

ORDINARY MEETING

OF

ENVIRONMENT COMMITTEE

AGENDA

Time: 09:15 am
Date: Thursday, 11 February 2016
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 (Chair)
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.

AREA OF FOCUS

The Committee will focus on climate change initiatives, enhancing the city's open spaces, protecting biodiversity in plant, bird and animal life, and ensuring there are high quality outdoor areas for residents and visitors to enjoy. The committee is also responsible for waste minimisation, energy efficiency and the three waters (drinking water, stormwater and wastewater).

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 November 2015 will be put to the Environment 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 Environment 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 Environment Committee.

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

2. Policy

WASTEWATER SERVICE PIPES (LATERALS) IN ROAD RESERVE: PROPOSAL FOR COUNCIL TO TAKE RESPONSIBILITY FOR REPAIR AND RENEWAL.

Purpose

1. The Committee is asked to consider the proposal for the Council to take ownership of the portion of wastewater service pipes (laterals) in road reserve, and thereby take responsibility for repair and renewal of those parts.

Summary

2. Wastewater service pipes – technically called ‘laterals’- are pipes that connect the plumbing in a building to public wastewater mains (sewers). There are 64,423 wastewater laterals in Wellington and 44,609 have a portion in road reserve (around 70%). The portion in road reserve is 215 kilometres long, representing 15% of the total length of wastewater laterals with the remaining 85 % in private property.
3. Under the Lateral Policy 2005, property owners in Wellington City own, and are responsible for the maintenance or renewal of wastewater laterals all the way to the connection with the wastewater main, including any part in road reserve (carriageways, footpaths, driveway crossings, berms, and batter areas). The Council currently funds a once-only clearing of tree roots from laterals in road reserve, and owners are expected to repair or renew the lateral.
4. The Lateral Policy 2005 has been perceived as unfair by some members of the public because:
 - most damage to wastewater laterals in road reserve comes from the roots of public trees located in the road reserve, and from work on other utilities
 - working in the road reserve is costly for private owners as it requires traffic management plans, and
 - property owners have no control over work in the road reserve and any resultant damage to wastewater laterals.
5. The Lateral Policy 2005 is also out of alignment with regional practice. The prevalent approach is for councils to repair wastewater laterals in road reserve at the council's expense when the damage is the result of activities in the road reserve.
6. Wellington Water, in consultation with Council staff, have reviewed the Lateral Policy 2005 and identified several further issues associated with the current policy, the main issues are:
 - a deteriorating private network and associated costs from leakage, inflow and infiltration, and lack of network resilience
 - missed opportunities for low cost repairs and renewal options, particular those using emerging technology
 - multiple operators working in the road on various services and complexity managing damage, and

- a lost opportunity for more prudent asset management through better information. Currently there is no need to record information on assets Council does not own.
7. In order to address these issues, Wellington Water and council officers recommend that the Council review its current policy and consider taking responsibility for the repair and renewal of wastewater laterals in road reserve. The Council could do this either by taking ownership of the wastewater laterals in road reserve, or by amending the Lateral Policy 2005.
 8. If the Council takes ownership, which it may under the Local Government Act 1974, it offers the greatest potential for network efficiencies and a lower total cost to the public over time. Annual depreciation is estimated at \$780,000 per annum. Capex expenditure needs to be calculated however the depreciation amount is a useful guideline. Most work would be renewal, but tree root removal and patching would be an operating cost; annual estimates for repairs are \$100,000 to \$200,000. Some of this work is currently budgeted (for example, some tree root removals under the Lateral Policy 2005).
 9. The Council may need to consider capping renewal expenditure as it is possible there is a deferred renewal demand if the Council assumes ownership. If the Council takes responsibility without ownership, it would not necessarily achieve savings in total whole of life asset cost or address deterioration of the network. Policy and costs would remain flexible, but changes could be problematic in terms of public expectations and grounds for dispute.
 10. Importantly, Council responsibility for the 15% of wastewater laterals that are in the road reserve, in either option, would give the Council a positive point of engagement to influence the maintenance of wastewater laterals in private property (so more influence over the other 85% of the laterals network).

Recommendations

That the Environment Committee (the Committee):

- a) **Receive** the information.
- b) **Note** that the Council may take responsibility for the maintenance and renewal of wastewater laterals in road reserve with or without owning them.
- c) **Note** that the Council may by resolution declare any specified private drain to be a public drain, under section 462 of the Local Government Act 1974, and this could apply to wastewater laterals in road reserve.
- d) **Note** that officers advise that there is reasonable policy rationale for Council ownership of laterals.
- e) **Note** that a change to Council ownership offers the greatest opportunity for savings in network management and a lower total cost.
- f) **Note** that a change to Council ownership would result in a shifting of renewal costs from a user pays basis to being funded by all ratepayers.
- g) **Note** that proposed ownership would cover some 215 kilometres representing 15% of the total length of wastewater laterals, with an estimated depreciated replacement cost of \$25.4 million and estimated annual depreciation of \$0.8 million, which would be funded by rates.
- h) **Note** that a change in approach would also require additional rates funded annual operational expenditure of \$100,000 to \$200,000.

- i) **Agree** to recommend to Governance, Finance and Planning Committee that this proposal be included as part of the funding prioritisation process for the 2016/17 Annual Plan deliberations and consultation process.
- j) **Note** that similar issues apply to stormwater service connections and the approach for the Council to take responsibility to repair and renew these laterals will be reviewed at a later date in the context of the approach to stormwater network management in the Wellington region.
- k) **Note** that there are major financial implications around the precedent being set for wastewater laterals and the additional unknown financial implications of the stormwater laterals on future rates and debt levels.
- l) **Note** that a public communications plan will be developed to publicise any changes and to communicate any transition matters clearly.

Background

11. Wellington Water manages the three waters (water supply, wastewater and stormwater) networks in the greater Wellington urban area. The Council Controlled Organisation is owned by Hutt, Porirua, Upper Hutt and Wellington City Councils and the Greater Wellington Regional Council. Wellington Water was established in 2014 with a merger of Capacity Infrastructure Services and Greater Wellington Regional Council's water supply group.
12. Wellington Water has been given guidance by the Wellington Water Committee (a committee of elected representatives of the five councils) to take a regional view of three waters including seeking regional alignment of three waters policies and bylaws. Wellington Water has agreed with its council owners to consider whether regional alignment is appropriate and achievable for water supply, wastewater and stormwater service connections.
13. Wellington Water has found that there is some regional alignment on the responsibility of service pipes for water supply and for stormwater, but a lack of alignment on responsibility for wastewater laterals. In all four jurisdictions property owners are responsible for the wastewater lateral within the property boundary, but between the boundary and the connection to the wastewater main, policies and practice vary:
 - Porirua City Council own wastewater laterals in road reserve, and are responsible for maintenance and renewal.
 - Upper Hutt City Council own some wastewater laterals in road reserve, and will repair most damage originating in road reserve from tree roots and roadworks regardless of ownership.
 - Hutt City Council will repair most damage occurring in road reserve but do not own the wastewater laterals in road reserve.
14. Under the Lateral Policy 2005 property owners in Wellington:
 - own and are responsible for the maintenance and repair of wastewater laterals all the way to the main, regardless of whether the main is in private land or road reserve, and
 - the Council will fund a once-only removal of tree roots where the damage has occurred from a tree located in road reserve, after which the property owner is expected to repair or replace the damaged pipe - the Lateral Policy 2005 states

that a properly constructed and maintained pipe is designed to withstand normal tree root damage and traffic loadings.

15. A summary of regional policy, practice and relevant bylaws and policies is provided (Attachment 1). Other main centres are noted for information, for example, Watercare in Auckland own and maintain all pipes in road reserve.
16. Wastewater laterals have always been privately owned in Wellington (with the possible exception of the Tawa Ward). Nonetheless, prior to 2005 the Council would fund some maintenance and repair of wastewater laterals in road reserve.
17. In 1992, to address the requirements of the newly enacted Resource Management Act 1991, the Council, under its Sewage Strategy for Wellington, committed to eliminating or at least substantially reducing sewage pollution of stormwater discharges.
18. As part of this work the Council agreed to renew wastewater laterals alongside wastewater main renewals, and also agreed to reimburse property owners for repairs they made in road reserve. The report to Council¹ noted that this approach would:
 - provide the most effective rehabilitation programme with the lowest cost and nuisance to residents, and
 - common causes of drain damage were beyond the owner's control.
19. The Sewage Elimination Project went a long way towards meeting its objectives. A point was reached where the energy and cost of replacing laterals would have had little effect on further reducing sewage pollution.
20. In 2005, to realise 2005/06 Annual Plan savings of around \$700,000 (capex and opex), the practices of renewing wastewater laterals in road reserve and of reimbursing owners for repairs in roads reserve was rescinded, by deletion of the funding in the Annual Plan, and replacement with the current Lateral Policy 2005.
21. One private repair in 2015 was reported² to cost \$22,000 with at least \$3,000 of the cost attributed to working in the road. Reporting noted a lack of information on Land Information Memorandum (LIM) reports about water service pipes and the lack of insurance householders have for wastewater laterals³.
22. Some property owners contacted the Council directly to request funding for repairs to wastewater laterals in road reserve, and some noted that they believe the Council has a legal liability to contribute to the cost of repairs and maintenance in road reserve.
23. Legal opinion sought in 2015 confirmed that the Council has no legal obligation to compensate property owners for damage occurring to privately owned wastewater laterals in road reserve. However, the advice noted complexity and that there could be grounds for dispute; for example, sometimes wastewater laterals could suffer damage faster than expected.

Number of wastewater laterals, proportion in road reserve and value

24. There are 64,423 wastewater laterals in Wellington serving homes and businesses, 44,609 (around 70%) of these have a portion of the connection in road reserve. The remainder join public wastewater mains in private land, generally in backyards where properties back onto each other. One wastewater lateral can serve multiple residences,

¹ Works Department, Water Quality – Drainage Rehabilitation Programme Impact of the Condition of Private Drains, 11 December 1991.

² www.stuff.co.nz/lief-style/home-property/72171565/homeowners-getting-stung, 17 September 2015.

³ The same article noted that the Council 'gifted' wastewater service connections to the public in 2005, this was not that case as the Council did not previously own the connections (with the possible exception of in the former Tawa Ward).

for example, a block of flats where several lines join before the boundary, which explains why there are fewer connections than there are households and businesses⁴.

25. Wellington Water estimates the total length of wastewater laterals at 1,408 kilometres, with 1,193 kilometres in private land. This means the length of wastewater laterals in road reserve is 215 kilometres, representing 15 % of the length of wastewater laterals.
26. The 215 kilometres of wastewater lateral in road reserve, if owned by the Council, would have a depreciated replacement cost of approximately \$25,400,000 and annual depreciation of approximately \$780,000. Wellington Water asset valuation assumptions are: average age of wastewater laterals 57.5 years, value of replacement pipe 100 mm \$327 per metre, and asset base life 90 years.

Discussion: Implementation issues in the status quo

27. Wellington Water, at the request of the Council's Chief Asset Officer, and in consultation with council officers, has reviewed the Lateral Policy 2005. This review has been carried out in the context of high costs accruing to a small number of individuals, costs falling unevenly on property owners, perceived unfairness, and the Wellington Water Committee's strategic direction to seek regional alignment of policy and practice.
28. This review has identified further issues with the Lateral Policy 2005, discussed below.

Network deterioration

29. The Council does not hold information on repairs and maintenance to private laterals in road reserve, made by property owners. A proxy measure is applications for permits to work in the road reserve for drainage purposes. During 2014 there were 64 applications, and during 2015 there were 68 applications (to October 2015) to work on wastewater laterals. So it is reasonable to assume that currently less than 70 wastewater laterals in road reserve are repaired or replaced per year.
30. Wastewater laterals have a life expectancy of 70 to 110 years, and asset valuation for Wellington City assumes the midpoint of 90 years. Wellington Water would expect to see a few hundred repairs and renewals per year in the road reserve to replace that part of the network over a 90 year period. Under previous policies, the Council would repair or renew around 200-250 laterals in the road reserve every year. This indicates that given the current private replacement rate there is an element of deferred renewal which will be a risk to Council should it assume ownership.
31. Property owners fail to maintain and renew wastewater laterals for a variety of reasons, including their lack of visibility and awareness, and fear of incurring high costs. This absence of renewal creates market failure (environmental and publically borne costs) in the long term namely:
 - wastewater laterals appear to deteriorate to the point of significant leaks or collapse, before they are replaced by private owners,
 - relatively more wastewater needs to be treated (with associated costs), due to infiltration of groundwater and surface water into laterals and the wastewater network,
 - leakage (exfiltration), where wastewater enters ground-water, with associated environmental and public health risks.

⁴ There are 71,000 households in Wellington (Statistics New Zealand, Census 2013).

32. Wellington Water undertakes mains renewal programmes based on age, condition rating and stormwater water quality monitoring; for example, to target repairs where there is the sewage contamination of stormwater and measured infiltration and inflow.
33. The condition of wastewater laterals will generally be the same as the condition of the mains, so repair and renewal alongside mains renewal would be an effective way to address some inflow, infiltration and leakage and improve network resilience.
34. At the moment, Wellington Water provides reimbursements and does repairs for tree root removal and some damage in the road reserve under current policy settings (the once-only tree root removal provided for in the Lateral Policy 2005, or if, for example, Council roadworks lead to pipe damage). Wellington Water is working on data collation for this expenditure, but in general, a root removal will cost \$600 to \$1,000. At present, 50 to 100 repairs are made per year, but this could double if more cases become eligible. This would be the basis for operating expenses estimated if the Council take responsibility (100 to 200 repairs per year).

