3. Note the following timing guidelines:
 - (a) Where possible Council meetings be held from 5.30pm.
 - (b) Where possible Council and committee meetings be held on Tuesdays, Wednesdays and Thursdays.
4. Note that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time.
5. Note that meeting times for other committees and subcommittees will be formally notified by Democratic Services.

Background

3. The Council is required to approve a schedule of meetings so that the meetings can be publicly notified in accordance with the requirements set by the Local Government Official Information and Meetings Act 1987. A schedule of Council and committee meetings has been developed and attached as Attachment 1.
4. The adoption of the schedule by Council will facilitate an open democratic process and allow for the planning of forward programmes. It also allows for elected members to plan their commitments over the period in questions.

Discussion

5. There were a number of considerations in the preparation of the schedule including:
 - Meetings are held on a six week cycle.

- The programme of the Council's consultation and deliberations activities leading into the 2015-2025 Long-term Plan.
 - Ensuring that, where possible, committee meetings are held between 9.15 am-12.30 pm, 1.00 – 4.00 pm and that Council meetings start at 5.30 pm.
 - The Council meetings at which the Long-term Plan and Annual Report are adopted are held during the day.
 - The traditional month long break in July be retained.
 - Allowing time for resource consent hearings and additional meetings for ad hoc committees, subcommittees and other bodies.
6. The aim is to reduce the need for additional or reconvened meetings and the rescheduling of meetings. However, given the breadth of the Council's work, from time to time additional or extraordinary meetings may need to be scheduled.
7. Briefings and workshops will be held on the following basis:
- Committee specific briefings will be held within the six week cycle.
 - A Chief Executive briefing will be scheduled prior to each Council meeting.
 - Council workshops have been scheduled on a monthly basis.
 - Additional briefings and workshops will be scheduled from time to time.
8. The aim is to, as much as possible, schedule meetings in the Tuesday to Thursday block. However, there will be occasions when meetings will need to be scheduled on Mondays or Fridays.

Next Actions

9. Publicly notify the 2015 schedule of meetings.

Attachments

- Attachment 1. 2015 Annual Meeting Schedule
Attachment 2. 2015 Monthly Meeting Calendar

Author	Lynlee Baily, Governance Team Leader
Authoriser	Sally Dossor, Director CEO's Office

2015 MEETING CALENDAR																												
2105	January	February	March	April	May	June	July	August	September	October	November	December	2105	January	February	March	April	May	June	July	August	September	October	November	December			
SAT													1															
SUN		1		1									2												1			
MON		2		2				1	Queen's Birthday				3											2				
TUE		3		3				2	EGA ARS				4	EGA										3	1 ARS			
WED		4		4		1		3	CSR				5	TUD										4	2			
THU	1	New Year's Day	5	TUD	5		2	4	ENV REGS	2			6	ENV REGS	3						1			5	3	M/OCB		
FRI	2	Day After	6	Waitangi Day	6		3	Good Friday	1				5											6		4		
SAT	3		7		7		4		2				6											7		5		
SUN	4		8		8		5		3				7											8		6		
MON	5		9		9		6	Easter Monday	4				8											9		7		
TUE	6		10	EGA		10	PRC		5	LTP Oral Hearings			9	PRC										10		8		
WED	7		11	CSR		11		8	C				6	LTP Oral Hearings										11		9	GFP	
THU	8		12	ENV REGS	12	TUD		9					7	LTP Oral Hearings										12		10	TCB	
FRI	9		13		13		10						8	Reserved LTP Oral Hearings										13		11		
SAT	19		14		14		11		9				13											14		12		
SUN	11		15		15		12		10				14											15		13		
MON	12		16		16		13		11				15											16		14		
TUE	13		17	Council W/Shop	17	EGA		14	Council W/Shop	12	Council W/shop	16	Council W/shop	14	18	ARS								17	Council W/shop	15		
WED	14		18		18	CSR		15	ARS				13	C										18		16	C	
THU	15		19	GFP	19	ENV REGS	16	TUD		14			17											19		17		
FRI	16		20		20		17		15				18											20		18		
SAT	17		21		21		18		16				19											21		19		
SUN	18		22		22		19		17				20											22		20		
MON	19	Anniversary Day	23		23		20		18				22											23		21		
TUE	20		24		24	Council W/Shop	21	EGA		19			23											24	EGA	22		
WED	21		25	C	25		22	CSR		20			24	C (Adopt LTP)	22	26	GFP C	23	GFP				21		25	CSR	23	
THU	22		26		26	GFP	23	ENV REGS	21	TUD			25	TUD	23	27								26	ENV REGS	24		
FRI	23		27		27		24		22				26											27		25		Xmas Day
SAT	24		28		28		25		23				27											28		26		
SUN	25		29		29		26		24				28											29		27		
MON	26		30		30		27	ANZAC Day	25				29										26	Labour Day	30	28		
TUE	27			31			28		26	GFP LTP Deliberations			30											27		29		
WED	28				29		29		27	GFP LTP Deliberations			29											30	C	28	C	30
THU	29				30	GFP		28		GFP LTP Deliberations			30											29		31		
FRI	30						29		29				31											30				
SAT	31						30		30															31				
SUN							31		31																			

KEY

C	Council
GFP	Governance, Finance and Planning Committee
EGA	Economic Growth and Arts Committee
CSR	Community, Sport and Recreation Committee
ENV	Environment Committee
TUD	Transport, Urban Development Committee
REG	Regulatory Processes Committee
PR	Performance Review Committee
ARS	Audit & Risk Subcommittee
DLC	District Licensing Committees
TCB	Tawa Community Board
M/OCB	Makara/Ohariu Valley Community Board

EW	Ride/Shop/W/Shop
FP	
WJC	
ERC	
YC	
FAC	
AAG	
OSTB	

January 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1 New Year's Day	2 Day After New Year	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19 Wellington Anniversary Day	20	21	22	23	24
25	26	27	28	29	30	31
		Notes				

