

ORDINARY MEETING

OF

CITY STRATEGY COMMITTEE

AGENDA

Time: 9.30am
Date: Thursday, 8 February 2018
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Lester
Councillor Calvert
Councillor Calvi-Freeman
Councillor Dawson
Councillor Day
Councillor Fitzsimons
Councillor Foster
Councillor Free
Councillor Gilberd
Councillor Lee
Councillor Marsh
Councillor Pannett (Chair)
Councillor Sparrow
Councillor Woolf
Councillor Young

NON-VOTING MEMBERS

Te Rūnanga o Toa Rangatira Incorporated
Port Nicholson Block Settlement Trust

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.

AREA OF FOCUS

The role of the City Strategy Committee is to set the broad vision and direction of the city, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies and policies, bylaws and regulations, and work programmes to achieve those goals.

In determining and shaping the strategies, policies, regulations, and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment between the objectives and work programmes of the seven strategic areas of Council, including:

- Environment and Infrastructure – delivering quality infrastructure to support healthy and sustainable living, protecting biodiversity and transitioning to a low carbon city
- Economic Development – promoting the city, attracting talent, keeping the city lively and raising the city's overall prosperity
- Cultural Wellbeing – enabling the city's creative communities to thrive, and supporting the city's galleries and museums to entertain and educate residents and visitors
- Social and Recreation – providing facilities and recreation opportunities to all to support quality living and healthy lifestyles
- Urban Development – making the city an attractive place to live, work and play, protecting its heritage and accommodating for growth
- Transport – ensuring people and goods move efficiently to and through the city
- Governance and Finance – building trust and confidence in decision-making by keeping residents informed, involved in decision-making, and ensuring residents receive value for money services.

The City Strategy Committee also determines what role the Council should play to achieve its objectives including: Service delivery, Funder, Regulator, Facilitator, Advocate

The City Strategy Committee works closely with the Long-term and Annual Plan committee to achieve its objectives.

Quorum: 8 members

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1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 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.

1.3 Confirmation of Minutes

The minutes of the meeting held on 26 December 2017 will be put to the City Strategy Committee for confirmation.

1.4 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.

1.5 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 City Strategy Committee.

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 City Strategy Committee.

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

2. Policy

ORAL HEARINGS FOR THE PUBLIC PLACES BYLAW REVIEW

Purpose

1. To provide a copy of the submissions and a schedule of the submitters who are making an oral submission in support of their written submission on the draft Public Places Bylaw.

Summary

2. Public consultation on the draft Public Places Bylaw took place from the 30th October and closed on the 7th of December and a total of 66 submissions were received.
3. A drop-in session was held at Evans Bay Yacht Club on the 7th of November from 5pm -7pm. The Evans Bay community were invited to come and ask questions and discuss with officers the proposed bylaw changes.
4. The schedule of submitters who will be speaking and their submissions is attached (Attachment 1).

Recommendation/s

That the City Strategy Committee:

1. Receive all of the submissions, hear the oral submissions and thank all submitters.

Background

5. The Public Places Bylaw is required to be reviewed every 10 years.
6. The Public Places Bylaw is made under the Local Government Act 2002 and allows the Council to set controls on activities in public places which may cause a nuisance, relate to the use of any public place including the road, cemeteries, beaches and local and regional parks.
7. The proposed changes contained within the draft Public Places bylaw include:
 - an extension to the Evan's Bay freedom camping site to accommodate up to 30 extra vehicles (10 large and 20 standard sites);
 - amended powers to manage damage to public places which includes specifying that no person may damage or disturb anything in a public place; and
 - other minor changes for clarity including updating the wording.

Next Actions

8. Following the oral hearings, officers will report to the Committee with a summary and response to the submissions received. The Committee will make a recommendation to Council on the proposals

Attachments

Attachment 1. Schedule of Submitters

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| | |
|------------|---|
| Author | Alice Bates, Policy Advisor |
| Authoriser | Baz Kaufman, Manager Strategy Kane Patena, Director Governance and Assurance |

SUPPORTING INFORMATION

Engagement and Consultation

1. An engagement and consultation plan was developed and adhered to for this review, in accordance with the Council's Significance and Engagement Policy.

