

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 9:30 am
Date: Wednesday, 14 December 2016
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Lester (Chair)
Councillor Calvert
Councillor Calvi-Freeman
Councillor Dawson
Councillor Day
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Gilberd
Councillor Lee
Councillor Marsh
Councillor Pannett
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 APW Awards

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 meeting held on 9 November 2016 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.

ELECTED MEMBER APPOINTMENTS

Purpose

1. To make elected member appointments to several committees and a working party.

Summary

2. Following the decisions made at the Council meeting on Wednesday 26 October there are several additional appointments that need to be filled. One elected member needs to be appointed to the Te Awarua-o-Porirua Harbour Joint Committee. The Wellington Regional Strategy Committee require four alternate appointments to be appointed.

Recommendation/s

That the Council:

1. Receive the information.
2. Agree to appoint up to four alternate members to the Wellington Regional Strategy Committee.
3. Agree to appoint one member to the Te Awarua-o-Porirua Harbour Joint Committee

Background

3. On 26 October 2016, the Council made appointments to Council Controlled Organisations, Council Organisations, External Committees and other organisations. There are still a couple of appointments to make.

Wellington Regional Strategy Committee

4. The role of the Committee is to provide oversight of the strategic direction set out in the Strategy. The Council appointed the Mayor, Deputy Mayor Eagle, and Councillors Marsh and Calvert as members of the Committee.
5. The Council is also entitled to appoint a pool of up to four alternates to attend and vote at a meeting of the Committee, if one of the appointed members is unable to attend.
6. The Committee is administered by the Greater Wellington Regional Council and the Regional Council confirms the names of the alternates appointed.

Te Awarua-o-Porirua Harbour and Catchment Joint Committee

7. This Joint Committee administered by Porirua City Council was not included in the report considered by the Council. The purpose is to oversee the development, monitoring, review and implementation of the Strategy and Action Plan 2015 (Harbour Strategy). It is an ongoing statutory committee. It was established by agreement and resolution of the Wellington City Council, Porirua City Council and Greater Wellington Regional Council.
8. The Council has made two other appointments to the Porirua Harbour and Catchment Trust – Councillor Gilberd and Te Awarua o Porirua Whaitua – Councillor Lee. Each group has different legal status responsibilities and objectives related to ensuring the health of Porirua Harbour, catchment and waterways.

Options

9. Option one is the preferred option to make appointments to the Committees. Option 2 would be not to appoint Councillors to these Committees.

Attachments

Nil

Author	Clare Sullivan, Principal Governance Advisor
Authoriser	Kane Patena, Director Governance and Assurance

SUPPORTING INFORMATION

Engagement and Consultation

None required.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

There are no financial implications.

Policy and legislative implications

As outlined in the report.

Risks / legal

Not applicable.

Climate Change impact and considerations

There are no implications.

Communications Plan

No communications plan is required.

Health and Safety Impact considered

Not applicable.

APPROVAL OF DISTRICT PLAN CHANGES 77, 79, AND 80

1. Purpose

This report seeks approval of the following District Plan changes:

- Plan Change 77: Curtis Street Business Area
- Plan Change 79: Rezoning 42A Riddiford Street, Newtown
- Plan Change 80: General Minor Amendments to District Plan Text and Maps VII (excluding Residential Height Standard 5.6.2.5.4¹).

The current report is the final step in the plan change process and will allow the plan changes to become fully operative.

The final provisions mirror changes already approved by the Council and the Environment Court, and there is no ability to make any further amendments. The approval process under Schedule 1 is purely procedural and the sealed changes will reflect what has already been determined.

2. Recommendations

That the Council:

1. Receive the information.
2. Agree to approve the following plan changes, in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991:
 - Plan Change 77: Curtis Street Business Area
 - Plan Change 79: Rezoning 42A Riddiford Street, Newtown
 - Plan Change 80: General Minor Amendments to District Plan Text and Maps VII (excluding Residential Height Standard 5.6.2.5.4)
3. Agree that the plan changes will become operative on Monday 16 January 2017.

3. Process

Under clause 17 of the Schedule 1 of the Resource Management Act 1991, the Council is now required to approve the operative provisions and this will be given effect to by official sealing of the documents. Because of the volume of the changes, the amended sections of the District Plan have not been appended to this report. A copy is available for inspection at Democratic Services. However, the easiest way of viewing the changes is through the ePlan (<http://eplan.wellington.govt.nz/#!/Property>).

The final provisions mirror the text changes already approved by Council and the Environment Court, and there is no ability to make any further amendments at this stage. The approval process under Schedule 1 is purely procedural and the sealed changes will reflect what has already been determined.