February 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5 9.15am-12.30pm Transport & Urban Development Committee	6 Waitangi Day	7
8	9	10 9.15am -12.30pm Economic, Growth and Arts Committee	11 9.15am-12.30pm Community, Sport and Recreation Committee	12 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	13	14
15	16	17 9.15am-12.30pm Council Workshop	18	19 9.15am-12.30pm Governance, Finance and Planning Committee	20	21
22	23	24	25 5.30pm Council Meeting	26	27	28
		Notes				

March 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10 9.15am-11.15am Performance Review Committee	11	12 9.15am-12.30pm Transport, Urban Development Committee	13	14
15	16	17 9.15am-12.30pm Economic, Growth and Arts Committee	18 9.15am-12.30pm Community, Sport and Recreation Committee	19 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	20	21
22	23	24 9.15am-12.30pm Council Workshop	25	26 9.15am-12.30pm Governance, Finance and Planning Committee	27	28
29	30	31	Notes			

April 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3 Good Friday	4
5	6 Easter Monday	7	8 5.30pm Council Meeting	9	10	11
12	13	14 9.15am-12.30pm Council Workshop	15 9.15am-12.30pm Audit and Risk Subcommittee	16 9.15am-12.30pm Transport, Urban Development Committee	17	18
19	20	21 9.15am-12.30pm Economic, Growth and Arts Committee	22 9.15am-12.30pm Community, Sport and Recreation Committee	23 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	24	25
26	27 ANZAC Day	28	29	30 9.15am-12.30pm Governance, Finance and Planning Committee		
		Notes				

May 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 9.15am-4.00pm Governance, Finance and Planning Committee/Long-	6 9.15am-12.30pm Governance, Finance and Planning Committee Long- 5.00pm-7.30pm Governance, Finance and Planning Committee/Long-	7 9.15am-4.00pm Governance, Finance and Planning Committee / Long-	8 Reserved: 9.15am-4.00pm Governance, Finance and Planning Committee/Long-	9
10	11	12 9.15-12.30 Council Workshop	13 5.30pm Council Meeting	14	15	16
17	18	19	20	21 9.15am-12.30pm Transport, Urban Development and Committee	22	23
24	25	26 9.15am-4.00pm Governance, Finance and Planning Committee / Long- term Plan Deliberations	27 9.15am-4.00pm Governance, Finance and Planning Committee / Long- term Plan Deliberations	28 9.15am-4.00pm Governance, Finance and Planning Committee / Long- term Plan Deliberations	29	30
31		Notes				

June 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Queen's Birthday	2 9.15am-12.30pm Economic, Growth and Arts Committee 1.00pm-4.00pm Audit and Risk Subcommittee	3 9.15am-12.30pm Community, Sport and Recreation Committee	4 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	5	6
7	8	9 9.15am-11.15am Performance Review Committee	10	11 9.15am-12.30pm Governance, Finance and Planning Committee	12	13
14	15	16 9.15am-12.30pm Council Workshop	17	18	19	20
21	22	23	24 9.15am-4.00pm Council Meeting (Adopt Long-term Plan)	25 9.15am-12.30pm Transport, Urban Development and Committee	26	27
28	29	30	Notes			

July 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 9.13-12.30 Economic, Growth & Arts Committee	5 9.15am-12.30pm Transport, Urban Growth and Arts Committee	6 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	7	8
9	10	11 9.15am-12.30pm Audit and Risk Subcommittee Workshop	12 9.15am-12.30pm Community, Sport & Recreation Committee	13 9.15am-12.30pm Council Workshop 1.30pm - 3.30pm Performance Review Committee	14	15
16	17	18 9.15am-12.30pm Audit and Risk Subcommittee	19	20	21	22
23	24	25	26 9.15am-12.30pm Governance, Finance and Planning Committee 1.30pm Council Meeting	27	28	29
30	31	Notes				

September 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9 9.15am-12.30pm Council Workshop	10 9.15am-12.30pm Transport & Urban Development Committee	11	12
13	14	15 9.15am-12.30pm Economic Growth and Arts Committee	16 9.15am-12.30pm Community, Sport & Recreation Committee	17 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	18	19
20	21	22	23 9.15am-12.30pm Governance, Finance & Planning Committee	24	25	26
27	28	29	30 5.30pm Council Meeting	Notes		

October 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8 9.15am-12.30pm Transport, Urban Development Committee	9	10
11	12	13 9.15am-12.30pm Economic Growth and Arts Committee	14 9.15am-12.30pm Community, Sport and Recreation Committee	15 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	16	17
18	19 1.00pm-4.30pm Audit and Risk Subcommittee	20 9.15am-12.30pm Council Workshop	21	22 9.15am-12.30pm Governance, Finance and Planning Committee	23	24
25	26 Labour Day	27	28 5.30pm Council Meeting	29	30	31
		Notes				

November 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12 7.00pm Tawa Community Board	13	14
15	16	17 9.15am-12.30pm Council Workshop	18	19 9.15am-12.30pm Transport, Urban Development Committee	20	21
22	23	24 9.15am-12.30pm Economic Growth and Arts Committee	25 9.15am-12.30pm Community, Sport and Recreation Committee	26 9.15am-12.30pm Environment Committee 1.00pm-4.00pm Regulatory Processes Committee	27	28
29	30	Notes				

December 2015						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 9.15am-12.30pm Audit and Risk Subcommittee	2	3	4	5
6	7	8	9 9.15am-12.30pm Governance, Finance and Planning Committee	10	11	12
13	14	15	16 5.30pm Council Meeting	17	18	19
20	21	22	23	24 Christmas Eve	25 Christmas Day	26
27	28	29	30	31 New Year's Eve		
		Notes				

DISTRICT LICENSING COMMITTEE QUARTERLY REPORT: JUNE 2014

Purpose

1. This report informs Council of the activities of its District Licensing Committees (DLCs).
2. This report summarises alcohol licensing applications considered and determined by DLCs during the period 1 April 2014 to 30 June 2014, as well as matters of significance for the Council's alcohol management framework.