Treaty of Waitangi considerations

2. Mana Whenua iwi are being consulted with and have no concerns with the review to date.

Financial implications

Notification: Costs associated with notifying the public of approved changes.

3. Freedom camping: If the proposed extension of the Evan's Bay Marina freedom camping site was adopted, the cost of the proposed realignment and expansion at Evans's Bay freedom camping site could include the following:

4. • Installation of car parking sensors - approximately \$15,000
5. • Landscape screening - approximately \$15,000
6. • New line markings – approximately \$5,000

Policy and legislative implications

| Existing Council Policies | Implications |
|---|--|
| Footpath Management Policy | <ul style="list-style-type: none"> • Provisions in the Footpath Management Policy on sandwich boards were considered appropriate to remain in the policy and not become part of the bylaw. • Outdoor dining is currently addressed in both the policy and the bylaw. • The Policy was also discussed at the bylaw workshops as there are a number of overlapping issues. • The underlying design principles of the Footpath Management Policy are due to be reviewed in 2018 alongside the development of the Urban Design Guide. |
| Wellington Smokefree Action Plan (SWAP) and future Smokefree Strategy | <ul style="list-style-type: none"> • The Smoke free Wellington Action Plan (SWAP) and future Smoke free Strategy to be developed in 2018 is considered the most appropriate way to target and communicate wider behaviour change around smoking. • The Council is not able to ban smoking in public places with a bylaw as smoking is a legal activity and to do so would present a conflict with the Bill of Rights. |
| Guidelines for Temporary Signage in Public Places | <ul style="list-style-type: none"> • The Guidelines are current the Council's reference mechanism for staff and public guidance on applications, approval and conditions. The bylaw is the enforcement mechanism for offences under the Guidelines. • The Guidelines define that is an offence under the Public Places Bylaw to place posters on any Council ornament, statue, structure, building or facility in a public place without the Council's prior approval. • The Guidelines were considered during the bylaw review process to be still fit for purpose and up to date. Issues raised by staff were related to enforcement which can be addressed by operational changes. |
| Commemorative Policies | <ul style="list-style-type: none"> • The Council has a number of Commemorative Policies to assist with the management of memorials. The bylaw sets controls on appropriate use of cemeteries. • The Policies are the most appropriate way to provide |

| | |
|--|--|
| | guidance for acceptable activities in cemeteries and will be reviewed in due course. |
|--|--|

| Legislation | Implications |
|---|---|
| Local Government Act 2002 | The bylaw is made pursuant to the Local Government Act 2002. |
| Freedom Camping Act 2011 | The freedom camping section of the bylaw is made pursuant to the Freedom Camping Act 2011. |
| Litter Act 1979 | The bylaw control relating to the cleaning of fish in a public place is made pursuant to the Litter Act 1979. |
| Land Transport (Road User Rule) 2004 Section 11.6A Washing of Vehicles | <ul style="list-style-type: none"> • A law was passed in August 2017 during the course of this review which made vehicle window washing an offence under the Land Transport (Road User Rule) 2004. • The current bylaw provision requiring a permit to work in the road is not legally repugnant and can still exist alongside the new legislation. • The Council does not need to enforce window washing with a bylaw and may choose to let the Police directly enforce the behaviour by issuing infringement fines under the Road User Rule. |
| Land Transport Act 1998 | <ul style="list-style-type: none"> • An amendment to the Land Transport Act in 2011 updated the bylaw-making powers previously in the Local Government Act 1974 and moved these powers to the Land Transport Act 1998 section 22AB. • Relevant sections in this bylaw which are now made under the LTA 1998 section 22AB relate to Traffic in public places, vehicle access and prohibiting vehicles on beaches. • A new section has been added to the introduction of the bylaw to clarify that these provisions are made under the LTA 1998. |

Risks / legal

7. The proposed bylaw has been legally reviewed and relevant feedback has been considered and incorporated. Officers note that due process has been followed, in accordance with the Local Government Act 2002.