¹ An appeal has been lodged on Plan Change 80 which relates to Residential Height Standard 5.6.2.5.4

Under clause 20 of Schedule 1, the Council is required to publicly notify the date on which the plan changes become operative. The operative date must be at least five working days after the date which the Council has publicly notified its intention to make the plan changes operative. In this case, the public notice will be included in the Dominion Post and the Wellingtonian on Friday 16 December 2016 and the operative date will be Monday 16 January 2017.

4. Discussion

4.1 Plan Change 77: Curtis Street Business Area

District Plan Change 77 was publicly notified on 11 December 2012 and relates to the re-zoning of 55-85 Curtis Street. The plan change rezones the site from 'Outer Residential Area' and 'Open Space B Area' to a new site specific 'Curtis Street Business Area'. The new zone includes site specific provisions (policies, rules, etc.) designed to acknowledge local values and constraints.

The Council received 65 submissions and 8 further submissions. A hearing was held on 2-4 September 2013 and 16 submitters attended. The Council's decision was notified on 14 January 2014 and three appeals were subsequently lodged. The appellants were Prime Property Group, Creswick Valley Residents Association, and Michael Gibson. In addition, seven other parties joined the appeal as S274 parties². Mediation between the appellants and the Council was undertaken. While this resulted in some agreement, full agreement could not be reached and the matter was taken to the Environment Court. Plan Change 77 was accepted by the Court on 7 December 2015, with some changes to the provisions.

4.2 Plan Change 79: Rezoning 42A Riddiford Street, Newtown

District Plan Change 79 is a private plan change, requested by Cuttriss Consultants on behalf of Chuni Govan. The plan change includes:

- Rezoning 42A Riddiford Street from 'Inner Residential Area' to 'Centres Area'.
- Removing the site from the 'Areas Subject to Special Buildings Standards' overlay.
- Removing the site from the 'Newtown pre-1930s demolition rule area'.

District Plan Change 79 was publicly notified on 9 July 2015. The Council received five submissions and one further submission. The further submission was rejected as it failed to support or oppose an original submission. A hearing was held on 8 December 2015 and four submitters appeared. The Council's decision was notified on 3 March 2016 and no appeals were lodged.

4.3 Plan Change 80: General Minor Amendments to District Plan Text and Maps VII

District Plan Change 80 was publicly notified on 25 November 2015. It includes a range of minor amendments and rezoning to the District Plan maps and texts. The plan change is part of regular maintenance of the District Plan and its purpose is to help the District Plan function more efficiently.

The Council received thirteen submissions. A summary of submissions was publicly notified on 4 February 2016 and no further submissions were received. A hearing was held on 27

² A s274 submitter is a submitter that did not lodge their own appeal but becomes involved in the appeal proceedings to support the position of a primary appellant.

April 2016 and five submitters attended. The Council approved the Plan Change on 29 June 2016 and the decision was notified on 14 July 2016.

An appeal has been lodged against the Council's decision, specifically against Residential Height Standard 5.6.2.5.4 (accessory buildings). The Council and the appellant has agreed to mediation and this will take place in early 2017. If mediation is unsuccessful there will be a full Environment Court hearing. In the interim, it is recommended that the Council make the undisputed parts of the Plan Change fully operative.

5. Conclusion

It is recommended that the following District Plan Changes are made operative, in accordance with clause 17 of Schedule 1 to the Resource Management Act 1991:

- Plan Change 77: Curtis Street Business Area
- Plan Change 79: Rezoning 42A Riddiford Street, Newtown
- Plan Change 80: General Minor Amendments to District Plan Text and Maps VII (excluding Residential Height Standard 5.6.2.5.4)

There is no scope for change at this stage, as this process is purely procedural and reflects previous Council and Environment Court decisions.

Attachments

Nil

Author	Joshua Patterson, Advisor
Authoriser	John McSweeney, District Plan Manager Warren Ulusele, Manager City Planning and Design David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

Not Applicable.

Treaty of Waitangi considerations

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

Financial implications

The recommendations in this report ave no LTP / finacial impact.

Policy and legislative implications

Not Applicable.

Risks / legal

The Council's lawyers have been involved as relevant during the processing of these Plan Changes.

Climate Change impact and considerations

Not Applicable.

Communications Plan

Not Applicable.

Health and Safety Impact considered

Not Applicable.

4. Public Excluded

Resolution to Exclude the Public:

THAT the Council :

Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

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
4.1 APPOINTMENT OF DIRECTOR TO A COUNCIL CONTROLLED ORGANISATION	7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	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.