Summary

3. In this reporting period, the DLCs:
 - Considered and determined 480 unopposed applications;
 - Held 7 meetings at which 11 Temporary Authorities were decided; and
 - Held 3 public hearings, which comprised:
 - i. A special licence application for Spotless Services (NZ) Ltd for a Super 15 rugby match at the Westpac Stadium on Good Friday.
 - ii. A new on-licence application, objected to by local residents, for the Island Bay Pub Co Ltd to operate tavern style premises to be known as "Brew'd Island Bay" at 163 The Parade, Island Bay.
 - iii. An application for a Temporary Authority for premises at 8 Courtenay Place to be known as "Basque". This hearing was to obtain further information from the applicant directly. The application was granted.
4. Applications for special licences to serve alcohol at Easter are also discussed.
5. The Alcohol Regulatory and Licensing Authority (ARLA) instructed all DLCs that any opposed applications filed before 18 December 2013 should be directed to it to determine.
6. Council is asked to consider an amendment to the Terms of Reference for the Wellington DLCs to enable reporting to occur on an annual basis in the future.

Recommendations

Officers recommend that the Council:

1. Receive the information.
2. Agrees to the amendment of the Terms of Reference for the Wellington District Licensing Committees by the deletion of paragraph (i) as follows:

~~(i) The Secretary will prepare and submit to the Council quarterly reports on the activities of District Licensing Committee/s and any matters of significance for the Council's alcohol licensing framework.~~

Background

7. DLCs are committees of Council charged under the Sale and Supply of Alcohol Act 2012 (the Act) with considering and determining alcohol licence applications and manager's certificates. The Wellington DLCs were established from 18 December 2013 in accordance with the Act and with Council's *Terms of Reference and Delegations for the 2013/16 Triennium* adopted on 14 November 2013.
8. Quarterly reporting on the activities of the DLCs and any matters of significance for the Council's alcohol management framework is required by the Secretary (see: *Terms of Reference and Delegations for the 2013/16 Triennium* and *Publically Excluded Report 8* and *Publically Excluded Minutes* dated 14/11/13).
9. The reporting requirements above were put in place before the Wellington DLCs became operational. For reasons set out below, it is recommended that Council approves an amendment to the DLC's Terms of Reference to enable annual reporting to Council in future.

Discussion

Number of applications considered

10. A breakdown of licence and manager's certificate applications considered by the DLCs during the period 1 April 2014 to 30 June 2014 follows.

Application type		No. considered in Quarter	No. considered YTD
Manager's Certificate	Unopposed	317	450
	Opposed	0	3
Temporary Authority		12	24
Special Licence	Unopposed	85	159
	Opposed	0	0
On Licence	Unopposed	51	80
	Opposed	1	1
Off Licence	Unopposed	11	18
	Opposed	0	0
Club Licence	Unopposed	3	3
	Opposed	0	0
<i>Subtotals</i>	<i>Unopposed</i>	<i>479</i>	<i>734</i>
	<i>Opposed</i>	<i>1</i>	<i>4</i>
TOTAL		480	738

Commentary

DLC decisions of public interest

11. The Wellington DLCs convened three public hearings in the period from 1 April to 30 June 2014, two of which considered and determined applications of public interest:
 - An application by the caterer for the Westpac Stadium (Spotless Services (NZ) Ltd) for a special licence to sell alcohol on Good Friday during a Hurricanes rugby

match. There were no objections, but the DLC considered that there was public interest warranting a hearing. The licence was granted, subject to conditions designed to minimise alcohol-related harm, including a greater number of certificated managers required to patrol the public areas, more restrictive trading hours, and more substantive requirements for food provision.

- An application for a new on-licence to operate a 'family style' tavern 'Brew'd Island Bay', in premises on The Parade previously occupied by a restaurant. Local residents objected expressing concern about noise, parking and disorder. At the hearing, the applicant and objectors took a constructive approach and discussed licence conditions that would work for them all. The licence was granted and the DLC noted that the objectors said that they did not wish to put the applicant out of business. Noise concerns were addressed by restricting hours of operation, including for a garden bar area, and requiring live music to cease at 10pm. Parking was noted to be a problem in the area generally, but was held not to have been made materially worse by the applicant's business.

Easter special licences

12. Under the new Act, all operators wishing to trade on 'sacrosanct' public holidays, including Good Friday and Easter Sunday, must apply for a special licence to do so, including giving evidence of an 'event' for which that licence is required. Under the old legislation, only hotels and taverns needed to do this.
13. During this reporting period, the Wellington DLC received 7 applications for Easter special licences:
 - 3 for events related to a NZ Chinese Association sports tournament (issued);
 - The Westpac stadium for the Hurricanes game (see above);
 - The Green Man for an event to celebrate Conrad Smith's 100th jersey and timed to happen with a Hurricanes home game (issued);
 - Steamworx & Rush – this was withdrawn when they realised that they could continue to have people on the premises (at their sauna) without sales of alcohol; and
 - The Penthouse cinema.
14. The Penthouse cinema's application indicated that the 'event' for which it was sought was screening movies. The Council's licensing inspector opposed the application saying what was proposed was 'business as usual' not an 'event'. The Police, on the other hand, took the view that the showing of a movie was an 'event'. There was not enough time to convene a DLC hearing before the Easter break and the Penthouse withdrew its application. Under the new Act, it was able to serve alcohol at Easter to people dining in its café, but not to people wishing to drink while watching a movie.
15. The issue of what is and is not an 'event' in this context remains undecided by the Wellington DLC. It is a question that has been answered differently by different DLCs throughout the country. A definitive answer is needed from ARLA, but as yet no application on the question has come before it.

ARLA direction

16. During this reporting period, ARLA instructed all DLCs that it considered that any opposed alcohol licence or manager's certificate applications filed before 18 December 2013 when the new Act came into force should be directed to it to determine. In compliance with ARLA's instruction, the Wellington DLC transferred 3 opposed licence applications and 5 opposed manager's certificate applications to ARLA during this reporting period. This, in turn, reduced the number of Wellington DLC hearings during this reporting period.