This review relates to the appropriateness of both existing and new controls. Staff consider that the nature of the proposed changes are low risk.

Climate Change impact and considerations

8. There are no specific climate change implications for the Council associated with this policy.

Communications Plan

1. Once adopted officers will prepare public communications, and will notify submitters and the wider public of the changes made.

Health and Safety Impact considered

2. There are no health and safety implications for the project at this stage.

Schedule of submitters

| | |
|---------|---|
| 9.40am | Gillian Greer-Individual |
| 9.45am | Mike Woods- Individual |
| 9.50am | Brad Olsen- Wellington City Youth Council |
| 9.55am | Brad Olsen- Wellington City Youth Council |
| 10am | |
| 10.05am | Warren Rankin- Individual |
| 10.10am | |
| 10.15am | Paul Yardley- Individual |

3. Operational

RESERVES ACT 1977: STORMWATER EASEMENT - 26 PINKERTON GROVE (PINKERTON PARK)

Purpose

1. To obtain Committee approval for a stormwater easement through land held under the Reserves Act 1977 at 26 Pinkerton Grove (Pinkerton Park).

Summary

2. Wellington Water Limited (WWL) is upgrading stormwater infrastructure and have requested locating utility infrastructure on land held under the Reserves Act 1977.
3. The stormwater upgrade is to address ongoing flooding issues to the residents in Kingsbridge Place, Newlands.
4. The easement would grant permanent access to Pinkerton Park for the purposes of utilities operated by WWL.

Recommendations

That the City Strategy Committee:

1. Receives the information.
2. Agrees to grant a stormwater easement in perpetuity over reserve land at Pinkerton Park being **part of** Lot 1 DP 15269 (CFR WN637/97) pursuant to s48 of the Reserves Act 1977.
3. Notes that any approval to grant the easement (referred to above) is conditional on:
 - a. appropriate iwi consultation
 - b. public notification of the easement under s119 and s120 of the Reserves Act 1977
 - c. no sustained objections resulting from the above consultation and notification
 - d. all related costs being met by Wellington Water Limited.
4. Notes that a further report will be submitted to summarise submissions and decide whether to uphold objections, if necessary.
5. Notes that the work within the easement area will be subject to the relevant bylaw, building and/or resource consent requirements.
6. Notes that the works will proceed in accordance with final Parks, Sport and Recreation (PSR) agreement to all replanting mitigation plans, track reinstatement and park management / work access plans.
7. Delegates to the Chief Executive Officer the power to carry out all steps to effect the easement.

Background

8. The purpose of the proposed stormwater infrastructure is to reduce flooding issues in Kingsbridge Place by improving the capacity of the existing stormwater network.
9. The management plan for the reserve requires alternative locations for utilities to be considered but acknowledges that if the public benefit is great and the impact to the reserve is minor and the provisions of the Reserves Act 1977 can be met, then easements should be authorised.
10. Easements through reserve land for public utilities are dealt with under s48 of the Reserves Act 1977.
11. Easements ensure the Council is made aware of utilities that are in reserves and these can be formally recognised and recorded. It also provides a legal agreement regarding rights and obligations for access and use of reserve land.
12. The applicant is aware of the need to apply for and obtain all necessary approvals and of the public notification requirements.

Discussion

13. The site is a hillside with regenerating bush. The majority of the 50m of proposed stormwater pipe would be above-ground to minimise soil and vegetation disturbance.
14. There is an existing walking track that runs perpendicular to the route of the proposed stormwater pipe and the proposed stormwater pipe would be buried under this walking track.
15. A structure to dissipate the energy in the water would be located near the walking track. A manhole to give access to the chamber of this structure would be above-ground.
16. There would be a wing wall discharge structure near the stream, designed to minimise potential for any scouring of the stream bank and bed. Scour protection in the streambed would also be installed.
17. The effects of the stormwater discharge into the stream will be minimised through design of a system that controls maximum flow with stormwater exiting onto an energy dissipation bed at the discharge structure.
18. The existing stormwater system currently discharges further up the stream. The proposal is for the existing stormwater pipes to remain in use. Upgrading the existing pipes in their current location would require double the length of pipe work, would cross two residential properties and would still need to pass through the reserve. The proposal to have a new system to complement rather than replace the old systems meets operational requirements while minimising the impact of the project on reserves and residents.
19. Section 48(1)(f) of the Act provides for this type of easement in reserves. The reserve is the best location for the stormwater pipe, given the proximity to the point of discharge and the natural catchment area.
20. The Reserve area will be restored to its original or better condition after the completion of the work, and access and enjoyment by the public will not be altered. This includes Ecological restoration of the stream margin is proposed with weed control and revegetation with appropriate native species.
21. The applicant has consulted with the Council's PSR team who will be providing a landowner approval to do the work, subject to conditions.