Missed opportunities for low cost maintenance and renewal, economies of scale

35. Technology enables Wellington Water to reline wastewater laterals when undertaking mains repairs or renewal. There are also economies associated with replacing the wastewater lateral at the same time as the wastewater main. These opportunities are missed when property owners are responsible for wastewater laterals in road reserve.
36. There is also the matter of choosing the most cost-effective repair for each circumstance, for example, to clear roots regularly, or to renew a lateral. The opportunity to manage streets or neighbourhoods in a cost effective way is administratively complex or lost when the parts of the system in the road have multiple owners and permission is required.
37. There are economies of scale in dealing with several properties at once, or having a specialist contractor. For example, technology for effective remote root-clearing (using specialised cutters that can flex down drains) is only available from a few companies.

Relatively more operators working in the road, complexity

38. All other service connections, including electricity, gas and water supply are not under the control of property owners when they are in road reserve. This means that only one company needs to be contacted when roadworks affect a particular service lateral. With privately managed wastewater laterals in road reserve, it is hard for utilities to collaborate and to manage repairs when somebody working in the road damages a wastewater lateral. It is also arduous for service authorities to seek consent from individual property owners when working on or around their wastewater laterals.
39. Damage to wastewater laterals might not become apparent for some time, at which stage it is onerous for private property owners to arrange repairs or compensation with those responsible.

Missing information and efficiency associated with information

40. Where assets are more accurately mapped in Wellington Water's Geographic Information Systems (GIS) there can be significant efficiencies in managing the network. For example:
 - being able to rapidly identify which homes are affected by a blockage
 - more accurate planning for future capacity requirements based on better information about dwelling connections and the number of tenants served

- more accurate asset valuation, which is important for Council's financial reporting and planning.

Council leadership of network care

41. Greater Wellington Regional Council has proposed new requirements for improving and maintaining water quality, and in future, councils may need to encourage property owners to repair wastewater laterals in private land.
42. Councils may inspect and require repairs in private property, based on powers in the Local Government Act 1974, Local Government Act 2002 and Health Act 1956. There are policy tools in use elsewhere to require property owners to repair laterals, including requiring condition reports and repairs at the time of property sale (United Kingdom), or requiring a neighbourhood to upgrade wastewater laterals in private land when main renewals are made (Hutt City programme in Leighton Avenue Catchment).
43. When councils take responsibility for the portion of the wastewater lateral in road reserve it can demonstrate leadership of asset management, and create a positive point of contact with property owners to encourage maintenance in private land (without concerning property owners about making expensive repairs under the road). In this way, control of the 15% of the network in road reserve can provide the Council with more influence over the 85% in private land. Common policy in the region would also facilitate clearer messaging about responsibility of wastewater laterals in private land.

Stormwater laterals

44. Potentially the same issues that apply to wastewater laterals may apply to stormwater laterals. However there is not the same element of public health and environmental risk as the result of inflow and leakage.
45. Wellington Water is working on a dataset to measure the length of stormwater laterals in road reserve and will work with the Council to determine if any change of approach for wastewater laterals should also apply to stormwater laterals. This work will take place in the context of the approach to stormwater network management in the Wellington urban area.

Options: Summary of issues and policy options to address them

46. The Laterals Policy 2005 creates a position where private property owners are responsible for maintaining an asset in road reserve where they have little control over damage and there could be grounds for dispute. If the status quo continues the following issues will persist:
 - lack of regional alignment, which impedes clear communication about responsibility for wastewater laterals in private land
 - a deteriorating network and associated costs (from leakage, inflow and infiltration, lack of network resilience), in a context of changing environmental standards under the proposed Wellington Natural Resources Plan
 - missed opportunities for potentially lower cost repairs and renewal options when wastewater laterals are renewed at the same time as mains, and missed economies of scale possible with larger scale procurement, and
 - not realising network management efficiencies through better information as Wellington Water does not hold detailed information on assets it is not responsible for.

47. Wellington Water has considered whether a common regional policy on wastewater laterals for all its client councils would be feasible and has concluded that this would be difficult in the short term, with limited benefits, given differing ownership and bylaw positions (Attachment 1). In addition, there are likely to be extensive changes required to bylaws and policies, and through to property titles, if all councils agreed to progress a regionally consistent policy. If the Council aligns with the general practice of taking responsibility for damage to wastewater laterals occurring in road reserve, there will be good general alignment in the Wellington metropolitan area.
48. There are two policy options for Wellington that would address the issues (discussed above). The Council could agree to either:
- take ownership of wastewater laterals in road reserve by a declaration under the Local Government Act 1974 (declaring a private drain to be a public drain) and thereby assume responsibility for the maintenance or renewal of the assets, or
 - take full or partial responsibility for maintenance or renewal of wastewater laterals in road reserve (without taking ownership) through a change to the Lateral Policy 2005.
49. The Council would not accept retrospective settlements for those property owners that have already replaced and/or repaired wastewater and or stormwater pipes.
50. Ownership would be irreversible and reflect long term commitment from the Council to maintenance and renewal. Renewal would be funded through depreciation, as noted, estimated at \$780,000 per annum for 215 km of wastewater laterals in road reserve. Most work and costs would come under renewal, but tree root removals and patching would be an opex cost, and be expected to cost around \$100,000 to \$200,000 per year, some of which is currently budgeted (for example, the once-only tree root removals under the Lateral Policy 2005).
51. If the Council were to take ownership of these laterals, officers recommend putting a cap on capex spend at approximately \$800,000 per year, this will be actioned through the Annual Plan process. There could be a spike in renewals required that may require relatively more capital investment over the next 10 to 20 years as a result of potential deferred maintenance. A similar amount should be allocated if the Council chooses to take responsibility without ownership as less funding would be unlikely to address deterioration. Although responsibility without ownership could be more flexible than ownership, if policy changed several times it would raise expectations of Council care and grounds for dispute.
52. For Council to take ownership (and/or responsibility) for the maintenance and renewal of the part of wastewater laterals in road reserve further work is required on operational, financial and legal considerations:

Considerations specific to ownership

53. Confirming the feasibility of making a legal and binding declaration of ownership under the Local Government Act 1974.
54. Checking all legal matters associated with a declaration; for example, some private drains may be the subject of easement arrangements, and any declaration could be drafted to avoid changing private arrangements.
55. Checking what legislation applies to the construction of laterals, and at what point new laterals would vest to the Council, including the impact (if any) on new developments and development contributions.
- Insurance implications for the Council and for private property owners.

- Establishing detail about any other types of public land or locations a proposed declaration should apply to, for example, reserve lands.

Considerations that apply to ownership or responsibility (without ownership)

- Considering how to treat common private drains (where one connection may serve several properties and be shared under private land). Standard practice is to treat these as private until they reach road reserve.
 - The proposed treatment of blockages that may occur in the road reserve, but are caused as a result of objects flushed down toilets and drains. Standard practice (in areas where councils maintain or own wastewater laterals in road reserve) is to treat all blockages of this nature as the responsibility of the property owner.
 - Transition matters, including a start date and proposals for transition timing,
 - Improving the data on the age of the wastewater laterals in road reserve.
 - Financial modelling.
 - Policies to be reviewed and potentially amended: Lateral Policy 2005, Verges Policy, Part 8: Water Services of the Wellington City Consolidated Bylaw 2008, and engineering codes and specifications (construction requirements would not be expected to change, but any reference to the Lateral Policy 2005 would need to be updated).
56. Wellington Water and Council officers recommend Council ownership as it is the option that will enable the best long term management of the wastewater network for water quality and efficiency of network management – subject to the further analysis of operational, financial and legal considerations outlined above.

Next Actions

57. If the Environment Committee agrees to the recommendations in this paper the next step will be to include a proposal on Council ownership of wastewater laterals in road reserve for the Annual Plan 2016/17 deliberations in March 2016.

Attachments

Attachment 1. Regional policy and practice for wastewater service pipes (laterals) Page 18

Authors	Paul Johnson, Finance Manager Asset Management Nicci Wood, Senior Advisor
Authoriser	Anthony Wilson, Chief Asset Officer

SUPPORTING INFORMATION

Consultation and Engagement

Consultation with the public will be undertaken through the Annual Plan 2016/17 process. Engagement with all councils in the Wellington metropolitan area is being undertaken through a Policy Steering Group co-ordinated by Wellington Water, Wellington Water Infrastructure Managers meetings and the Wellington Water Committee (the Wellington Water strategic oversight body).

Treaty of Waitangi considerations

Treaty of Waitangi considerations are not expected to arise. However, Wellington Water will liaise with the Treaty Relations/Whanaungatanga Māori team at the Council to confirm whether additional consideration is required. The proposed change of ownership from private individuals to Council represents Council taking on a cost and responsibility, and there would be no benefit to any other party in taking ownership.

Financial implications

Estimates in this paper are based on Wellington Water standard asset valuation models and 215 kilometres of wastewater lateral.

The Council's Finance Department have considered this report and will assist in the preparation of the Annual Plan.

Policy and legislative implications

Any policy changes required and legislative context will be set out in the next paper, proposed for July 2016.

If the Council takes responsibility (with or without ownership) for wastewater laterals under road reserve, the Lateral Policy 2005 will need to be revised or rescinded, and policies referring to the Lateral Policy 2005 would also need to be amended, for example, the Verges Policy – Removal/Pruning Policy – Trees on Road Reserve. The Water Supply Bylaw 2010 may also need to be reviewed and amended, for example, to include reference to ownership of the wastewater lateral - this is generally done by setting out a 'point of discharge' or 'point of supply' as the boundary between private and Council ownership .

Risks / legal

DLA Piper have provided preliminary advice that the Council could rely on a general declaration under section 462 of the Local Government Act 1974 to take ownership of the parts of wastewater laterals under road reserve (verges and roads). DLA Piper will be asked prepare further advice on making a declaration of ownership as required, including advice on: whether a specific policy needs to accompany a declaration and whether a declaratory judgement from the High Court should be sought, and how to ensure that existing private arrangements and easements are not affected and existing Council easements.

Climate change impact and considerations

More serious weather events and unusual rainfall patterns are expected to develop. A better maintained wastewater network will contribute to climate change resilience.

Communications Plan

The Council will develop a communications plan around the changes if progressed. Wellington Water will work with the Council to prepare any material required about the proposed changes (for example, Questions and Answers or media releases).

Jurisdiction	Bylaw /Policy Context	Responsibility in Road Reserve	Ownership of wastewater laterals in road reserve
Porirua City	Part 25: Wastewater, Porirua City Council General Bylaw 1991	All work outside property boundaries is completed by Council Works Operations. No cost to property owners.	Council
Hutt City	Policy statement, "Managing Wastewater – What belongs to the Council and what belongs to you".	The current practice is to repair laterals between the property boundary and the sewer mains when the lateral is in legal road (within reason, for example, not if the legal road is used for private driveways, or is a particularly wide bush area), and there is CCTV evidence of a fault on the laterals between the property boundary and the sewer mains.	Private
Upper Hutt City	Code of Practice for Civil Engineering Works, Manual of Policies	If problems with pipes in the road are found to be due to structural faults, poorly laid pipe or berm tree roots the council will accept responsibility and repair (and reimburse owners for clearing blockages and CCTV investigation).	Council or Private (post 1998), private ownership must be on property title and LIM
Wellington City	Lateral Policy 2005	The wastewater service pipe (lateral) is the responsibility of the property owner all the way to the connection with the main. The Council will fund a once-only removal of the roots of trees located in road reserve, after which the property owner is expected to repair or replace the damaged lateral.	Private
Main centres			
Auckland	Water Supply and Wastewater Network Bylaw 2015	Outside a property boundary wastewater service pipes are considered part of the public network, and repairs and maintenance are undertaken by Watercare. Policy was consolidated across Auckland at amalgamation Watercare took responsibility across Auckland as they consider it impractical for private owners to manage an asset in public land (or in neighbouring private land).	Watercare own the public network including any pipes outside a property boundary (in neighbouring road reserve or in neighbouring private property)
Christchurch	Water Wastewater and Stormwater Bylaw 2014	Structural damage such as cracks or breaks in the sewer system in the footpath or road and on Council-owned properties are repaired and maintained by the Council.	Council
Hamilton		Council owns and operates all the assets from the customer property boundary to the treatment plant effluent outfall which are used to collect, convey, treat and dispose of wastewater and trade waste.	Council (outside property boundary)

Known jurisdictions with similar policy to Wellington: Nelson, Dunedin (policy is under review, ownership is being considered), Masterton (Council does some renewals between the boundary and main). Comparison with smaller jurisdictions is problematic given different rating, cost and rates implications.

SUBMISSION ON RESIDENTIAL TENANCIES SMOKE ALARMS AND INSULATION REGULATIONS

Purpose

1. This report presents the draft submission on the proposed Residential Tenancies smoke alarms and insulation regulations to the Committee for discussion, input and agreement.

Recommendations

That the Environment Committee:

1. Receive the information; and
2. Agree to delegate to the Chair of the Environment Committee and the Chief Executive the authority to amend the submission to include any amendments agreed by the Committee, and any associated minor consequential edits.
2. The attached submission supports the proposed Residential Tenancies Regulations intend to increase the quality and safety of rental housing in New Zealand. The Government estimates there are 450,000 rental properties nationally; 270,000 of these have substandard insulation and 120,000 lack functioning smoke alarms.
3. Through the successful Warm Up New Zealand Programme (WUNZ) the Government has invested well over \$400m to insulate over 300,000 homes across New Zealand. Insulated homes are easier and more cost-effective to heat, resulting in improved health and productivity for occupants, with a cost-benefit ratio of \$1 to \$5.20.
4. WUNZ began in July 2009, and in 2013 was extended to June 2016. Under this programme, subsidies reduce the cost of insulation by 60-100%, including for landlords of low-income tenants. Other partners also provide top up funding such as through the Council's Warm Up Wellington Programme.
5. The Energy Efficiency and Conservation Authority estimate that over 45,000 residential rental properties have been insulated under WUNZ. The Ministry of Business, Innovation and Employment estimates that 180,000 residential rentals would require insulation retrofits or upgrades under the proposed regulations.
6. The Council has an interest in the proposed regulations an advocate and funder of housing quality, energy efficiency and public health through programmes such as Warm Up Wellington, and as a landlord through City Housing.
7. The attached submission includes a number of suggestions that would strengthen the implementation of the proposed regulations, and urges the Government to extend and continue the successful WUNZ programme beyond June 2016.