Recommended change to DLC reporting frequency

17. Terms of Reference for the DLC were put in place before the Committees began operating. After six months of operations, the frequency of reporting has been reviewed and it is recommended that this be amended from quarterly to annually, for the following reasons:

- Annual reporting to the Alcohol Regulatory and Licensing Authority (ARLA) is required by the Sale and Supply of Alcohol Act 2012. Under the Wellington DLCs' Terms of Reference (paragraph (j)) Council approves this report before it is provided to ARLA. Other Territorial Authorities provide annual reports to ARLA only. It would be efficient to align reporting to ARLA and Council on the processes and workload of the Wellington DLCs.
- Council's Community, Sport and Recreation Committee can receive reports on any matters of significance for the Council's alcohol management framework. Councillors can access publically available information regarding applications to the Wellington DLCs and the full text of all decisions. The Deputy Chairs of the Wellington DLCs are Councillors, who receive monthly updates by email on the DLCs' activities. Quarterly reporting to Council creates unnecessary duplication.
- The DLC Secretary provides briefings to Councillors on request from time to time. In this way information is delivered when an issue is 'live'.

18. It is recommended that the Terms of Reference for the Wellington DLCs are amended by the striking out of paragraph (i), which currently provides:

"(i) The Secretary will prepare and submit to the Council quarterly reports on the activities of District Licensing Committee/s and any matters of significance for the Council's alcohol licensing framework."

19. It is recommended that paragraph (j) of the DLC Terms of Reference is retained; it provides:

"(j) The Secretary will prepare, for Council approval, an annual report on the proceedings and operations of District Licensing Committee/s."

Attachments

Nil

Author	Clare Needham, Principal Advisor, District Licensing
Authoriser	Greg Orchard, Chief Operating Officer

SUPPORTING INFORMATION

Consultation and Engagement

N/A

Treaty of Waitangi considerations

Nil

Financial implications

There are no financial impacts recorded in this report.

Policy and legislative implications

The requirement for the District Licensing Committees is set out in the Sale and Supply of Alcohol Act 2012. This project is contained in the Council's 2013/14 Annual Plan. District Licensing Committees' quarterly reporting is consistent with Council's Terms of Reference (see: *Terms of Reference and Delegations for the 2013/16 Triennium* and *Publically Excluded Report 8* and *Publically Excluded Minutes* dated 14/11/13).

Risks / legal

Where the District Licensing Committees' decisions and processes have been identified as having potentially significant legal consequences, Council's lawyers have been appropriately consulted.

Climate Change impact and considerations

Nil

Communications Plan

N/A

APPOINTMENT OF AN ELECTED MEMBER TO THE BOARD OF A COUNCIL CONTROLLED ORGANISATION

Purpose

1. This report seeks approval for the appointment of a Council representative to the board of the Wellington Zoo Trust (The Zoo) to fill the vacancy created by the resignation of Cr Marsh.

Recommendations

Officers recommend that the Council:

1. Receive the information.
2. Agree to appoint a Councillor to the vacancy on the board of the Wellington Zoo Trust as the Wellington City Council appointed representative.
3. Note that the appointment is to fill the vacancy created by the resignation of Cr Marsh.
4. Agree that the term of the appointment to the Wellington Zoo Trust will commence immediately on approval of this recommendation and will terminate at the earlier of the time the position is refilled following the triennial election OR 31 December of the year of the triennial election.
5. Note that Councillors appointed to the boards of Council Controlled Organisations do not receive remuneration with respect to those appointments.

Background

2. The Council's Policy on the Appointment and Remuneration of Directors and Trustees (updated March 2011) states that CCO boards comprised of four or more directors will have a designated elected member position, unless otherwise determined by Council.
3. In accordance with the Appointments Policy, Councillors can be appointed to more than one CCO or CO.
4. Unless otherwise specified the appointment will terminate at the earlier of the time the position is refilled following the triennial election OR 31 December of the year of the triennial election. Nominations for Councillor appointments to CCOs are put forward by the Mayor for ratification at a Council meeting.
5. Elected member appointees on CCO boards will be asked to formally accept their appointment.
6. Elected members should be appointed for no longer than two terms (or six years) on any one CCO board, unless Council agrees there are exceptional circumstances.

7. In line with the Council decision on 29 November 2012, elected members appointed to Council Controlled Organisations will not be remunerated in addition to their Council remuneration.

Attachments

Nil

Author	Richard Hardie, Portfolio Manager
Authoriser	Derek Fry, Director City Growth & Partnerships

SUPPORTING INFORMATION

Consultation and Engagement

Consultation has taken place between the Appointments Group and the chair of the relevant CCO. A wider consultation process is not applicable.

Treaty of Waitangi considerations

Not applicable

Financial implications

Councillors appointed to CCO boards are not remunerated.

Policy and legislative implications

The appointment is consistent with the Council's Policy on the Appointment and Remuneration of Directors and Trustees (updated March 2011).

Risks / legal

There are no significant legal implications.

Climate Change impact and considerations

Not applicable.

Communications Plan

Not required.

NORTH KUMUTOTO REPORT 1 - AUTHORISATION OF A 125 YEAR GROUND LEASE FOR SITE 10 AND APPROVAL OF NORTH KUMUTOTO PUBLIC SPACE

Purpose

1. Approval is sought to enter into a development agreement and 125 year lease of site 10 in the north Kumutoto precinct on Wellington's waterfront with Site 10 Redevelopment Limited Partnership, a subsidiary of Willis Bond & Co (Willis Bond).
2. Approval is also sought for the development of the public space in the North Kumutoto precinct.