22. Under the *Instrument of Delegation for Territorial Authorities* dated 12 July 2013, the Minister of Conservation has delegated authority to agree to grant easements over reserve land under s54 of the Reserves Act 1977 to Council. According to Council delegations, the power to grant easements under the Reserves Act 1977 rests with the City Strategy Committee.
23. Easements over reserve require notification if proposals will materially affect the reserve. Much of the proposed stormwater pipe, the dissipation chamber and the discharge structure are above ground and this is considered a material effect.

Options

24. The Committee can either choose to approve or decline the easement considering the feedback received from the public notification for the easement.
25. Declining the easement would have a negative impact on costs and effects on residential properties if an alternative solution to address the flooding issues in Kingsbridge Place needed to be implemented.

Next Actions

26. If the proposed resolutions are accepted, Officers will publically notify the proposal to grant an easement in February.
27. If objections are sustained through the public notification process, then the objections will be reported to Committee in March for further consideration.
28. If no objections are sustained, Officers will prepare and execute the necessary documentation and finalise all other outstanding matters.

Attachments

Nil

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|------------|---|
| Authors | Kate Brown, Reserves Planner John Vriens, Senior Property Advisor |
| Authoriser | Tracy Morrah, Property Services Manager Paul Andrews, Manager Parks, Sport and Recreation Barbara McKerrow, Chief Operating Officer |

SUPPORTING INFORMATION

Engagement and Consultation

The adjacent school and neighbouring residents have been consulted about the proposed stormwater connection work. Public consultation will also be undertaken in accordance with the Reserves Act 1977.

Treaty of Waitangi considerations

WWL will consult with iwi as required.

Financial implications

There are no financial implications for Council. All legal and LINZ costs to the easement will be met by WWL.

Policy and legislative implications

The proposal is consistent with the Council's requirements for a robust stormwater network under the Long Term Plan.

Risks / legal

The Council lawyers will prepare the easement document.

Climate Change impact and considerations

None

Communications Plan

A public notice will be placed in the newspaper and on Council's website.

Health and Safety Impact considered

This report is to consider the approval of an easement for the right to permanently have pipes in the reserve. This includes adherence to suitable health and safety requirement and identification of potential risk to public health and safety.

WELLINGTON TOWN BELT ACT 2016: STORMWATER EASEMENT - WELLINGTON TOWN BELT AT MORNINGTON GOLF CLUB

Purpose

1. To obtain Committee approval for a stormwater easement through land held under the Wellington Town Belt Act 2016 (WTBA) at 572 Adelaide Road (Mornington Golf Course).

Summary

2. The owners (Presbyterian Support Central – Kilmarnock rest home) of 20 Morten Street Berhampore are carrying out remedial works on an existing embankment.
3. The embankment is located adjacent to and on Wellington Town Belt land. The proposed remedial work includes a short length of private stormwater drainage pipes to be located at the base of the embankment connecting to the mains network that runs through the Wellington Town Belt land.
4. The easement would grant permanent rights and access to Mornington Golf Course for the purposes of maintaining the stormwater pipe connection.