Attachments

Attachment 1.	Cover Letter	Page 20
Attachment 2.	Residential Tenancies Regulations Submission	Page 21
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Author	Nigel Taptiklis, Senior Policy Advisor
Authoriser	John McGrath, Acting Director Strategy and External Relations

11 February 2016

Hon Nick Smith
 Building and Housing Minister
 Ministry of Business Innovation and Employment
 15 Stout Street
 PO Box 1473
 Wellington 6140
 Attention Residential Tenancies submissions

Dear Dr Smith

Wellington City Council (the Council) welcomes the proposed Residential Tenancies Regulations and the Government's ongoing work to make all homes warmer, drier and safer, including through the Government's *Warm Up New Zealand: Healthy Homes* programme.

The Council wants Wellington and its citizens to thrive; rental properties tend to be the homes of our most vulnerable citizens and for students and young families who are the future of our City.

While there will be many factors contributing to substandard housing and differing ideas on how to increase the health and safety standards of rental housing, there is general agreement that minimum standards must be clearly set out and a system in place to ensure they are adhered to.

The Council considers that the implementation of the proposed regulations needs greater consideration if they are to be effective for vulnerable tenants in private rentals. The Council also urges the government to also extend and continue the successful Warm Up New Zealand programme, including targeting low-income and priority rental households (eg. where tenants have young children or respiratory conditions such as asthma). Inclusion of subsidies for efficient heating should also be given serious consideration.

As the Capital City, we're well placed to work with the Government in the interests of Wellington and New Zealand. The Council is also New Zealand's third-largest provider of social housing after Housing New Zealand and Christchurch City Council. As landlords for those with the greatest need, we are in a great position to work with both tenants and landlords to help make all rental homes warm, dry and safe.

Thank you for this progressive initiative to increase housing performance in New Zealand, and for the opportunity to provide the Council's input and feedback.

Yours sincerely

Iona Pannett
 Environment Committee Chair

Kevin Lavery
 Chief Executive Officer

Wellington City Council

101 Wakefield Street
 PO Box 2199, Wellington 6140,
 New Zealand

Phone +64 4 499 4444
 Fax +64 4 801 3138
 Wellington.govt.nz

Submission on the Proposed Residential Tenancies Regulations for insulation and smoke alarms

1. Introduction

- 1.1 Wellington City Council (the Council) welcomes the Residential Tenancies Bill and its objective to make rental homes warmer, drier and safer. Rental properties tend to be the homes of our most vulnerable citizens and for students and young families who are the future of our City. The percentage of households living in rental accommodation is increasing which will place increased pressure on these groups.
- 1.2 The Government has been proactively addressing the quality issues of New Zealand's housing stock through the *Warm Up New Zealand: Healthy Homes* programme (WUNZ). As noted in the Ministry of Business, Innovation and Employment's (MBIE) discussion document, the condition of New Zealand's rental housing is worse than owner-occupied housing. Despite the WUNZ subsidy targeting low-income rentals, a proportion of landlords continue to be reluctant to insulate.
- 1.3 MBIE's discussion document on the proposed changes also notes that the quality issue has persisted despite existing provisions within the Health Act 1956, Residential Tenancies Act 1986, and the Building Act 2004.
- 1.4 While there will be multiple contributing factors leading to substandard housing, and differing ideas on how to increase the health and safety standards of rental housing, there is general agreement that minimum standards must be clearly set out and a system in place to ensure they are adhered to.
- 1.5 The Council is keen to continue to work collaboratively with the Government, and to help develop and implement effective minimum health and safety standards for rental housing. The Council considers that the implementation of these regulations needs greater consideration if they are to be effective for vulnerable tenants in private rentals who will be unlikely to take action if they are living in substandard housing.

2. Addressing underlying issues

- 2.1 The rationale for policy intervention in the rental housing market is tenant health and safety – reducing the social costs of sickness and injury, including lost productivity and premature mortality stemming from the status quo. Those living in a poor standard of rental housing are most at risk.
- 2.2 A key issue is the power imbalance between landlord and tenant. The landlord's power will be greatest where demand for housing is highest, and where tenants are socially vulnerable – eg. our young, old, infirm, and low income citizens.
- 2.3 As identified in MBIE's discussion document, some landlords continue to be reluctant to insulate. Naturally, the landlord's priority is their return on investment. Insulation provides only indirect or minor benefits to the landlord, especially when demand for housing is high. While a subsidy will help shift many landlords, regulation and adequate monitoring is needed to ensure minimum standards are met by all.
- 2.4 MBIE's discussion document notes that detailed minimum standards for all residential dwellings are prescribed in the Housing Improvement Regulations 1947 (HIRs). The HIRs cover dampness and heating but not smoke alarms and insulation. The

Residential Tenancies Amendment Bill seeks to fill the gaps in the existing regulatory framework.

- 2.5 However, regulation is only as effective as the supporting implementation and enforcement regime. While the 1947 regulations clearly set out minimum standards for dampness and heating, New Zealand has a problem with cold and damp rental housing.
- 2.6 No supporting infrastructure exists to promote compliance with the 1947 Housing Improvement Regulations. Attention is clearly needed on the implementation of the regulatory framework.
- 2.7 The discussion document proposes that tenants approach their landlords or property managers in the first instance should they consider the property fails the minimum standards. As outlined above, due to the power imbalance inherent in the landlord - tenant relationship, this proposal is unlikely to work for the tenants who most need the intervention. Where demand for housing is high and the tenant feels vulnerable, they are likely to be reluctant to engage with the landlord, let alone escalate the situation to the Tenancy Tribunal.
- 2.8 Increasing the penalty for 'retaliatory notice' will help where tenants are more aware of and feel empowered to pursue their rights. However we consider that vulnerable tenants will need a different mechanism such a third party (eg. a private business or social enterprise) to assess the property and approach the landlord on their behalf.
- 2.9 In addition, few tenants would have the expert knowledge needed to assess whether existing insulation is in good repair. Involving an approved third party would therefore benefit both landlord and tenant. Given that approved providers have already been set up through the WUNZ Programme, it would make sense to enlist their expertise.
- 2.10 The implementation plan will also need to consider 'DIY' installers. The Energy Efficiency and Conservation Authority (EECA) has used a 5% random audit system to ensure quality and safety standards are met by its approved installers. This system could be adapted to address installation quality concerns and .

3. Leading by example

- 3.1 The Council is New Zealand's third-largest provider of social housing after Housing New Zealand and Christchurch City Council. As landlords for those with the greatest need, we are well placed to help develop and test an effective system to ensure the homes we provide meet and exceed minimum standards.

4. Other issues

- 4.1 Section 6 of the HIRs requires every living area to be fitted with a fireplace and chimney or other approved form of heating. While insulation is an essential part of the package needed to make a home warm and dry, for tenants to be able to effectively and efficiently generate a warm dry home, attention is also needed on heating.
- 4.2 Section 6 of the HIRs requires every living area to be fitted with a fireplace and chimney or other approved form of heating. While insulation is an essential part of the package needed to make a home warm and dry, for tenants to be able to effectively and efficiently generate a warm dry home, attention is also needed on heating.

- 4.3 Tenants are highly dependent on landlords to access the health and financial benefits of both insulation and efficient heating. Just as tenants are disadvantaged as a group with regard to insulation, they can be as disadvantaged when it comes to heating.
- 4.4 For example heat pumps are the cheapest form of heating, but cost more upfront, and are fixed to the building when installed so will not be installed by the tenant. As a result, it would not be uncommon for a tenant in an uninsulated home to try to heat with a more expensive to run portable electric heater, or use an unflued gas heater, creating an indoor environment that is wetter and even harder to heat.
- 4.5 As a society we have made a big commitment to workplace health and safety, and we set high standards for new homes and buildings. We need to do more to lift the health and safety standards for our legacy housing stock, and to ensure landlords meet these standards.
- 4.6 The Council urges the government to also extend and continue the successful WUNZ programme, including targeting low-income and priority rental households (eg. where tenants have young children or respiratory conditions such with asthma). Inclusion of subsidies for efficient heating should also be given serious consideration.

5. Conclusion

- 5.1 There appears to be three categories of tenants with differentiated needs (with overlap):
 - a) tenants prepared to pursue their own health and safety rights;
 - b) tenants in social housing whose landlords can be expected to show leadership in meeting and exceeding standards; and,
 - c) vulnerable tenants in private rentals (as per eligibility criteria that would qualify their landlord for subsidised insulation).
- 5.2 The proposed regulations would be a good start for tenants prepared to pursue their own health and safety rights. However, they must also have the capability to assess the property, or be able to seek an independent third party assessment.
- 5.3 Social housing providers must lead by example, including by incorporating design quality criteria to promote social cohesion, community integration and well-being.
- 5.4 While the proposed new Residential Tenancies Regulations start to address the gap in existing regulations, the efficacy of the existing regulations must also be addressed. The implementation of the proposed regulations needs to consider vulnerable tenants in private rentals will need a third party assessor and advocate. These people are unlikely to take action on their own behalf and risk continued marginalisation and disadvantage in the poorest quality housing.
- 5.5 Landlords need incentives and regulation to help them make decisions that are more optimal for society. The successful WUNZ programme should be extended and continued, and efficient heating included for priority households.
- 5.6 Finally, the Council applauds this essential step towards raising New Zealand's poor rental accommodation standards, and greatly appreciates the work the Government has done to raise housing quality in New Zealand, as well as the opportunity to comment on the Residential Tenancies Amendment Bill.

SMOKE ALARM PROVISIONS

Question 1: How many smoke alarms should be required and who needs to provide them?

- 1.1 Wellington City Council (the Council) supports the proposal for the landlord to provide **at least** one working smoke alarm in the hall or similar, within three metres of each bedroom door as described in the technical requirement. It is essential this is communicated as a minimum, and that new buildings meet the requirements of clause F7 of the New Zealand Building Code (NZBC).¹
- 1.2 In the event of a fire the alarm must work. Multiple alarm's help protect against failure due to one alarm being faulty, and the NZ Fire Service encourages alarms to be placed in each bedroom, living room and hallway in the home.
- 1.3 As landlord for 2,200 households, the Council supports the proposed requirement to ensure the alarm is installed and operational on an annual basis, regardless of stated battery life.
- 1.4 *We wish to seek clarity on the statement that the landlord is required to check the smoke alarm at **any** property inspection (eg. clarify or define what is or isn't a property inspection). This has the potential to create an unsupportable workload for some providers and potential health and safety risks to staff as some checks will require ladders.*

Question 1A: If smoke alarms are required in all rental properties, do you support the minimum requirement of one alarm within 3 metres of each bedroom (and in a multi-level unit, there must be a working smoke alarm on each level)? If you don't support the proposal, what minimum requirement would you propose and why?

- 1.5 The Council supports the proposal.

Question 2: What kind of alarm?

- 2.1 The Council supports the proposal for long life photoelectric or hardwired smoke alarms to be installed where there are no alarms or when alarms are replaced. Many properties may already have working smoke alarms and this will allow landlords to phase in long-life alarms over time.
- 2.2 Alarms must work in the event of a fire and a dependable alarm is especially important when it is the sole alarm. The Council agrees that alarms must meet quality and performance standards as outlined in the proposed technical requirement.

Question 2A: Do you agree with the proposal to require long life alarms that ensure lives and properties are protected more consistently? If not, what would you propose and why?

- 2.3 The Council supports the proposal to require a long life (10 year) photoelectric or hardwired smoke alarm.

INSULATION PROVISIONS

¹ NZBC clause F7 requires smoke alarms to be present on each level of a multi-storey dwelling, **and** within each sleeping space, **or** within 3 m of every sleeping space and audible to the occupants, **and** at the escape route from any bedroom.

Question 3: What is the benchmark for requiring residential rental properties to insulate?

- 3.1 Benchmarking against an historical standard risks locking in a number of poorly performing houses that will continue to disadvantage households for decades to come. As the overall standard improves, people with lower incomes will end up in the worst houses. They will have to spend a greater proportion of their income to be warm, and also have to make tough choices, for example between healthy food and a healthy indoor environment. Low standards mean we all pay in health care, lost productivity, and the opportunity cost to other spending choices (eg. retirement savings).
- 3.2 Disclosing the level of insulation in relation to a new-build standard (NBS) would enable conditions to improve over time for all. A new-build standard has been used as the benchmark for earthquake resilience and has helped facilitate a strong market response in Wellington toward higher earthquake performance for buildings.
- 3.3 For example a retrofit to the current building code (ceiling and floor only) would be equivalent to 79% of the NBS performance². The 1978 standard (walls ceiling and floor) achieves 81% NBS (provided the insulation is in good repair), whereas a ceiling and floor retrofit to the 1978 requirement only achieves 64% NBS.
- 3.4 Retrofitting to the current building code (ceiling and floor only), or the 1978 standard (walls ceiling and floor) might be seen as an acceptable minimum provided an efficient fixed heating source (eg. heat pump or wood burner) and relevant measures such as a ground vapour barrier are also provided to increase performance.
- 3.5 Falling below a threshold (eg. 75% NBS) should only be permitted if exemptions apply, and as above, additional measures are used to lift performance. If considering a retrofit, landlords would make an intentional choice knowing the 1978 standard may not meet future expectations as technologies advance and as awareness increases and expectations change for home performance, health and comfort.
- 3.6 Landlords with newer higher performing homes would also be able to market their property as 'better than code'. This would help drive the development and uptake of higher performing products and buildings.
- 3.7 *We wish to seek clarity and guidance on the correct way to disclose insulation and smoke alarms in the Tenancy Agreement as options include - binary Yes/No statements, R values, depths, materials, or %NBS as suggested above. It is also essential that the terms used, such as 'good repair' 'coverage' 'habitable space' etc., be clearly defined and described in such a way to be understandable to any tenant or landlord.*
- 3.8 *We also request that clarity or guidance is given for when walls should be insulated (eg. when renovation work would trigger a requirement to insulate walls), or as an option to increase overall performance in order to meet a threshold (eg. 75% NBS).*

Question 3A: Do you agree with the proposal to allow rental houses with insulation that is in good repair, but does not meet the current Building Code requirements for new builds, to meet the 1978 standards? If not, what minimum level of insulation would you propose and why?