Summary

3. Following a competitive tender process in 2013, Willis Bond were selected as the preferred developer of sites 9 and 10 with a proposal that was judged to deliver the best building design outcomes for the area, with comparable preliminary commercial terms to initiate negotiations.
4. On 27 November 2013, the Council's Transport and Urban Development Committee (TUDC) agreed that, with the exception of height, the proposal from Willis Bond conformed with the requirements of the North Kumutoto Design Brief and the Waterfront Framework.
5. Following public consultation in early 2014 on the design of the proposed site 10 building and north Kumutoto public space (including site 8), the TUDC agreed at its meeting of 8 April 2014 to recommend to the Council that it approve the preliminary concept design subject to further consideration of a number of design matters raised by the TUDC.
6. Officers have worked with the developer to address the design related issues raised by the TUDC. These were presented to the TUDC at its meeting on 21 August 2014 and the updated design has been recommended to Council for approval at this meeting.
7. Officers have concluded negotiations of the development agreement and 125 year ground lease for site 10 including commercial terms. These have been independently reviewed by property consultancy firm Property Angles Limited which has endorsed the commercial terms as acceptable and in line with the site's current market valuation.
8. The overall consideration payable under the proposed agreement is within the accepted tolerances of the market valuation.
9. Working with Isthmus, Wellington-based landscape architects, officers have developed preliminary designs for developing North Kumutoto public space that will cost up to \$5m.
10. Under this current proposal, there is no development of site 9.

Recommendations

The Transport and Urban Development Committee recommends that the Council:

1. Approves the updated design for a building on Site 10 and the associated development of public space in the North Kumutoto precinct subject to, for site 8 and other open space, encouraging the next stage of design to add:
 - a. some pocket planting
 - b. some sculpture sites
 - c. explicit accessibility assessment
 - d. one or more water fountains.

Officers recommend that the Ordinary Council Meeting:

1. Receive the information.
2. Note that due to the commercially sensitive nature of the terms of the development agreement, these will be discussed in a separate public excluded report (North Kumutoto Report 2).
3. Note that the result is a net position of \$650k against the forecast in the Annual Plan of \$1.5m as a result of resource consent costs (\$100k) and unanticipated contamination costs of up to \$750k, and that this net position excludes any consideration for site 9 for which net proceeds of \$1.75 million is currently budgeted.
4. Note that the proceeds are within the accepted tolerances of the market valuation.
5. Agree to enter into a 125 year ground lease and development agreement with Site 10 Redevelopment Limited Partnership, a subsidiary of Willis Bond & Company, subject to agreeing the commercial terms outlined in North Kumutoto Report 2.
6. Agree, subject to agreeing the commercial terms outlined in North Kumutoto Report 2 and to the development agreement becoming unconditional, to develop the North Kumutoto public space:
 - a. in accordance with the agreed design; and
 - b. at a budgeted cost of \$5 million (capex) which is in accordance with the Waterfront Development Plan in the 2012-22 Long Term Plan, and that the capital expenditure is incorporated into the 2015-25 Long Term Plan.

Background

2. The current key features of site 10 are summarised as follows:
 - A more or less level rectangular shaped site of 2,561 square metres
 - It comprises a 39 bay motorhome park which alternatively can be used as a 156 vehicle commuter car park
 - The entire site is used for motorhomes for four months of the year and in order to optimise the income from the site it operates as a combination motorhome park and commuter car park for the remaining 8 months of the year
 - The site generates a net annual income (after deduction of all costs) of \$430,000
3. Following a competitive tender process in 2013, Willis Bond were selected as the preferred developer of sites 9 and 10 with a proposal that was judged to deliver the

best building design outcomes for the area, with comparable preliminary commercial terms to initiate negotiations.

4. Note that on 27 November 2013, the Council's Transport and Urban Development Committee agreed that, with the exception of height, the proposal from Willis Bond conformed with the requirements of the North Kumutoto Design Brief and the Waterfront Framework.
5. Following the TUDC's endorsement in November 2013 of the provisional selection of Willis Bond as preferred developer of sites 9 and 10 at north Kumutoto, Willis Bond further developed and refined the design of its proposed building for site 10.
6. Willis Bond temporarily suspended further development of design for a building on site 9 pending selection of a suitable building use.
7. In early 2014, a public consultation process was undertaken on the design of the proposed building for site 10 and the north Kumutoto public space design.
8. At its meeting on 8 April 2014, the TUDC agreed to recommend to the Council that it approve the preliminary concept design for the proposed site 10 building and north Kumutoto public space design subject to further consideration of a number of design matters raised by the TUDC.
9. Officers have advanced the Committee's recommendations on site 10 and public space design issues and have worked with the developer on design development.
10. The fundamental change relative to the initial Willis Bond proposal provisionally endorsed by the TUDC at its meeting on 8 April 2014 is a building height reduction from six levels to five. The resulting height of 22.4 metres above mean sea level aligns closely with the 2012 Environment Court decision.
11. It is expected that the lowered building height will reduce significantly the potential consenting risk previously associated with the proposed development of site 10.
12. Council's Technical Advisory Group (TAG) has positively reviewed the design of the building and public space and it will have an ongoing involvement in the process of finalising the detailed design to ensure that the building and public space remain aligned to the approved design.
13. At its meeting on 21 August 2014 the TUDC agreed to recommend to Council that it approves the updated design for a building on Site 10. It also agreed to recommend that Council agree the associated development of public space in the North Kumutoto precinct subject to encouraging the next stage of design to add:
 - some pocket planting
 - some sculpture sites
 - explicit accessibility assessment
 - one or more water fountains
14. Officers and Willis Bond have now agreed the terms of a development agreement and 125 year lease of site 10 conditional on the following main terms:
 - Council approval to the design and commercial terms
 - Willis Bond obtaining a resource consent on terms acceptable to Willis Bond

- Willis Bond achieving satisfactory tenant leasing pre-commitment
15. The commercial terms have been subject to an independent financial review by the property analysis firm Property Angles Ltd which has found the present value of the purchase price to be in line with the current asset valuation and concluded that the proposed development appears to be commercially viable, subject to resource consent and tenant pre-commitment

Discussion

16. The building on site 10 will have a total gross floor area of approximately 13,300 square metres and a total estimated net lettable floor area of 10,300 square metres, capable of accommodating more than 500 office personnel in a seismically resilient, premium quality commercial office building.
17. The development will have an estimated total value of over \$70 million and it is expected to generate \$800k in annual rates for the Council.
18. Concurrent with Willis Bond’s development of the building of site 10, public space in the North Kumutoto precinct will be developed around the proposed building and Whitmore Plaza to link seamlessly with the Kumutoto Plaza to the south.
19. Willis Bond will have a two year option to present a suitable development proposal for site 9. Council has the right to rescind the option on two months notice in the event that it receives a suitable alternative development proposal for a civic amenity.
20. With the exception of the commercially sensitive commercial terms discussed in Report 2, the key legal terms and conditions of the agreement are summarised as follows:

<i>Land Area</i>	<i>2,600 square metres (final area subject to survey)</i>
<i>Lease Term</i>	<i>125 years from completion of building construction</i>
<i>Main Conditions</i>	<ul style="list-style-type: none"> • <i>Council approval to design and commercial terms</i> • <i>Willis Bond obtaining a resource consent on terms acceptable to Willis Bond</i> • <i>Willis Bond achieving satisfactory tenant leasing pre-commitment within a maximum period of 18 months from receipt of resource consent</i>
<i>Building Completion</i>	<ul style="list-style-type: none"> • <i>Within a maximum period of thirty (30) months from the contract being confirmed as unconditional</i>
<i>Other Conditions</i>	<ul style="list-style-type: none"> • <i>Ground floor public use and accessibility is guaranteed for the duration of the lease.</i> • <i>The inclusion of a Creative Business Hub to allow for a cluster of spaces which provide for creative or innovative services to suit boutique or start up enterprises for the duration of the lease.</i> • <i>TAG will continue to oversee the development of detailed designs and the resolution of design issues for the building and associated public space</i> • <i>Council contributes 30% of the cost of obtaining resource consent (Council’s share estimated at \$100,000)*</i>

	<ul style="list-style-type: none"> • Council meeting the cost of disposal of contaminated soil up to a maximum of \$750k • Council commitment to develop public space of equivalent specification to Kumutoto Plaza (estimated cost of \$5m)
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* The Council and Willis Bond will make a single resource consent application that will include the development of North Kumutoto public space and the building on Site 10.

21. The site will be developed by Site 10 Redevelopment Limited Partnership, a subsidiary development company of Willis Bond that was established for the purpose of implementing this project, with the appropriate arrangements in place with the parent company.
22. The independent property consultancy firm Property Angles Limited has undertaken an analysis of the commercial terms conditionally agreed between the Council and Willis Bond for the development of Site 10. Its conclusions are:
 - The present value of the purchase price is in line with the current asset valuation.
 - The terms as currently advised are in accordance with expected market norms
 - The proposed development, based on a high level financial analysis, appears to be commercially viable, subject to resource consent and tenant pre-commitment.
 - The Council will remain exposed to contract completion risk until such time as the agreement is confirmed as unconditional in the areas of resource consent, tenant demand and overall project viability.
 - Provision should be made in to provide a cap on Council's contribution to the cost of securing the Resource Consent.

Risks

23. During the period through to Willis Bond confirming the contract as unconditional, the Council will remain exposed to risk around completion of the contract and some of the terms and conditions in the contract:

Risk	Proposed Mitigation
Not gaining resource consent	This has been mitigated by the design of the building being more aligned to the Environment Court decision.
The time taken to obtain resource consent delays the project and affects the viability of the project	It is proposed that the applicant will seek to deal with the resource consent under the direct referral provision in the Resource Management Act.
Price adjustment to allow for site services	There is a risk that Willis Bond may seek to adjust the price if the cost of bringing utility services to the site are excessive. This is appropriately covered in the development agreement.
Increased resource consent cost to Council above the estimated \$100k	Officers are negotiating for this figure to be capped.
Not securing tenant pre-commitment	This is a market risk outside the control of the Council.
Completion risk	Failure to complete is treated as a default under the agreement and the site will revert back to the Council. This potential

	risk is considered to be minimal given Willis Bond has one of the best track records of any developer in NZ.
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Next Actions

- 24. It is intended that the application for resource consent is lodged in early October 2014. This application will be made by Willis Bond and the Council jointly so that the development of the North Kumutoto public space and the development of site 10 are dealt with together.
- 25. In the event that resource consent is granted in mid 2015, Willis Bond could potentially commence building construction as early as late 2015 dependent on achieving a satisfactory level of tenant leasing pre-commitment.
- 26. Construction of the site 10 building and adjacent public space is likely to take 20 – 24 months to complete.
- 27. The construction of the North Kumutoto public space will be timetabled once the timeframes for site 10 are clear, following the resource consent process.

Conclusion

- 28. The proposal is consistent with the Waterfront Framework. The combined development of a building on site 10 and adjacent public space will radically transform and largely complete the development of this part of the waterfront.
- 29. Willis Bond has an impressive track record as one of New Zealand’s most capable commercial developers and its extensive knowledge and experience in major projects on reclaimed land will place it in good stead for the development of site 10.
- 30. The development of a modern, seismically resilient commercial office building will be a positive addition to the current short supply of premium quality commercial office space in Wellington and will provide a significant stimulus for the Wellington construction sector.

Attachments

Nil

Authors	Ian Pike, Manager City Shaper Richard Hardie, Portfolio Manager
Authoriser	Derek Fry, Director City Growth & Partnerships

SUPPORTING INFORMATION

Consultation and Engagement

The Wellington Waterfront Framework (2001) requires all development on the Waterfront to undergo a process of public consultation to get feedback from key stakeholders and the general public on design and implementation matters in order to inform the Council's decision-making process. From 21 January to 28 February 2014, the Council undertook public consultation on a preliminary concept design for Site 10 and associated public space, the results of which were reported to the Transport and Urban Development Committee on 8 April 2014.

Treaty of Waitangi considerations

Maori have a strong connection with the harbour and waterfront that continues today, and there are several sites of significance for Mana Whenua around the waterfront. As an important stakeholder in Wellington's waterfront, Mana Whenua have been consulted on this current proposal.

Financial implications

The development of the North Kumutoto precinct on Wellington's Waterfront is accounted for in the Long Term Plan through the Waterfront Development Plan. The Waterfront Framework anticipated that the development of public space would be funded through the proceeds from commercial developments.

Policy and legislative implications

The development of the North Kumutoto precinct on Wellington's Waterfront adheres to the principles and intentions of the Waterfront Framework and the subsequent North Kumutoto Design Brief (2012).