Recommendations

That the City Strategy Committee:

1. Receives the information.
2. Agrees to grant a stormwater easement in favour of a private owner in perpetuity over Wellington Town Belt land at the Mornington Golf Course being **part of** Pt Lot 1 DP 10322 (CFR WN47B/388) pursuant to s20 of the WTBA.
3. Notes that any approval to grant the easement (referred to above) is conditional on:
 - a. appropriate iwi consultation
 - b. public notification of the easement under s16 of the Wellington Town Belt Act 2016
 - c. no sustained objections resulting from the above consultation and notification
 - b. all related costs being met by Presbyterian Support Central.
4. Notes that the work within the easement area will be subject to the relevant bylaw, building and/or resource consent requirements.
5. Notes that the works will proceed in accordance with final Parks, Sport and Recreation (PSR) agreement to all replanting mitigation plans, track reinstatement and park management / work access plans.
6. Delegates to the Chief Executive Officer the power to carry out all steps to effect the easement.

Background

7. The purpose of the proposed drainage pipes is to connect a subsoil drainage sump located at the base of the embankment to the existing public stormwater infrastructure which is located on Wellington Town Belt land.
8. The Wellington Town Belt Management Plan 2017 (WTBMP) requires alternative locations for utilities to be considered but acknowledges that at times if the public benefit is great and the impact to the reserve is minor and the provisions of the WTBA can be met, then easements should be authorised.
9. Easements through Wellington Town Belt land for utilities are dealt with under s20 of the WTBA.
10. Easements ensure the Council is made aware of utilities that are on Wellington Town Belt land and these can be formally recognised and recorded. It also provides a legal agreement regarding rights and obligations for access and use of Wellington Town Belt land.
11. The applicant is aware of the need to apply for and obtain all necessary approvals.

Discussion

12. The site for the proposed stormwater pipe is mown grass with a small area of reeds. The area is managed as part of the golf course but is not part of a fairway.
13. The remedial works is part of a significant redevelopment of a retirement home on the adjacent property.
14. The applicant has consulted with the Council's PSR team who will be providing a landowner approval to do the work, subject to conditions.
15. The Wellington Town Belt land will be restored to its original or better condition after the completion of the work, and the rights of the public with respect to the Wellington Town Belt land will not be altered as a result of the work.
16. The proposal would benefit the Wellington Town Belt through reducing existing ponding issues in this area.
17. Alternatives have been considered and the stormwater drainage infrastructure cannot reasonably be located elsewhere.
18. All of the proposed pipework will be underground and will not significantly alter the Wellington Town Belt land. Public notification is required under the WTBA s16.
19. Under s15(2) the Council can delegate the power to grant easements to a committee of Council. This power has been delegated to the City Strategy Committee under its terms of reference.

Next Actions

20. If the proposed resolutions are accepted, Officers will publically notify the proposal to grant an easement in February.
21. If objections are sustained through the public notification process, then the objections will be reported to Committee in March for further consideration.
22. If no objections are sustained, Officers will prepare and execute the necessary documentation and finalise all other outstanding matters.

Attachments

Nil

| | |
|------------|---|
| Authors | Kate Brown, Reserves Planner John Vriens, Senior Property Advisor |
| Authoriser | Tracy Morrah, Property Services Manager Paul Andrews, Manager Parks, Sport and Recreation Barbara McKerrow, Chief Operating Officer |

SUPPORTING INFORMATION

Engagement and Consultation

PSR and the Mornington Golf Club has been consulted about the proposed stormwater connection. Under s16 of the WTBA, the wider view of the public and persons likely to be affected must be informed and given the opportunity to make submissions on the proposed easement. A public notice will be placed in the paper.

Treaty of Waitangi considerations

The applicant will consult iwi as required.

Financial implications

There are no financial implications for Council. All legal and LINZ costs to the easement will be met by the applicant.

Policy and legislative implications

The proposed easement meets the requirements of the WTBA under s20 and the WTBMP under s9.5.4.

Risks / legal

The Council lawyers will prepare the easement document.

Climate Change impact and considerations

None.

Communications Plan

A public notice will be placed in the newspaper.

Health and Safety Impact considered

This report is to consider the approval of an easement for the right to permanently have pipes in the reserve. This includes adherence to suitable health and safety requirement and identification of potential risk to public health and safety.

4. Public Excluded

Resolution to Exclude the Public:

THAT the City Strategy Committee :

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 Health and Safety Report | 7(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. | 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. |