² For demonstration purposes this simple calculation is based on the performance of different levels of insulation provided in Table 2 in the discussion document

APPENDIX 1: Responses to Questions

- 3.9 As outlined above, the minimum level of insulation should be the 1978 standard (walls ceiling and floor), or the new build standard (ceilings and floor only) unless exemptions apply. As suggested, the level of insulation could be expressed in relation to the current NZ Building Code. The NZBC should provide the benchmark in order to drive higher performance over time.

Question 3B: Do you agree with the proposal to require houses with insulation that is incomplete, damaged, damp or degraded to be retrofitted?

- 3.10 The Council strongly supports this requirement - it is critical that homes with poorly performing insulation are upgraded where physically and financially practical. Landlords will need a reasonable period in which to comply.
- 3.11 The Council's City Housing Business Unit has a programme to upgrade the Council's 2,200 rental properties and an agreement with the Crown to complete that programme by 2027. This upgrade is approximately 50% complete. It may not be financially prudent to undertake insulation retrofitting to a number of properties by 1 July 2019 and then undertake other works over the following years.

Question 3C: As a landlord/tenant – do you understand the proposed requirements and would you feel confident checking that your rental property or the property you rent meets them?

- 3.12 Clear guidance is needed for owners and tenants. Given that approved providers have already been set up through the WUNZ Programme, it would make sense to enlist their expertise for the benefit of both landlords and tenants.
- 3.13 As a major landlord with 2,200 properties spread across Wellington city and representing multiple property types (standalone houses, duplexes through to high rise apartment buildings) the assessment of current insulation levels in order to meet the 1 July 2016 deadline alone is a large and expensive undertaking. The timing of the legislation and release of the regulations and guidelines is problematic as without clear guidance of what to look for and record, we run the risk of having to repeat the survey once the Regulations are finalised, or risk non-compliance.
- 3.14 We strongly support that all landlords be required to state the extent and safety of the insulation on new tenancy agreements 12 months after enactment of the legislation and finalisation of the Regulations (ie. from 1 July 2017). This will help bring the issue to landlord's attention early and also help spread the work for insulation providers over the following two years.
- 3.15 There needs to be a common and easily understood method for disclosing the level of insulation. The Council suggests expressing as a percentage of the new build standard a possible option.

Question 4: Which houses should be exempt?

- 4.1 The Council supports exemptions for properties where it is not physically or financially practical to install ceiling or underfloor insulation at this time i.e. where space does not allow installation or if installation would require removing roofing, flooring, wall linings or cladding.
- 4.2 There is a risk that exemptions could become outdated where proven and affordable solutions become available. To mitigate against this risk exemptions should be periodically

APPENDIX 1: Responses to Questions

reviewed. For example, the discussion document proposes exempting skillion ceilings, when a range of rigid insulation products are already available. While these products might currently be expensive, they are not too difficult, and an increase in uptake has the potential to bring the price down.

- 4.3 As a landlord with a large portfolio and work programme the Council suggests the proposed 12 month exemption pre-demolition or substantial rebuild is too short, 24 months would better reflect the time frame required to plan and finance such work.

Question 4A: Are there properties that would be exempt under these proposed changes that should be included in the requirements?

- 4.4 No

Question 4B: Are there other properties that should be excluded from the requirements? Why?

- 4.5 No

Question 5: If you have to insulate what standard should be required?

- 5.1 The Council supports the requirement to provide at least ceiling and underfloor insulation in all rental properties. When retrofitting it would be clear and simple to require the latest building code standard for the part of the house being insulated (ie roof, ceiling or wall), rather than an historic standard. Applying the NZBC standard would provide a simple mechanism for increasing building performance over time as technologies advance and as awareness about home performance, health and comfort change.

Question 5A: Do you support the proposal to require that when new insulation must be installed, it should match the current installation standard required for new builds or alterations under the Building Code? If not, what standard do you think should be required?

- 5.2 Yes

Question 6: What are the biggest risks of the proposal and how do we mitigate them?

- 6.1 Fixing in low standards – this would mean that poorer quality houses will continue to disadvantage households for decades to come. As the overall standard improves, people with lower incomes will end up in the worst houses. They will have to spend a far greater proportion of their income to be warm, and also have to make tough choices, for example between healthy food and a healthy indoor environment. Low standards mean we all pay in health care, lost productivity, and the opportunity cost to other spending choices (eg. retirement savings). This submission suggests benchmarking against the NZBC so the performance of all homes improves over time.
- 6.2 Unqualified installers - risks around quality and safety. Installers may also encounter asbestos and may not recognise this danger. While installation by approved installers should be emphasized, a range of education options will be needed for DIY installation. For example, MBIE might work with leading retail outlets to run DIY courses and develop online video guides. Working through property owner and landlord associations would also be beneficial, and EECA could assist in this area. To mitigate the risk of poor quality installations, a 5% random audit should be implemented. EECA has used this successfully to ensure the quality of its WUNZ programme.

APPENDIX 1: Responses to Questions

- 6.3 Fire risk from covering down lights (non IC or CA labelled) - covering or abutting hot recessed down lights leading to an increased fire risk. Clear guidance needed about this danger. Encourage industry to move toward IC or IC-F labelled down lights (safe to cover) or other forms of lighting (not recessed).
- 6.4 Enforcement issues - self-report or tenant complaint based approach could raise additional and perhaps unnecessary Tenancy Tribunal claims. Clear definitions and guidance about acceptable standards is needed for both tenant and landlord. This submission suggests enlisting the expertise of approved installers set up as part of the WUNZ programme for the benefit of both landlords and tenants.
- 6.5 Cost escalations – the requirement to retrofit around 180,000 properties nationally in 3 years may push prices up to an uneconomic level, particularly towards the deadline. Incentives to encourage people to 'get in early', including targeted subsidies for low-income and priority households will help spread the workload. This submission suggests that the WUNZ programme be continued.
- 6.6 The requirement to survey a large number of properties in a short timeframe against unclear guidelines will place significant pressure on the operational budgets of larger landlords, such as City Housing.
- 6.7 Risk of substandard, dangerous or harmful products. For example foil underfloor insulation poses a significant risk of electrocution, likewise unflued gas heating, and poor-quality smoke alarms should be discouraged. Standards and regulations might be needed to mitigate this risk.

Question 6A: Do you have any comments on the risk of incorrect installation and effects on the rental market?

- 6.8 Time pressures - the tight compliance deadline may encourage landlords to adopt cost cutting behaviours. As above, this submission suggests enlisting approved installers and implementing random audits as part of the implementation programme.
- 6.9 Rent costs – no matter how cheaply these improvements can be done landlords will attempt to recoup their investment with higher rents. Conversely some landlords may sell down rather than go to the bother of upgrading their properties. If housing supply is keeping pace with demand there will be less opportunity for landlords to increase rents.

Question 6B: Are there other risks you think are significant? If so, what are they and how should Government deal with them?

- 6.9 A key risk to this proposal will be negative reaction from landlords making it politically difficult to implement these regulations. It will be important to make retrofitting insulation as easy as possible for owners.
- 6.10 We see a risk that the Tenancy Tribunal schedule could become blocked up with tenant claims of non-compliance. This submission suggests enlisting the expertise of approved installers to help mitigate this risk.

Question 6C: Do you think the proposal reduces the risks enough? If not, how would you reduce them?

APPENDIX 1: Responses to Questions

- 6.11 Significant risks remain for the health and safety of tenants in rental properties in NZ. While the proposed regulations are an important step in the right direction, a rental warrant of fitness system that covers a wider range of common home performance issues is needed to support the health of our community.

3. Operational

ORAL HEARINGS - EXCHANGE OF RESERVE LAND AT ST GERARDS MONASTERY

Purpose

1. To provide a list of submitters making oral submissions in support of their written submissions.

Recommendations

That the Environment Committee:

1. Receive the oral submissions.

Background

2. Wellington City Council, pursuant to Section 15 of the Reserves Act 1977, proposes to exchange approximately 70sq metres of Council owned reserve land adjoining 1 Oriental Terrace, Mt Victoria (being part of Lot 1 DP76510, CFR WN42D/683) and shown as area A (Attachment 2), in exchange for approximately 100sq metres of land owned by the Institute for World Evangelisation (ICPE) at 73 Hawker Street, Mt Victoria (being part of Lot 3 DP76510, WN 42D685) and shown as B (Attachment 1).
3. The proposed land exchange will provide the adjoining Council reserve with permanent pedestrian access to Oriental Terrace via the existing pathway; this path currently runs over private land.
4. The public were invited to make a submission or objection in writing before 5pm on Monday 7 December 2015.
5. Three submissions were received, one being a joint submission (Attachment 2). All asked to make oral submissions in support of their written submissions.

Name	Organisation/Individual	Support (Y/N)	Speaking time
Jonathan Waddy	Individual	Y	9:15 – 9:20 AM
Craig Palmer	Mt Victoria Residents Association	N	9:20 – 9:30 AM
Judith Doyle	Oriental Bay Residents Association	N	9:30 – 9:40 AM
Marian Evans	Individual	N	9:40 – 9:45 AM

Attachments

- Attachment 1. Plan of Land Exchange Areas
Attachment 2. Submissions

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Item 3.1

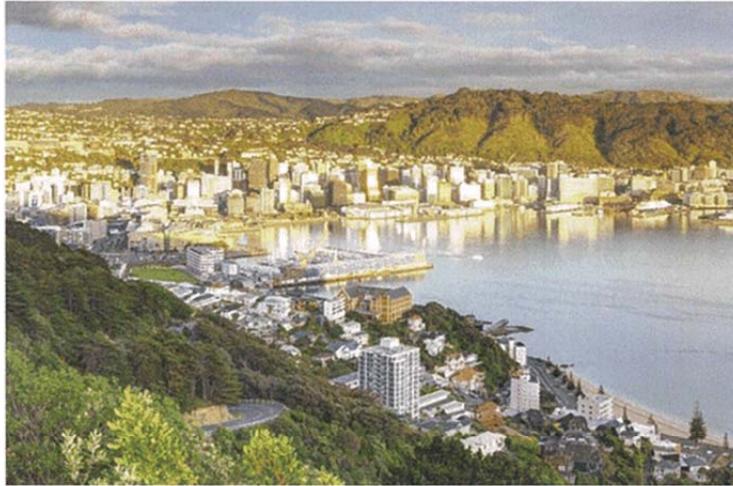
Author	Michael Oates, Open Space and Recreation Planning Manager
Authoriser	Greg Orchard, Chief Operating Officer



Submission 1

OBJECTIONS & SUBMISSIONS

WCC proposal for land exchange & rezoning in
Oriental Terrace



Below the Monastery, No. 1 Oriental Terrace's red roof & reserve on three boundaries,
among other zig zag early dwellings

photo: WCC site (& *Sunday Times* (London) 'Let's Move to... Wellington New Zealand' (http://www.thesundaytimes.co.uk/sto/style/homes_and_gardens/overseas_property/article1631963.ece 15 November 2015)

Marian Evans LLM (dist) PhD
8 Oriental Terrace
Wellington 6011

7 December 2015

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INTRODUCTION

Thank you for the opportunity make a submission and to object to this proposal. I do so as a property owner and resident in Oriental Terrace for 40 years; as a near neighbour of no. 1 Oriental Terrace and St Gerard's ('The Monastery'); as someone who develops and maintains a large area on the upper zigzag reserve including where it adjoins no. 1 and in that capacity interacts almost daily with the many and diverse passersby; as an historian.

My 2014 submission to the *Draft Suburban Reserves Management Plan* did not address the multiple values of the St Gerard's reserve/park and the plan's failure to acknowledge the multiple values of the upper Oriental Terrace zig zag reserve. I appreciate this opportunity – following further research and extensive experience with visitors to the area – to amplify my analysis.

SUMMARY

This submission objects to the WCC proposal for land exchange and rezoning in Oriental Terrace, on the grounds that the proposal is based on an ad hoc investigation that was too narrowly conceived, in response to a private owner's (ICPE's) request (and suggestion that the money raised from the sale of the site might be used for earthquake-strengthening of The Monastery) and to achieve public access to St Gerard's park/reserve from the upper Oriental Terrace zig zag reserve. My objections are that in formulating its proposal the Council–

1. Failed to make a full investigation of the issues, by defining the issues as limited to 'residential land' and providing an 'adequate' connection between the zig zag and St Gerard's park/reserve and thus placed other important values at risk, by –
 - A. Deciding that there 'is no requirement for additional park space in this area', thus failing to take into account the outstanding historical, cultural and recreational significance of no. 1 Oriental Terrace's site – bordered on three sides by reserve, including the former monks' garden now the St Gerard's park/reserve and the multi-use Oriental Terrace zig zag, and on one side by the Monastery – and its dwelling, among a group of upper Oriental Terrace dwellings that are mostly pre-1900 and, with one exception, pre-date the Monastery;
 - B. Relying on its *Draft Suburban Reserves Management Plan's* mis-categorisation of the St Gerard's park/reserve and its omission of the Oriental Terrace zig zag in that plan; and
 - C. Viewing the ICPE proposal in isolation, failed to take into account international best practice around Category 1 heritage sites like the Monastery and its association – visually, historically and as a tourist attraction – with no. 1 Oriental Terrace, the other historic upper Oriental Terrace dwellings and the adjacent reserves;
2. Did not consider no. 1 Oriental Terrace's status as part of the Mount Victoria North Residential Character Area, arguably because the Council excluded Oriental Terrace from the Pre-1930s Demolition Rule because of recommendations made in a Council report that contains significant factual errors about the age and value of dwellings in Oriental Terrace;
3. Placed too great a reliance on the uncertain proposition that ICPE will apply moneys raised to earthquake-strengthening of the Monastery.