Risks / legal

Officers have sought legal and professional advice during the negotiation of the Development Agreement for site 10.

Climate Change impact and considerations

All Development proposals for Wellington's waterfront are required to demonstrate environmentally sustainable building design including mitigating measures against climate change.

Communications Plan

Media issues around the development of North Kumutoto will be managed by External Relations.

NOTICE OF MOTION: CYCLE IMPROVEMENTS FOR ISLAND BAY

Memorandum

Date : June 12, 2014
To: The Chief Executive
From: Councillors Nicola Young and Paul Eagle
Subject: Notice of Motion: Cycle Improvements for Island Bay

In accordance with Standing Orders 3.13.1 and 3.14.1, it is proposed to move the following motion at the meeting of Wellington City Council on 27 August 2014.

Items 1, 2 and 3 of the Notice of motion are under SO 3.14.

Item 4 of the Notice of motion is under SO 3.13 and relates to Report 1 (Governance Arrangements for the 2013/16 Triennium) where Council resolved on 14 November 2013 to adopt the Committee and Subcommittee Terms of Reference and respective delegations as set out in Appendix 2 to Report 1. The relevant resolution is as follows:

Committee Structure and Delegations

4. Agree the committee and subcommittee terms of reference and respective delegations attached as Appendix 2 amended as follows:
 - i. Regulatory Processes Committee
 10. To approve Commissioners and list members under the Sale and Supply of Alcohol Act 2012

It is proposed that the Council alter the 2013/16 Triennium Terms of Reference and Delegations as set out in the underlined text below.

Notice of Motion:

That the Council:

1. *Agree that the final decisions, following consultation, on the Shorland Park to Wakefield Park stage of the Island Bay to CBD cycleway be made by the full Council, not the Transport and Urban Development Committee, and that the Committee has a power of recommendation only.*
2. *Instruct officers to prepare a draft master plan for the remaining sections of the Island Bay to CBD cycleway that identifies the proposed route(s), impacts and effects of the proposed route(s), to be reported to Council for consideration at the same time as the final decisions on the Shorland Park to Wakefield Park section of the route referred to in Recommendation One, above.*
3. *Agree that all future decisions on route selection and implementation of the Island Bay to CBD cycleway, both prior to consultation and following consultation, be made by full Council, not the Transport and Urban Development Committee, and that the Committee has a power of recommendation only.*

4. Agree that the 2013/16 Triennium Terms of Reference and delegations are altered as follows:
- i. Paragraph 2 of the Common Delegations

“The Committee has the powers necessary to perform the Committee's responsibilities, within the approved Long Term Plan and Annual Plan budgets, except that for the Shorland Park to CBD cycleway, the Transport and Urban Development Committee has a power of recommendation only and must:

- *refer all proposals for route selection and implementation to Council for decision, prior to consultation*
- *refer all final decisions on route selection and implementation to Council.*

- ii. Paragraph 14 of the Common Delegations

“Make any resolution where in a bylaw the Council has specified that a matter be regulated, controlled, or prohibited by the Council by resolution, except that for traffic resolutions relating to the Shorland Park to CBD cycleway, the Transport and Urban Development Committee has a power of recommendation only and must refer the final decision on traffic resolutions to Council.

The reasons for this are:

Council plans to spend \$43 million over the next 10 years on cycle ways. This is significant expenditure and will affect the entire city; with implications for residents, business, recreation, tourism, and other spending priorities.

The Island Bay to CBD cycle way is the first project to be rolled out. Section One of the project, 'Shorland Park to Wakefield Park', was approved by one vote at the Transport and Urban Development committee on Tuesday May 20.

Stage One has become highly controversial: dividing the tightly knit Island Bay community, and endangering the Council's reputation. Approximately 1,000 people have now signed a 'Halt and Consult' petition asking for work to be delayed until a master plan has been developed.

Approximately 200 Island Bay residents attended a meeting on Monday June 9; the largest public meeting in the suburb for decades. Huge concern was expressed about 1) lack of genuine consultation and undue haste to get the project started; 2) lack of a master plan for the whole route through to the CBD; and 3) fiscal risk to ratepayers.

For these reasons, we believe related decisions should be taken by the full governing body, not by a Council committee comprising eight elected members under delegated authority.

Lack of genuine consultation

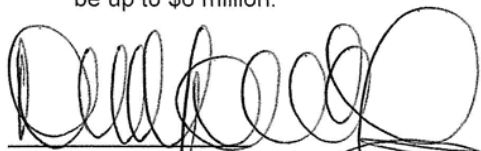
- a. The Council received 188 submissions, of which only 65 were from Island Bay (and 16 from the residents most effected, those who live in The Parade). The rest came from wider Wellington, including two from further afield (Otaki and Palmerston North).
- b. The consultation process has become mired in controversy. Concerns include: composition of the citizens' panel, depth and breadth of consultation, bullying of residents by lobby groups, and undue haste by the Council.

Lack of master plan

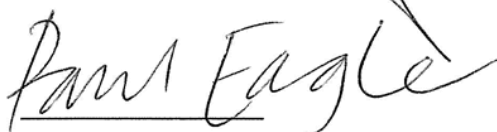
- c. Stage One is the easiest section of the proposed cycle way; the rest will be far harder to achieve.
- d. There needs to be a master plan for the whole route (Sections 2-4) before any work on Section One commences.
- e. It is irresponsible to commence work without a plan for the whole route.
- f. The New Zealand Transport Agency (NZTA) believes the Island Bay section already has a reasonable level of service, low usage and a good safety record. It believes the Council should prioritise resources towards the section between Wakefield Park and the city centre where the roads are narrow, and the level of service for cyclists is very poor.
- g. NZTA has advised it needs to understand how the whole route will be completed. It believes the unplanned Wakefield Park to city centre sections will be challenging and complex to deliver, due to space constraints that may be difficult and potentially expensive to resolve.
- h. There is a real possibility Sections 2-4 will never be completed.
- i. Council commissioned Red Design to develop options for routes in Section Two. In addition, Red Design developed options for Sections One and Three but these were withheld from the public until recently. Their alternative route for Section One was dismissed, yet it uses a similar approach to successful cycle ways in Nelson, Melbourne and Sydney.