I submit that the Council must reconsider its proposal taking these factors into account. It must fully investigate this once-ever opportunity to further enhance an already iconic element of Wellington's historical, cultural and recreational heritage, to benefit Wellingtonians and to market to 21st century tourists as a first-class experience.

I further submit that although there are a number of possible solutions, the best value for the city is to work in association with commercial entities and/or philanthropists to purchase both no.1 and the path now owned by ICPE, perhaps by offering naming rights to the area.

OBJECTION / SUBMISSION BACKGROUND

The Relevant Area

This submission is concerned with

1. The Monastery;
2. St Gerard's park/reserve, the Monastery's former garden (green in the upper left quadrant below);
3. The upper Oriental Terrace zigzag reserve, formerly an extension of Hawker Street – as shown below on the Thomas Ward map from 1892; and
4. The historic dwellings at 1, 1A, 3, 4, 6, 8 Oriental Terrace, half built before 1900, all except one pre-dating the Monastery.



Detail: from Thomas Ward map 1892

My Research

'Action' Research

My upper Oriental Terrace zig zag gardening experience over the last eighteen months and the knowledge it has generated¹, supplemented by recent historical research, has given me a fresh appreciation of the unique and significant collective role and potential of this area. A decade ago, Oriental Terrace was similar to Grass Street on the other side of Oriental Bay, or the steps between Hawker Street and McFarlane Street, on the other side of the Monastery. It was used predominantly by locals on their way home or to the beach or walking their dogs. This is no longer the case.

The passersby I meet are about equal numbers of locals and tourists. They sometimes arrive via the no. 20 bus. These visitors – hundreds a day² – use the zigzag reserve as a pathway to and from the city, the St Gerard's reserve/park and McFarlane Street, the town belt, the Mount Victoria lookout and various sites within and beyond Oriental Bay – the waterfront, Freyberg Pool, restaurants and cafes, Te Papa, Roseneath, their homes, the cruise ships they are travelling on.

The tourists come from within New Zealand and overseas. They stop, converse about the idiosyncratic gardens, each made by a different resident and friends, smell, taste and admire flowers, herbs, cape gooseberries or tomatoes and make suggestions. Usually they (and some of the locals) do not know of the St Gerard's reserve/park and when I direct them there return to tell me how much they love it. Many of them are also curious about the nearby dwellings that – even though modest, and even my own shabby one – often remind them of other 'tourist' areas overseas. They are intrigued that the zig zag houses have no road access and that all except 1A were built before The Monastery, three at least during the 19th century.

I have concluded that the area as a whole provides –

1. An exceptional precinct for The Monastery as a Category 1 listed building, in association with a slightly later historic built environment in McFarlane Street that provides a contrast of more imposing dwellings but does not have the benefits of being directly adjacent to the St Gerard's reserve/park and/or the zig zag reserve;
2. A high-profile recreational – jogging, gardening, training, biking, walking with and without dogs and/or cameras – space on the Oriental Terrace zig zag, used intensively by locals and visitors, its significance underlined by the current engagement in its development and maintenance of the Mount Victoria **and** the Oriental Bay Residents Associations, as well as Oriental Terrace residents³;
3. Key and readily accessible elements in the Wellington experience for visitors who seek green and heritage experiences – these include the Monastery itself; the un-signposted and underused beautiful and intimate St Gerard's park/reserve where (bordered on one side by a path with a beautiful Council-tended garden) there are valuable traces of the Redemptorist Fathers' historic garden, all-day sun, mature native and fruit trees and outstanding views of the city, Oriental Bay, the harbour and the Monastery; and the zig zag and its adjoining dwellings; and
4. An intensively used funnel to other key recreational and cultural experiences, via the Oriental Terrace zig zag.

¹ Some recorded on my *Bee-Loved* site <https://beelovedflowers.wordpress.com>

² I believe this figure to be accurate. Every so often, I count the numbers of passersby over a 20 minute period.

³See our Facebook page <https://www.facebook.com/groups/OrientalZigZag/>

Documentary Research

In addition to this 'action' research, I have researched available documents relating to the area's history as fully as I can in the limited time to make submissions: at the Alexander Turnbull Library; the National Archives; the Wellington Public Library; the catalogue of the Wellington City Archives; and documents from QV and LINZ.

This document summarises the proposal as I understand it before turning to my objections and submissions.

THE PROPOSAL

The Council's proposal appears to have been prepared in response to two narrow questions, each of which involves zoning changes—

1. How to provide the St Gerard's reserve/ park with permanent pedestrian access from the Oriental Terrace zig zag reserve?; and
2. How to create a larger site for no 1 Oriental Terrace which the council understands that the owners intend to 'dispose of...to fund the earthquake strengthening of St Gerard's'⁴?

At first glance, these questions seem reasonable. Last year I submitted re the *Draft Suburban Reserves Management Plan* that the link between the zig zag reserve and St Gerard's reserve/ park needed upgrading. As a nearby resident I also have a strong interest in the earthquake resistance of The Monastery and its carpark.⁵

But in this context, public access along a narrow pathway and a single property's need for earthquake strengthening cannot be considered in isolation.

MY OBJECTIONS

1. Insufficient Investigation made

A. The Council's view of its investigation: 'residential land' and adequate track connection

I object to this proposal because the Council, in responding to a request from the Monastery, instead of asking the broad question appropriate in this context, or even asking if it needed to ask a broader question, it limited its investigation as though this was an unexceptional site rather than a unique and key site with exceptional potential value for the city of Wellington.

In response to my inquiries made about the ambit of Council investigations before making its proposal and whether the council had considered buying no.1 to use the land as a link between the well-used zig zag and the underused but outstanding St Gerard's park/reserve, the Council advised me that⁶—

The investigations into ... the proposed reserve land exchange have been limited to a request from the Monastery for the exchange to occur. I can advise that the Council has not

⁴ WCC letter to affected residents, 20 October 2015.

⁵ In Cochran (1995) for example, engineers expressed concerns about the likely (poor) performance of the Monastery's gable end walls and that there is no seismic separation between St Gerard's carpark and the monastery building: the carpark end of the building and one gable are directly above our house, the upper zig zag and two neighbours' houses.

⁶ Mike Oates, Manager Open Space and Recreation Planning at the WCC (email 24 November 2015).

considered purchasing [1 Oriental Terrace]. The zig zag and the park around the Monastery are already connected by the track and as such there is no need to acquire this residential land.

With respect, because of its exceptional position, the value of no.1 is far greater than 'residential'. Like most of the neighbouring dwellings, it predates the Monastery, and is therefore part of an historic enclave of pre-1900 and early-1900 houses.⁷

It is also the only dwelling that directly adjoins the Monastery, a visually prominent Category 1 listed building (a 'place of special or outstanding historical or cultural significance or value') that is also on the WCC Heritage List and subject to a 1992 covenant with the Council that⁸—

...for a period of at least 20 years no new buildings would be erected which would obscure the unique landmark qualities of the complex.

Even if that covenant is no longer in force, No. 1 is nevertheless a culturally and historically appropriate part of the Monastery precinct. Internationally, best practice around a site of the Monastery's significance would take account of this. Today, no. 1 – although currently neglected – unquestionably contributes to an integrated visitor experience, although obscuring some views of the Town Belt. If realised, this proposal would open the way for that experience to be undermined and places the site at risk of a new building that would be detrimental to the Monastery's landmark qualities, whether it is viewed from afar or by a pedestrian exploring the area.

Furthermore, No. 1 is bounded by reserve on three sides: it backs onto the former monastery garden, purchased by the Wellington City Council as a reserve two decades ago and has a strip of reserve on a second boundary. On its third boundary, it adjoins the high-profile, multi-use, Oriental Terrace zig zag reserve. In association with visitor experience of the Monastery itself, these reserve-related facts raise issues about the effects of zone change and development on the visitor experience of the St Gerard's park/reserve, with its outstanding characteristics as already described⁹, of the zig zag reserve and of the other pre-1900 and early 1900 dwellings in Oriental Terrace.

B. The Council's view of its opportunity to buy no. 1: 'No requirement for additional park space'
I also object to this proposal on the basis that the Council appears to have categorised this inquiry as merely 'park'-related rather relevant to the city's cultural heritage. By referring only to the possibility of 'park open space', the Council fails to consider the potential of creating a more integrated and visually compelling area to enhance visitor experience of two outstanding cultural and historical sites, the Monastery and the St Gerard's park/reserve, through linking them visually and effectively to the much more easily accessed and highly used zig zag area.

In its communication and in response to my question of whether the Council had considered buying no.1 for the city and using it to link St Gerard's park/reserve with the upper Oriental Terrace zigzag, the Council further emphasised the limitations of its decision making process when it wrote—

There is no requirement for additional park open space in this area with the large area of Town Belt nearby and the reserve land in front of the Monastery.

⁷ See below, p 8, re the inaccurate information relied on in the *Wellington City District Plan Residential Review: Character* (2008).

⁸ Cochran, *St Gerard's Monastery Hawker Street, Wellington: Conservation Plan* p 18.

⁹ '...valuable traces of the Redemptorist Fathers' historic garden, all-day sun, mature native and fruit trees and outstanding views of the city, Oriental Bay, the harbour and the Monastery...'

The Council's view of the adequacy of the connection between the zig zag reserve and the park reserve ('The zig zag and the park around the Monastery are already connected by the track and as such there is no need to acquire this residential land') reinforces this concern.

Unfortunately, in the *Draft Suburban Reserve Management Plan* the St Gerard's park/reserve is categorised as 'Recreation and/or Ecological Linkage' and the zig zag doesn't appear in that plan at all.¹⁰

With its traces of the monks' former presence and as an adjunct to the Monastery, the St Gerard's park/reserve is far more than a 'Recreation and/or Ecological Linkage'. It is 'Cultural Heritage'. It is also a multiple use space which with more effective access from the zig zag would easily become a 'must-see', 'must-use', space for many more than those who currently know and love it and share it with visitors who warmly appreciate the qualities of the space as already described. It is arguably far more than a 'suburban reserve' and should be included in the WCC Heritage List and its qualities demand better access than it now has, whether via McFarlane Street (far less used than the zig zag) or through the almost invisible and un-signposted entrance from the zig zag.

The zig zag as a whole is not merely a pathway. It too is a multiple use space (as already described¹¹), in effect a much-loved park, used far more than (for example) the Elizabeth Street play area, which is listed in the *Draft Suburban Reserve Management Plan*.

C. International Best Practice Around Heritage Sites

I object to the Council's failure to explore best practice around heritage sites, as developed internationally in places where tourism is as important as it is to Wellington. It's impossible to imagine such a limited investigation in similar circumstances in Saintes (France) or in Jersey, to name as examples just two quite different places familiar to me.

There are many 'best practice' resources, but a single example of their application to regional Cultural Heritage Tourism initiatives comes from the *American Folklore Society's Professional Development and Best Practices Program*¹², of which I suggest one of the most important in relation to this proposal is the second one, which has been ignored in the Council's decision making so far–

1. Collaborate;
2. Realize the Complexity;
3. Maximize Tools at One's Disposal;
4. Interact With Community; and
5. Recognize that Interpretation Is A Continuum.

These investigation-related factors need to be considered, with care.

My next objection is that the proposal, because of errors in one of the Council's own reviews, does not address no.1's zoning status, within the Mount Victoria North Residential Character Area.

¹⁰ I regret that I did not pick up on these facts when I made my submission to the plan, last year.

¹¹ 'A high-profile recreational – jogging, gardening, training, biking, walking with and without dogs and/or cameras – space on the Oriental Terrace zig zag, used intensively by locals and visitors, its significance underlined by the current engagement in its development and maintenance of the Mount Victoria and the Oriental Bay Residents Associations, as well as Oriental Terrace residents...An intensively used funnel to other key recreational and cultural experiences'.

¹² https://c.yimcdn.com/sites/www.afsnet.org/resource/resmgr/Best_Practices_Reports/McHale_et_al_Cultural_Touris.pdf

2. Mount Victoria North Residential Character Area issues

Perhaps because the *Wellington City District Plan Residential Review: Character (2008, Character Review)* – for which as far as I can ascertain no-one in Oriental Terrace was consulted – contains inaccuracies that affect the Council's decision-making, the proposal does not address no. 1's status within the Mount Victoria North Residential Character Area and its exclusion from the *Pre-1930s Demolition Rule*.¹³

The Pre-1930s Demolition Rule applies¹⁴–

...to those neighbourhoods where significant concentrations of older buildings contribute to a distinctive townscape character and a wider sense of place... the focus of this rule is the contribution of the buildings to townscape character.

Like the rest of the houses adjoining the zig zag, no. 1 is within the Mount Victoria North Residential Character Area but it is not covered by the *Pre-1930s Demolition Rule*. An email from the City Council's Planning Department states that¹⁵–

If the land exchange goes ahead the District Plan Team would be looking at rezoning the exchanged portions from Open Space B to Inner Residential and vice versa. We would not necessarily reconsider the boundaries of the *Pre-1930's Demolition Rule Area* or the Mt Victoria North Residential Character Area as part of that process.

Because the Council would 'not necessarily' reconsider the boundaries of the *Pre-1930s Demolition Rule* in implementing the rezoning of the proposed exchanged portions, any purchaser of no. 1 will be free to demolish the dwelling. While any purchaser's options may be limited because the site has no road access, and the *Draft Suburban Reserves Management Plan* prohibits permanent vehicle access for private purposes,¹⁶ nevertheless a building could be erected that compromises visitor enjoyment of the area, its sun and its views, including views from the St Gerard's park/reserve and the intact built environment on the zig zag, that complements the Monastery.

I object to this, on the grounds that the *Character Review* is flawed and decisions based on its inaccuracies will therefore also be flawed.

According to the Planning Department's email, in the *Character Review*¹⁷–

...a number of additional areas were assessed for inclusion in the *pre-1930's Demolition Rule* and an urban design assessment of those potential areas was undertaken. Oriental Terrace

¹³ The issues around dwellings within the Mount Victoria North Residential Character Area and its relationship to the *Pre-1930s Demolition Rule* can be confusing, so for reference I have included most of an email (17 November 2015) from the Council's City Planning Department, as an Appendix.

¹⁴ See Appendix.

¹⁵ WCC email 17 November 2015.

¹⁶ *Draft Suburban Reserves Management Plan* 4.6.4.e. p 125 – it's not impossible however that a purchaser would lobby successfully for the WCC partial road coming off McFarlane Street to be extended to no. 1, which would add further detriment.

¹⁷ WCC email 17 November 2015.

was one of the areas considered for inclusion, but was assessed as not meeting the relevant criteria.

A core criterion within the *Character Review* was the age of the houses and in assessing sixteen Oriental Terrace houses, the review's author records that none existed before 1900. However, after considerable research, I am confident that this is incorrect at least for the houses in the upper zig zag and probably for other houses in upper Oriental Terrace.¹⁸

My investigations indicate that with a single exception No. 1 and the five houses closest to it and the Monastery in the upper zig zag pre-date the Monastery and were built either before 1900 or right on the turn of the century. Of the six dwellings (three of them, nos. 1, 1A and 3, also backing onto the St Gerard's park/reserve) my investigations show that—

- no. 1 was almost certainly built around 1897-8;
- nos. 6 and 8 were definitely built before 1900;
- no. 3 was probably built in the 1890s;
- no. 4 was probably built early in 1900; and
- No. 1A was probably built around 1920.

These errors re age are not small and they are compounded by the *Character Review* ratings that depend on them. This area, within the larger upper Oriental Terrace area is very much one of Wellington's 'significant concentrations of older buildings [that] contribute to a distinctive townscape character and a wider sense of place', especially interrelationship to the zig zag, the Monastery and the St Gerard's park reserve.

The *Character Review's* ratings of various criteria that affect its Oriental Terrace recommendations, from 'High' (4) to 'Nil or Negative' (1) are arguably affected by the factual errors recorded.¹⁹

For instance, although almost all the upper zig zag houses and others in Oriental Terrace pre-date the houses at 188-200 in Oriental Parade (1906), which are on the WCC Heritage List²⁰, Oriental Terrace is given a 'Nil or negative' rating for 'Rarity'. The review also states that 'it is difficult to obtain a medium and close range view of the area from public spaces²¹ and consequently Oriental Terrace is given a 'Low' (2) rating for visual prominence although—

1. There is an excellent view-shaft from Oriental Bay which emphasises not only the typical 'Mount Victoria character' of the terrace's houses, including the small windows on all but also the relationship of those windows to small windows in St Gerard's and the window choices in the 21st century flats built on the no.14 Oriental Terrace site below no. 8;
2. There is another good view of the houses from the Monastery carpark from where many visitors take photographs;

¹⁸ The Thomas Ward 1892 map includes drawings of the dwellings at 6 and 8 Oriental Terrace with footprints that correspond to their footprints today; QV lists 1, 3, 4, 6, and 8 as 1895 builds and 1A as 1920; according to the WCC archives', J R Leadbetter received a building consent for no. 1 in 1897; in 1901, the first year that *Stone's* lists any numbers alongside Oriental Terrace residents, J R Leadbetter, the first owner of no. 1, is first on the list, before residents in no. 2, as living in an unnumbered Oriental Terrace dwelling. Of dwellings on the other parts of Oriental Terrace at least one was built in the 1880s and another probably in the 1890s.

¹⁹ *Wellington City District Plan Residential Review: Character*, p 13.

²⁰ <http://wellington.govt.nz/~media/your-council/plans-policies-and-bylaws/district-plan/volume01/files/v1chap21app.pdf>

²¹ *Wellington City District Plan Residential Review: Character*, p 12.

3. Many members of the public daily appreciate the medium and close range views of the area as they traverse it and the international visitors comment on its similarity to other intact houses of the period in places like San Francisco; and
4. The WCC itself uses the image on the cover of this submission which shows not only an excellent view of the area but also the associated 'green' belt around the view of the Monastery.

Oriental Terrace also receives a 'Nil or negative' rating for 'Ability to demonstrate valued pattern', although social historians would be quick to treasure this pattern of modest early homes as part of the St Gerard's neighbourhood precinct and as a contrast to the more opulent homes on the other side of St Gerard's in McFarlane Street and beyond upper Oriental Terrace.

'Low' ratings are also given for visual unity or consistency, aesthetic coherence and contribution to identity, all of which can be argued as otherwise, particularly in view of the age issues.

Of the rated criteria the highest 'Moderate' rating given to Oriental Terrace is 'Intactness', something to be valued and which would be compromised by development of the no. 1 site.

The errors of fact in the *Character Review* and the judgments made in dependence on those facts place in question the value of the review's recommendations as a whole as well as any decisions made as a result of those recommendations, including Oriental Terrace's exclusion from the Pre-1930s Demolition Rule.

3. Too Great A Reliance on ICPE's Possible Use of Money From Sale For Earthquake Strengthening

I object to this proposal because there is no guarantee that the ICPE will use the money from sale to earthquake-strengthen the Monastery. The Council's list of earthquake-prone buildings²² indicates that the owners of the Monastery have until November 2027 to complete the work. There is no guarantee that the ICPE will use money from the sale of no. 1 to do so, as the 2027 deadline is only six years before the ICPE can sell the Monastery without paying half of the sale price to the previous owners. It therefore has reason to defer the work as long as possible.²³

This inference is supported by the Monastery owners' track record to date. Heritage architect Chris Cochran reported in 1995 that as well as entering into the covenant with the city not to erect new buildings, the ICPE had²⁴—

...determined to proceed with upgrading the buildings and proposed renaming it St Gerard's Mission Centre.

But that upgrading has not happened. As well, for the second time, the Monastery and no.1 have been the source of significant water hazards which ICPE was very slow to remedy.

While the ICPE's use of funds raised from the sale of no. 1 is unresolvable (and the ICPE could of course go ahead and sell no.1 as-is) in view of the historical and cultural significance of Monastery, the volume of tourists that use the zig zag and the city's commitment to providing exceptional tourist experiences, together they provide a strong argument for a much more thorough investigation of options.

²² Wellington City Council. *List of Earthquake-Prone Buildings as at 20/11/2015*.

²³ *ICPE - Financial Report December 2014* p 8.

²⁴ Cochran, p 18.

To conclude my objections, I submit that there are better ways to achieve permanent public access to the St Gerard's park/reserve and to assist the ICPE to upgrade The Monastery, to keep us all safe.

Given the factors I have highlighted, it is unreasonable for the Council to follow through on the current proposal, in direct response to a request from a private owner and without full consideration of significant and lasting implications for the city.

MY SUBMISSIONS

I am grateful that the Council notes that 'The aim of [the Reserves Act 1977] is to ensure that reserve management and development is based on sound principles'.²⁵ It further notes that the Act states that²⁶—

...management plans shall be kept under continuous review so that the plans are adapted to changing circumstances or in accordance with increased knowledge.

These imperatives allow for close review of the proposal in accordance with changing circumstances and increased knowledge.

There are advantages and disadvantages to any proposal. However, I submit that the significant flaws in the Council's decision making when he developed the current proposal must be addressed by a second, more rigorous, investigation and a second proposal.

It is essential that the Council becomes proactive and investigates how it can best protect and enhance the no. 1 Oriental Terrace site and its status within the surrounding reserves and in the Monastery precinct. It should—

1. Consider purchasing the site to preserve and enhance an outstanding heritage, cultural and recreational area for the wider community, in posterity; and/or
2. Ensure that any zone change protects the site and its dwelling from inappropriate development that compromises its heritage value as a pre-1900 building and as a key site that is integral to the heritage and recreational values of the Monastery, the St Gerard's park/reserve, the zig zag reserve and the upper zig zag's houses.

I further submit that the Council's investigation should be based on a question like this one, instead of limited questions about land exchange and rezoning—

How can international best practices around significant heritage sites inform the city's response to the issues of zigzag access to St Gerard's park/reserve and the desire of ICPE to sell 1 Oriental Terrace?

In answering this question, the Council must consider at least the following relevant factors as part of a more considered investigation—

1. The age of the dwelling at no.1 Oriental Terrace;
2. Its relationships to the Monastery and the group of neighbouring houses that almost all also pre-date the Monastery and collectively have their own unique historical value;
3. The site's relationship to the St Gerard's reserve/ park (itself of cultural and historical value) and to the zig zag (which should be included as a significant recreational and historical site in the Suburban Reserves Management Plan);

²⁵ *Draft Suburban Reserves Management Plan 2014*, p 1.

²⁶ *Draft Suburban Reserves Management Plan 2014*, p 1.

4. The multiple uses of the zig zag and the St Gerard's reserve park; and
5. The value of enhanced cultural and heritage amenities to the city's tourist industry, particularly in this area of high visitor foot traffic on the multi-use zig zag, of locals and visitors en route to other nearby recreational and cultural experiences;
6. How to weigh the value of support for (possible) earthquake-strengthening in a fact situation like this one where there are significant competing values.

MY PREFERRED OPTIONS

These are my three preferred options, with 1. as my favourite–

1. In association with a commercial entity or philanthropic group or individual and in exchange for naming rights, the Council buys no. 1 **and** the current path from the zig zag to St Gerard's park/reserve, demolishes (or moves?) the no. 1 dwelling and provides a sweep of reserve from the zig zag through no. 1 to the far side of St Gerard's park/reserve. Although this would compromise the collective presence of the historic zig zag houses, the park that would be created would conserve and enhance the Monastery precinct and its heritage presence, open up the heritage monks' garden and bring its beauty, its sun and its views within much easier reach of visitors than the present or proposed inadequate approach. It would give Wellington a new heritage site to be proud of;
2. In association with a commercial entity or philanthropic group or individual and in exchange for naming rights, the Council buys no. 1 **and** the current path from the zig zag to St Gerard's park/reserve, upgrades the access to St Gerard's park/reserve and develops no.1 for community use, e.g. as a Civil Defence Centre, as a base for reserve gardeners, as a site for small cultural events and meetings (Oriental Bay residents used to use the Band Rotunda, now no longer available), as a branch of Wellington Museum; and
3. The Council creates a new path along the thin strip of reserve land it proposes to exchange with ICPE, confirms that permanent private vehicle access to no.1 is prohibited and revisits the Pre-1930s Demolition Rule to take account of the errors made in its Character Review.

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APPENDIX

Council notes re–

1. **Mount Victoria North Residential Character Area** (map attached) – this Area was included in the 1994 Proposed Plan. It does not appear to have been in the 1984 district scheme. To find out more about how this area was defined it would be necessary to get the old district plan files from archives (they are over 20 years old). Within the Mount Victoria North Residential Character Area Rule 5.3.5 of the District Plan applies and requires a resource consent for (restricted discretionary activity) for the construction, alteration of and addition to residential buildings (and assessment against the Mount Victoria North Residential Character Area Design Guide).

The Introduction to the Mt Vic North Residential Character Design Guide states the following:

"The Mount Victoria North Character Area is important to the city because it covers an area of high visual appeal, particularly when viewed from the city and harbour. It is a characteristic Wellington residential environment of closely packed hillside housing, enhanced by the prominence of St Gerard's Monastery. The monastery building, in its setting at the top of the coastal escarpment above Oriental Bay, is the object of many of the central area viewshafts identified in the plan. This special composition is one which the Council seeks to protect and enhance.

Because of the area's visual significance, the north or north west face of new building developments fronting the harbour and city has been made a Controlled Activity to ensure that its existing special character is maintained."

2. **Mt Victoria Pre-1930's Demolition Area** – this area was included in the Plan as a variation to the 1994 Proposed Plan in about 1998. Rule 5.3.6 of the District Plan applies and a resource consent is required for the demolition of a pre-1930's building (including the replacement structure). The following explanation for the pre-1930's demolition rule is provided in the explanation to Policy 4.2.2.1 of the District Plan:

"The demolition rules are applied to those neighbourhoods where significant concentrations of older buildings contribute to a distinctive townscape character and a wider sense of place... the focus of this rule is the contribution of the buildings to townscape character".

The two areas were included in the district plan at different times and have a slightly different purpose. The pre-1930's Demolition rule is about the contribution of the existing building to the townscape character and the proposed replacement building, while the Mt Vic North Residential Character Area is about managing changes to the existing building stock.

A review of the Residential Chapter was undertaken in 2009 (public notification of a plan change) and completed in 2014 (the plan change was made operative). As part of that process a number of additional areas were assessed for inclusion in the pre-1930's Demolition Rule and an urban design assessment (attached) of those potential areas was undertaken. Oriental Terrace was one of the areas considered for inclusion, but was assessed as not meeting the relevant criteria.

Both 1 and 8 Oriental Terrace are within the Mt Victoria North Character Area but not within the Pre-1930's Demolition Rule Area. If the land exchange goes ahead the District Plan Team would be looking at rezoning the exchanged portions from Open Space B to Inner Residential and vice versa. We would not necessarily reconsider the boundaries of the Pre-1930's Demolition Rule Area or the Mt Victoria North Residential Character Area as part of that process.