Fiscal risk

- j. High risk of spending blowout. Section Two, for example, could cost anything from \$500,000 to more than \$10 million¹. Red Design² estimates the cost of replacing car parks in Section 2 could be up to \$6 million.



Moved: Councillor Nicola Young

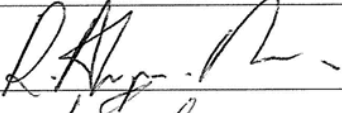
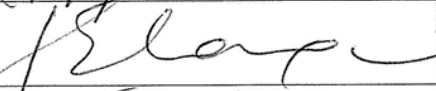

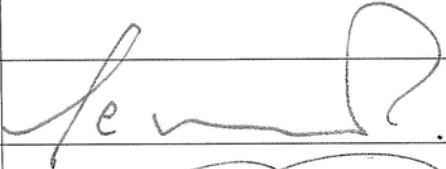
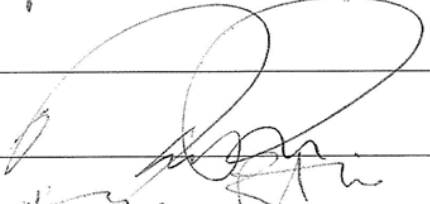

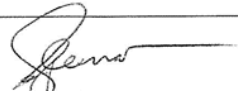




Seconded: Councillor Paul Eagle

¹ <http://wellington.govt.nz/your-council/news/2013/12/capitals-cycling-improvements-up-for-public-say>

² Red Design focuses on innovative unexpected occupancy and inhabitation of space and places in unintended ways. It is led by Martin Hanley who received the *Absolutely Positively Wellingtonian* award in 2012 for his work in community projects.

Members Signatures

Name	Signature
Mayor Wade-Brown	
Councillor Ahipene-Mercer	
Councillor Coughlan	
Councillor Eagle	
Councillor Foster	
Councillor Free	
Councillor Lester	
Councillor Lee	
Councillor Marsh	
Councillor Pannett	
Councillor Peck	
Councillor Ritchie	
Councillor Sparrow	
Councillor Woolf	
Councillor Young	

Note: The signatures above are for the purposes of SO 3.13.1 and SO 3.14.1, which require that 1/3 of members must sign the Notice of Motion.

4. Committee Reports

REPORT OF THE GOVERNANCE, FINANCE AND PLANNING COMMITTEE MEETING OF 27 AUGUST 2014

Members: Mayor Wade-Brown, Councillors Ahipene-Mercer, Coughlan, Eagle, Foster, Free, Lee, Lester, Marsh, Pannett, Peck, Ritchie, Sparrow, Woolf, Young.

The Committee recommends:

REPORT OF THE AUDIT AND RISK SUBCOMMITTEE MEETING OF TUESDAY 19 AUGUST 2014: 2013/14 FINANCIAL STATEMENTS AND STATEMENTS OF SERVICE PERFORMANCE

To be circulated

DEVELOPMENT CONTRIBUTIONS POLICY – ADOPTION OF AMENDMENTS TO POLICY FOLLOWING LGA 2002 AMENDMENT ACT 2014

To be circulated

REPORT OF THE TRANSPORT AND URBAN DEVELOPMENT COMMITTEE MEETING OF 26 JUNE 2014

Members: Mayor Wade-Brown, Councillors Coughlan, Foster, Lee, Lester, Pannett, Woolf, Young.

The Committee recommends:

LAND ACQUISITION FOR THE TAWA SHARED PATHWAY

1. Recommends that the Council:
 - (a) Acquire approximately 58m² of land subject to final survey (**the Land**) being part of 46 Findlay Street, Tawa (legally described as Lot 20 DP 2054 on CFR WN648/53) for the Tawa Shared Pathway from Greater Wellington Regional Council (GWRC).
 - (b) Authorise the Chief Executive Officer to take all steps necessary to conclude the transfer of the Land from Greater Wellington Regional Council (GWRC) pursuant to section 50 of the Public Works Act 1981, for no more than its current market value, including finalising and signing the agreement for sale and purchase, with provision for payment of Greater Wellington Regional Councils (GWRC's) reasonable costs associated with the acquisition and requiring the Land to be classified as local purpose reserve (cycleway and access).
 - (c) Classify the Land as local purpose reserve (cycleway and access) under Section 16 (2A) of the Reserves Act 1977 immediately upon its vesting in the Council.
 - (d) Note that public notification of reserve classification is not necessary under section 16 (5)(c) of the Reserves Act 1977, as the terms of agreement with Greater Wellington Regional Council (GWRC) will provide that the classification proposed is a condition subject to which the Land was acquired.

REPORT OF THE ENVIRONMENT COMMITTEE MEETING OF 6 AUGUST 2014

Members: Mayor Wade-Brown, Councillors Ahipene-Mercer, Foster, Free, Lee, Pannett, Ritchie, Sparrow.

The Committee recommends:

TRANSFER OF LAND FOR ANOTHER PUBLIC WORK – 10 TREMEWAN STREET, TAWA (PART WALL PARK)

1. Recommends that the Council:
 - (a) Agrees to transfer land approximately 2,849 m² being Part Lot 1 DP 7001 CFR WN6A/1049 to the New Zealand Transport Agency for another public work (road) pursuant to Section 52 of the Public Works Act 1981.
 - (b) Authorises the Chief Executive Officer to carry out all necessary steps, including compensation and mitigation, to transfer the land to the New Zealand Transport Agency for the purposes of construction of the Kenepuru Interchange.

5. Public Excluded

Motion to exclude the public

THAT the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 and section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
5.1 North Kumutoto Report 2 - Authorisation of a 125 year Ground Lease for Site 10	<p>s7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a) That the 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.</p>
5.2 Public Excluded Report of the Transport and Urban Development Committee Meeting of 21 August 2014	<p>s7(2)(b)(i) The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret.</p> <p>s7(2)(b)(ii) The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>s7(2)(f)(ii) The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment.</p>	<p>s48(1)(a) That the 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.</p>