Submission 2

19 October 2015

Lambton Ward Councillors:

Iona Pannett Iona.Pannett@wcc.govt.nz
Mark Peck Mark.Peck@wcc.govt.nz
Nicola Young Nicola.Young@wcc.govt.nz
Wellington City Council

Submission on St Gerard's Monastery reserve and Oriental Terrace zigzag area

The Mt Victoria Residents' Association and the Oriental Bay Residents' Association present the following joint briefing to Lambton Ward Councillors. We appreciate the interest shown by the Council, and wish to discuss with Councillors ideas to improve the area around St Gerard's Monastery and the Monastery/Oriental Terrace zigzag area. We would also like to discuss how the two areas might be integrated.

Background

The Council's Suburban Reserves Plan provides a useful basis for our discussion. The Plan contains information on issues and proposed actions regarding the reserve area around St Gerard's Monastery. The area includes some flat pieces of land overlooking the harbour, and paths connecting McFarlane Street to Oriental Terrace and/or Hawker Street. Most of the area is classified as scenic reserve, with small pieces designated access-ways and road.

Issues noted in the Plan include:

- The land is somewhat difficult to access as it lacks road frontage, and it is tucked away at the side of the monastery building.
- The walkway currently crosses monastery land.
- The site is currently not used although there are remnants of previous gardening activity.
- There are intermittent issues with antisocial behaviour in the area.
- General public use is limited but there is the potential for community gardening at the site if there was interest from the local community.

Proposed actions in the Plan include:

- The Council will work with the local community to maximise public awareness and use of the reserve.
- Where the walkway currently passes through monastery land, the Council will work to ensure long-term access is maintained.
- The Council will support community use for a community orchard.

Discussion

Both the monastery and Oriental Terrace zigzag areas provide picturesque outlooks over the surrounding city, harbour and hills, and public thoroughfares to and from the CBD, the Town Belt, Mt

1

Victoria and Oriental Bay. The zigzag (as well as being used frequently by locals) is an important tourist route from Oriental Bay up Mt Victoria. The monastery area also has potential as a place for Wellingtonians to visit, rest and contemplate.

In addition to the issues noted above, we would like to table the following:

1. The monastery and Oriental Terrace zigzag pathway are physically joined, but are managed by different parts of the Council and so are treated as separate areas. (The land on both sides of the zigzag is not managed by Council). We believe the monastery and whole zigzag area should be integrated to make both areas more attractive.
2. Anti-social behavior near the Monastery generates litter, which makes the area unattractive to Wellingtonians to visit.
3. The steps on the south side of the monastery which join upper McFarlane Street with upper Hawker Street are uneven and slant, posing a safety risk to those using them, especially where the amazing view can distract the attention of anyone descending them.
4. The Oriental Terrace zigzag area is unkempt and scruffy. One resident said that, in the past, *"council workers, even the roads people, took pride in their work and used to keep the zigzag area tidy, unlike the contractors today"*. Then conditions deteriorated, and there were continuing complaints over several years about the state of the whole zigzag area. Contractors looked after the pathway but neglected the land either side, or, occasionally, sprayed. They also removed agapanthus planted by residents, despite its groundcover advantages in difficult sites such as the zigzag. So the area tended to alternate between wilderness and scorched earth, as one resident described it.
5. Over a year ago, as a last resort, a scheme was suggested involving individual households looking after the zigzag 'patches' in front of their homes. Unfortunately, this voluntary scheme has failed, despite some residents' efforts, including paying gardeners.
6. One resident is making her two big sections of the zigzag into a kind of community garden, inviting anyone (via website) to join in. It looks an awful mess. Community gardens are wonderful in the right location but a popular public thoroughfare is not the right location.
7. This individual approach also means there is no consistency in planting to provide an integrated effect.
8. The zigzag soil is hard and has not been gardened before; and the whole area is on a considerable slope. Working this hill is demanding for the young and fit, challenging for the middle-aged and impossible for older residents.
9. The gardening rubbish on the zigzag is not collected regularly. Volunteers understood that, if they did the work, the Council would collect the resulting rubbish. A couple of times a year the Council does, after many emails and phone calls. In between times, green waste lies in unsightly heaps.

Our preferred actions

Including the actions proposed by the Council in its Suburban Reserves Management Plan for the Monastery Reserve, we recommend that:

1. both the Oriental Terrace zigzag area and the Monastery Reserve be treated as one integrated entity and be the responsibility of the Council's Parks and Reserves department. . They are

physically joined and joint management by the same council section could reduce overall administrative and management costs

2. an integrated landscape and planting plan be initiated for both areas. This would enhance the attractiveness of this picturesque area and make it more appealing for those who wish to visit, and those who use it as a thoroughfare
3. there is regular monthly collection of green waste on the zigzag area and a fortnightly collection of litter around the monastery, particularly the lookout on the lower reach of the north-west corner.
4. the steps on the south side of the monastery which join upper McFarlane and Upper Hawker Streets be redesigned and reconstructed
5. the Council impose a liquor ban, to enable the police to intervene when necessary, on all the area around the monastery (as already requested by OBRA). We suggest the ban includes the Oriental Terrace zig-zag
6. low-level subdued and shielded street lighting be installed on the zig-zag to reduce risk to night-time users, including joggers
7. the Council work with the local community to maximise public awareness and use of the Monastery Reserve and zigzag area
8. where the walkway currently passes through monastery land, the Council will work to ensure long-term access is maintained
9. the Council support community use for a community orchard, but responsibility for its planning and upkeep remain with Parks and Reserves. Experience with the zigzag suggests community responsibility for such matters may fail to result in desired outcomes.

We look forward to discussing these matters further with you.



Colin Blair, President
Oriental Bay Residents' Association
Phone: 385 6466
Email: cgblair@xtra.co.nz



Craig Palmer, President
Mt Victoria Residents' Association
Phone: 384 2127
Email: palmerspring@actrix.co.nz

Submission 2



Mt Victoria Residents Association

PO Box 19056, Wellington 6149

7 December 2015

Contact: Craig Palmer, President
29 Moir St, Mt Victoria, Wellington 6011
Phone: (04) 384 2127
Email: palmer.spring@actrix.co.nz

Manager of Open Space and Recreation Planning
Wellington City Council
PO Box 2199, Wellington 6140
Email: Michael.Oates@wcc.govt.nz

Submission on proposed land exchange at St Gerard's Monastery

The Mt Victoria Residents' Association Inc has recently made a joint submission with the Oriental Bay Residents' Association suggesting the whole St Gerard's Monastery Reserve and Oriental Terrace public area should be managed as an integrated whole. We also suggested some improvements to make the area more inviting and accessible to its users and visitors. These matters have now been put in abeyance pending the outcome of the proposed land exchange.

We would like to make an oral submission to City Councillors.

We note the exchange will give the Council a permanent pedestrian access to Oriental Terrace via the existing pathway where the land is currently owned by the Institute for World Evangelisation (ICPE). The ICPE will gain the strip of Council land alongside its property at 1 Oriental Terrace. Although it is not mentioned in your letter to us of 20 October 2015 or in the public invitation to make submissions, we understand the exchange will increase the value of the property at 1 Oriental Terrace for potential sale to raise money for the earthquake-strengthening of St Gerard's. This could potentially save the Council from providing financial assistance for its strengthening. But there is apparently no guarantee that is how the money will be used.

We are very concerned that, if 1 Oriental Terrace is sold, it could be removed and replaced by an inappropriate development that would be out of character with its neighbours, including those within the Mt Victoria Design Guide area to the south. Its height could also obscure views of the Monastery from Oriental Bay, and site coverage and bulk dominate the Monastery Reserve and Monastery itself.

In addition, nothing is stated about what happens if the exchange does not proceed. Will the Council be able to continue having a pathway over the ICPE land? Or will it have to build a new pathway to Oriental Terrace on its own land? It also appears there is nothing to prevent the ICPE from selling 1 Oriental Terrace now.

1

On site, there is the current pathway, a steep bank between it and 1 Oriental Terrace, and a large, weed-covered piece of land at the Oriental Terrace end which appears to be part of the ICPE land. It is impossible to determine exactly what is being exchanged because the boundaries are unclear. We suggest a site visit for interested submitters to peg out the pieces of land under discussion.

At this stage we do not support the land exchange because there is insufficient information provided, including on what the status quo and land exchange options would mean for both parties, and to identify the boundaries of the two pieces of land to be exchanged.

If the Council decides to proceed, we urge that it place conditions on any development of the 1 Oriental Terrace property, including limits on height, site coverage/bulk, character of design, and sunlight planes.

Submission 3

JONATHAN WADDY
10 Oriental Terrace, Wellington
j.waddy@clear.net.nz
M : 021705521

The Manager
Open Space and Recreation Planning
Wellington City Council
PO Box 2199
Wellington
4-12-15

RE: ST GERARD'S MONASTERY, EXCHANGE OF RESERVE LAND

Dear Sir/Madam,

I welcome the proposal to exchange land with the ICPE of St Gerard's Monastery to provide permanent pedestrian access from the top of MacFarlane St through to the Oriental Terrace zigzag. The rationalization of the access will provide improved amenity to both the residents of Oriental Terrace as well as residents and visitors to Wellington.

The proposal in particular will help to resolve the on going practical access problems for the residents of Oriental Terrace. As you may be aware the zigzag walkway of Oriental Terrace is located on an area that has long been designated Road Reserve Land. This has resulted in, over an extended period of time, the private appropriation of the accesses by way of Road Reserve leases to both ends of Oriental Terrace, and an impractical designation of the area with regard to landscaping, maintenance as well as general access issues.

Therefore the exchange of land between the WCC and ICPE is important, as it will allow the opportunity to consider and resolve the permanent access issues for the residents of Oriental Terrace. This is highlighted in the need to have an access wide enough in the proposed permanent access to allow passage of emergency services such as wheeled medical transport stretchers along through to the top of Macfarlane Street. The width of the access, as well as allowance for adjustments for gradient of the overall access way should be considered in the land exchange process, as this could be seen the opportunity to resolve and improve the overall access is a worthwhile objective.

With the proximity and the importance of St Gerard's within the neighbourhood and in the larger Wellington context consideration of a high quality, resolution of the access way is very important at the level of overall urban amenity. As well this is highlighted in the reality that extensive consultation with ICPE, with regard to WCC and public assistance on earthquake strengthening of St Gerard's, is also relevant in the proper resolution of the exchange of the reserve land.

I would welcome the opportunity to meet and be involved in the discussion of the exchange of reserve land issue, and the larger discussion of the resolution of the urban planning and recreation issues of the surrounding areas, in particular Oriental Terrace.

I look forward to hearing from you.

Yours faithfully,



Jonathan Waddy

ORAL HEARINGS - RECLASSIFICATION OF PART OF RAUKAWA STREET RESERVE

Purpose

1. To provide a list of submitters making oral submissions in support of their written submissions.

Recommendations

That the Environment Committee:

1. Receive the oral submissions.

Background

2. The Council is working with Housing New Zealand to develop a community building on part of the reserve land (currently used as a car parking area) on Raukawa Street (called the Land).
3. The Land is shown highlighted yellow in Attachment 1. It is zoned outer residential, configured as a car park, and is held as a *reserve for off-street parking*.
4. The Land has no current or future use identified in the Suburban Reserves Management Plan and the proposal fits well with the configuration and location of the Land.
5. The current reserve classification does not provide for the proposed community facility. A reclassification to *local purpose reserve (community)* is proposed to enable the community facility to be developed on the Land.
6. In the event the reclassification is successful, officers propose to grant a lease to Housing NZ under the Reserves Act 1977.
7. The proposed community facility, known as the *Strathmore Park Community Space* aims to facilitate a sustainable community-led development in an area that has challenges rooted in an undersupply of community facilities and high levels of deprivation.
8. The public were invited to make a submission or objection in writing on the proposed reclassification before 5pm on Monday 23 November 2015.
9. Four submissions were received (Attachment 2). One submitter asked to make an oral submission in support of their written submission.

Name	Organisation/Individual	Support (Y/N)	Speaking time
Sue Sutherland	Individual	N	9:55 – 10:00 AM

Next Actions

10. Officers will prepare a paper for the Environment Committee meeting on the 17 March 2016 to recommend a final decision on the reclassification of the reserve.

Attachments

Attachment 1. Map of reserve Page 57
Attachment 2. Submissions on reclassification Page 59

Author	Michael Oates, Open Space and Recreation Planning Manager
Authoriser	Greg Orchard, Chief Operating Officer



Location Plan (source: GIS)
Approximate only – not to scale



Location Plan (source: Google Map)
Approximate only – not to scale

Submission 1

Submission re Change of Classification – Raukawa St Park – Reserves Act Notification (draft)

I oppose the proposal on several grounds.

1 It removes a well-used car park from use by the wider community. The carpark is always full of cars constantly used by residents, who park their cars off the road and thereby leave parking space outside the Raukawa St Dairy for its customers. If they park on the street it will leave no parking outside the dairy and people will double park and this is likely to cause accidents.

Children constantly use the asphalted area to skate, skateboard, and bike and if the car park is removed they will be forced on to the road to do these activities again likely to cause accidents.

The speed of car travelling along this road is excessive even with the traffic slowing curves that have been put in.

2 Aesthetically the proposal is unacceptable. The area affords a very small building site, which means it will only accommodate a very small building. As such it will not be in keeping with existing buildings in the proximity and risks being a target for anti-social behaviour. Graffiti is already a major problem: graffiti regularly appears on the tarmac, fences, buildings and occasionally on vehicles in the carpark area and vicinity. The area is badly lit and gives an ideal opportunity for furtive vandalism.

3 The plan ignores the existence alongside of a larger space, the Raukawa St Park, the grassed area. This area is a wasteland. It is a dumping ground for rubbish, garden waste, including supermarket trollies. The lack of legitimate recreational use is obviously due to the fact that Tairaroa St Park, only 30 metres up the path, has been developed for recreation with a playground, basketball hoop and seating.

The Raukawa St Park is listed but not otherwise mentioned in the Suburban Reserves Management Plan 2014, indicating that the Council has no plans for it and is content to see it lie unused and an eyesore.

4 The need for a community facility has not been adequately assessed. I understand that neither the type nor scale of the services has been decided.

Surely wise planning decides on the services and size wanted and then looks for a suitable site.

- 5 Apparently a change of classification for the carpark was deemed the easiest option. The easiest is seldom the best.

If indeed a satellite community base is deemed necessary. It seems rational to site it on the Raukawa St Park which is crying out for development and landscaping as a community amenity. It could, for example, accommodate a community garden, a picnic area, an outdoor games space, and a pavilion which could house the satellite base for WINZ, Housing New Zealand, etc and provide a meeting place for small groups like a choir and scrabble players. The present carpark would provide parking space for these facilities.

Also, it appears that there is other land available in the area. The satellite base could also be sited on Council land at the end of Raukawa St and developed in a way that added landscape value to the area. This land has been suggested for disposal by the Council in the Suburban Reserves Management Plan.

I urge the Council to allow Lots 29-30 DP22265 as a carpark to remain.

Nathan Meyer
nathan@nzgelato.co.nz
PO Box 6818
Marion Square
Wellington 6141
04 212 6060



Submission 2



Eastern Southern
Youth Trust

TE WHARE MATAURANGA

a place of knowledge, wisdom, understanding, skill

*Hapaitia te ara tika pumau ai te
rangatiratanga mo nga uri whakatipu.*

*Foster the pathway
of knowledge to strength, independence
and growth for future generations.*



VISION FOR PROJECT:

A place that equips and enables young people & whanau to reach their potential

MISSION FOR PROJECT

To ease loads *(whakamahunga kawenga)*
and to educate and upskill *(matauranga)*
young ones, young people and whanau

BACKGROUND

In a recent Strathmore Hui, held in Scot's College, the lack of services up the hill was identified. This issue has been raised repeatedly over many years and the creation of something in Raukawa Street is one positive way to help address this.

The proposal will not address all of the issues/needs listed at the Hui but it will help to start to address the following:

1. Education:
 - a. Truancy in secondary and primary schools.
 - b. Distance to travel to education institutions (secondary, tertiary and polytechnic, youth guarantee courses) – makes it prohibitive and too far to travel.
 - c. More educational facilities in the Eastern Suburbs area.
 - d. Workshops
2. Concern for young people:
 - a. Idle hands, nothing to do, lack of direction, lack of options to engage young people, lack of ways for young people to pass time positively, young people getting into trouble, vandalism in bus-stops, other tagging, drug and alcohol abuse by young

Whanau Ora
NKKP
Youth Specialties
Evolve Satellite Services
Budgeting advice with foodbank

- Self-Service Laundromats 24/7:
 - inviting existing businesses (Haitaitai/Berhampore) providing this to open here in this venue
 - they pay rent (income)
 - they are responsible for day-to day cleaning and running of machines
 - they are responsible for the long-term maintenance
- Youth Services: (base this on the next storey of the building)
 - Day Programme supported Te Kura
 - Workshops developing Performing and Creative Arts Dance, Drama, Vocals, Instruments, Filming, Recording, Art, weaving, Carving
 - After school programmes
 - Counselling and Art therapy
 - Health Clinics

CONNECTION TO COMMUNITY:

This venue will not be replacing or replicating any services established in lower Strathmore. It will be unapologetically focussing on early childhood, whanau and young people, with a commitment to developing strong relationships across the generations. It will not be a stand-alone provider of services, rather it would work in conjunction with whatever else is found within the area.

It would be a place to connect with each other, a place where the generations can connect as well a place where the people and agencies can connect.

There are many adults with needs within community outside of the age group proposed. **Solution:** A day will be chosen by Strathmore Park Community Centre (SPCC) then there is a Weekly Shuttle on that day doing circuit on the hour 9am, 10am, 11am, and 12pm from Kekeranga Rd, to Raukawa Street Dairy to Community Centre where there will be Link Services, foodbank and Kiabosh available. Return shuttles leaving from Community Centre will be 9.30am, 10.30am, 11.30am, and 12.30pm. SPCC already is offering specific services – e.g. lawyers. There would be a vehicle available to transport whanau to this services rather than replicate same service. If demand is big for certain services, we will increase the frequency of the shuttles to increase the accessibility to them or review if it is more suitable to bring the service to Raukawa Street.

Manaakitanga (hospitality) will be a foundation in all that is done at Te Whare Mautauranga. As well as intentionally finding a way to connect some of the older generation through some of the programmes and services being offered at Te Whare Mautauranga, half a day will be chosen each week where the young people offer hospitality to the elderly and learn to serve and host and consider others. One day a week the one stop pop-ups will be committed to having a Health focus.

KEY COMMUNITY SERVICES TO LINK INTO TE WHARE MAUTAUANGA:

Proposal for Raukawa Street by Eastern Southern Youth Trust

1. The purpose of this document is to provide information to the public regarding the proposed changes to the Raukawa Street area.

2. This document is a summary of the information provided in the full proposal document.

- One-Stop-Pop-ups office/space
 - Nurses/ GP visits for all
 - Health for Pacifica
 - Link Services
 - Whanau Ora
 - NKKP
 - Youth Specialties
 - Evolve Satellite Services
 - Budgeting advice and foodbank
- Self- Service Laundromats 24/7

LEVEL ONE: *(Facilities with multi-purpose set up specifically for young people and multiple programmes with a Performing Arts and Creative Arts focus that can be used for education as well)*

- Office Space for all staff
- Multi-use Smaller Rooms for counselling services, music lessons
- Film editing room
- A wider open space for dance classes and general hangout place for youth and day programme for during the day

Possible SECOND FLOOR:

- ESYT is also interested in setting up a live in supportive home for at risk females. It is possible to put this as a second floor of the Te Whare Mautauranga building.
- ESYT has have identified this as an area of need, with a number of our girls living in unsafe environments and having little options However we are aware that this may not be seen as a general immediate need of the community at this time.
- ESYT are happy to provide further information about what this service would like, if there is interest, but our proposal for Te Whare Mautauranga does not require this level.

Contact Details:

Lorna Gray
Director of Youth Services
ESYT
0226391167
Lorna.esyt@gmail.com

Jo Claridge
Operations Manager
ESYT
0226572705
Joanna.esyt@gmail.com

Proposal for Raukawa Street by Eastern Southern Youth Trust

Submission 3

69 Raukawa St
Strathmore Park
Wgtn 6022
19/11/15

Michael Oates

Manager of Open Space & Recreation Planning
Wellington City Council
PO Box 2199
Wellington 6140

Thank you for meeting yesterday.

I deliver ^{by hand} my submission re the Raukawa St reclassification which as you know I strongly oppose. The emailed copy I sent ^{this am} was mistakenly labelled "draft". The contents are the same; however Frank Meyer has added his notes to the enclosed copy.

I would like to support the submission at the Council's Environment Committee meeting.

Regards,

S. E. Sutherland

Submission re Change of Classification – Raukawa St Park – Reserves Act Notification

I oppose the proposal on several grounds.

- 1 It removes a well-used amenity from use by the wider community. The carpark is constantly used by residents, especially those in Nos 69, 71 and 73 Raukawa St, who park their cars off the road and thereby leave parking space outside the Raukawa St Dairy for its customers. There are a minimum of four cars parked during the day and seven at night. In addition, the carpark provides access, both by foot and vehicle, to the service lane behind the residential properties, the dairy and onto Tukanae St. It forms part of a convenient and constantly used walkway to Tukanae St, Taiaroa St Park, and Taiaroa St.

Children use the asphalted area to learn first to skate, skateboard, bike and then to do those activities in that space. The adjacent grassed area, Raukawa St Park, is too soft for such activities and the grass often too long.

- 2 Aesthetically the proposal is unacceptable. The area affords a very small building site, which means it will only accommodate a very small building. As such it will not be in keeping with existing buildings in the proximity and risks being a target for anti-social behaviour. Graffiti is already a major problem: graffiti regularly appears on the tarmac, fences, buildings and occasionally on vehicles in the carpark area and vicinity. Recently someone climbed onto a verandah at No 69 and graffitied the second-storey wall. Frank Meyer and myself have not figured out how we can reach that space to clean it off (we are both in our seventies), but regularly paint out other offending graffiti in the space you are planning to use. The area is badly lit and gives an ideal opportunity for furtive vandalism.
- 3 The plan ignores the existence alongside of a larger space, the Raukawa St Park, the grassed area already mentioned. This area is tantamount to a wasteland. It is a dumping ground for rubbish, garden waste, including supermarket trollies. The lack of legitimate recreational use is obviously due to the fact that Taiaroa St Park, only 30 metres up the path, has been developed for recreation with a playground, basketball hoop and seating.

The Raukawa St Park is listed but not otherwise mentioned in the Suburban Reserves Management Plan 2014, indicating that the Council has no plans for it and is content to see it lie unused and an eyesore.

- 4 The need for a community facility has not been adequately assessed. I understand from Matthew Sims' email of 6 Nov that neither the type nor scale of the services has been decided. Surely wise planning decides on the services and size wanted and then looks for a suitable site.

Already it has been agreed that the Strathmore /Khandallah 44/43 bus route will be changed with the object of linking the present community base in Strathmore Avenue with the Raukawa, Taiaroa, Tukanae, Kekeranga Street areas. The bus will turn right up Monorgan Rd from Raukawa St to Strathmore Avenue and thence to Strathmore shops and Ira St, a simple change which will not involve a timetable change. Thus the base will be more accessible to residents of the Raukawa St side of the valley. This change is planned for 2017 when the present bus contract expires.

- 5 Apparently a change of classification for the carpark was deemed the easiest option. The easiest is seldom the best.

If indeed a satellite community base is deemed necessary. It seems rational to site it on the Raukawa St Park which is crying out for development and landscaping as a community amenity. It could, for example, accommodate a community garden, a picnic area, an outdoor games space, and a pavilion which could also house the satellite base for WINZ, Housing New Zealand, etc and provide a meeting place for small groups like a choir and scrabble players. The present carpark would provide parking space for these facilities.

Also, it appears that there is other land available in the area. The satellite base could also be sited on Council land at the end of Raukawa St and developed in a way that added landscape value to the area. This land has been suggested for disposal by the Council in the Suburban Reserves Management Plan.

I urge the Council to change or adapt the classification of Raukawa St Park to allow for community use and recreation, and allow the use of Lots 29-30 DP22265 as a carpark to remain as at present.

Susan E Sutherland
69 Raukawa St
Strathmore Park
18/11/15

Notes to change of Classification – Raukawa Street Park/Off Street Carpark

I have no objection to the proposed siting of a 'Community Space' "in my backyard"

PROVIDED:

A building is NOT sited on the existing Off Street Car Parking Area, for the following reasons.

The area is well utilized for off street car parking by local residents and customers of the nearby Dairy. The erection of a Community facility would require additional parking, which would be removed by a building sited on the car park area.

However, were a building to be sited on the grassed area, it would occupy a currently underused area and allow the sealed area to continue as a well used car park.

I understand that a 'change of use' consent would be more difficult to achieve for the Raukawa Street Park than the Car Park. Surely it is worth the extra effort for a longer term opportunity.

Frank Meyer.

Submission 4

Mary & Ted Hart
20a Taiaroa Street
Strathmore
Wellington 6022
ted.maryhart@gmail.com

Manager Open Space and Recreation Planning
Wellington City Council
PO Box 2199
Wellington

14 November 2015

Dear Sir/Madam

Raukawa Street Reserve, Strathmore Wellington - Lots 29-30DP 22265 WN/12C708

In relation to the above Recreation Reserve Land to be reclassified to Local Purpose Reserve (Community Purpose) so the Council and Housing NZ can develop a community facility on the site.

The piece of Reserve Land backs on to our property that we have owned for almost 30 years. Over those years we have kept the back public walkway clean, trimming trees, picking up rubbish and weed eating the grass. When we bought this house in 1986 we rang the WCC and Housing NZ and neither said they owned the land, so were not responsible for any cleanup. Over the past few years you have decided you do own it and are keeping it all tidy.

We love living here, we have raised our children here, we love all the different cultures living here, it is a happy place to live. We have never had any problems with anyone except the council, who for well over 25 years refused to clean up the public walkway behind our land. So on these grounds we are very concerned about the proposed changes.

Could you please inform us of the following:

Height restriction.

Hours and type of use for this new proposed community building

Parking and amount of people allowed to use this building at any one time.

Alcohol restrictions when hired out

Who is going to be responsible in the clean up and keeping both the building and grounds tidy

We know the proposed land is on Raukawa street and we live in Taiaroa Street, but with public walkway leading from the Raukawa street park, behind #20, 20A & 22 Taiaroa Street directly to the land for the proposed changes, this will have huge impact to us as the walkway over the years has been used for many things, children smashing

Mary & Ted Hart

bottles, children and teenagers smoking both tobacco and dope, underage drinking and sex , runaways, etc. which we have been able to put a stop to, as we are close neighbourhood so just the words.....do you think your parents would like to know and helping the runaways to go home, this has all been eliminated.

So by having a community facility built is wonderful but it must come with boundaries and responsibility by the council to maintain the building and keep the area tidy. To reclassify the land so you can build this community facility is the easy part, but keeping our neighbourhood safe and tidy is the harder part.

Kind regards



Mary and Ted Hart

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4. Public Excluded

Resolution to Exclude the Public:

THAT the Environment 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 Encumbrance Removal - 79 Dixon Street, Te Aro	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.
