

**ORDINARY MEETING**

**OF**

**REGULATORY PROCESSES COMMITTEE**

**AGENDA**

**Time:** 1:00pm  
**Date:** Wednesday, 24 May 2017  
**Venue:** Committee Room 1  
Ground Floor, Council Offices  
101 Wakefield Street  
Wellington

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**MEMBERSHIP**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Lee  
Malcolm Sparrow (Chair)

**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](mailto:public.participation@wcc.govt.nz) or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.*

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## **AREA OF FOCUS**

The Regulatory Processes Committee has responsibility for overseeing the Council's regulatory functions.

The committee will have responsibility for:

- Resource Management Act (RMA) Commissioners – Approve List and Appointment Guidelines
- Dog Objections and Fencing of Swimming Pools
- Road Stopping
- Temporary Road Closures
- Liquor Ban Bylaw Appeals
- Development Contributions Remissions.
- Approving leases under the “Leases Policy for Community and Recreation Groups”

**Quorum:** 3 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 12 April 2017 will be put to the Regulatory Processes 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 Regulatory Processes 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 Regulatory Processes Committee.***

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



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## **2. General Business**

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### **ROAD CLOSURES**

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#### **Purpose**

1. To seek approval of the Regulatory Processes Committee for the temporary closure of roads associated with the Gazley Volkswagen Wellington Marathon.

#### **Summary**

2. The Wellington City Council has received an application from the event organisers for approval to hold the:
  - Gazley Volkswagen Wellington Marathon

#### **Recommendations**

That the Regulatory Processes Committee:

1. Receive the information.
2. Note that recommendations in this report should not be amended without first carrying out further consultation with affected parties and verification from the Council's Traffic Engineer that the amendment is not likely to cause unreasonable impact on traffic.
3. Agree to close the following roads and sections of roads for the above event to vehicles only, subject to the conditions listed in the Proposed Temporary Road Closure Impact Report:
  - a. Gazley Volkswagen Wellington Marathon  
Saturday 18 June 2017
    - Seaward Lane Closure, 2 lanes, 6.00am to 10.00am from Westpac Stadium Traffic Lights, south along Waterloo Quay, Custom House Quay, Jervois Quay to Cable Street.
    - Seaward Lane Closure, 1 lane, 10.00am to 1.00pm from Westpac Stadium Traffic Lights, south along Waterloo Quay, Custom House Quay, Jervois Quay to Cable Street.

Note:

    - The 6am to 10am closure is to allow for the outbound section of all races to use two of the three lanes until Jervois Quay, where the restriction will gradually taper down to one lane at Cable Street.
    - The 10am to 1pm closure allows for the return Journey of all races.
    - Residents and business owners will have controlled access.
  - b. Seaward Side Lane Closure, 1 lane, 6.00am to 10.00am, Cable Street from Jervois Quay to Oriental Parade.
    - Lane closure only.

Note:

    - The lane closure on Cable Street is to allow for the outbound section of the route only.

- Residents and business owners, Te Papa visitors and market goers will have controlled access.
- Marshals will help residents access Herd Street from 7.30am to 11.30am.
- c. Oriental Parade and Evans Bay, 6.00am to 12.00pm, between Cable Street and Cobham Drive.  
Note:
  - Residents and business owners will have controlled access.
  - Landward Lane for normal westbound traffic will be opened by approximately 11.00am.
- d. Shelly Bay Road between Miramar Avenue and Scorching Bay, 7.00am to 11.30am.  
Note:
  - Residents and business owners will have controlled access.
  - Road closure ends North of Scorching Bay so public access to Café, playground and car parking are unaffected.

## **Background**

3. The Council receives numerous requests throughout the year for public roads to be closed for events. These requests are processed and a detailed traffic impact report is prepared for each as attached. This report to the Committee has been prepared, in accordance with the procedures that were approved by the Committee on 15 December 2010.
4. Approval is required from the Regulatory Processes Committee to allow the temporary closure of roads in the Wellington District for events supported by the Wellington City Council. This will ensure that the Wellington City Council is complying with the requirements of the Local Government Act 1974 for the temporary closure of roads within its jurisdiction.

## **Discussion**

5. Road closure requests for variety of events are brought to the Committee for approval. All information supporting the proposed closures for this event is contained in the attached impact report.

## **Attachments**

Attachment 1. Marathon

Page 10

Author	Maria Taumaa, Street Activities Coordinator
Authoriser	Stephen Harte, PM: Transport Network Developmt David Chick, Chief City Planner



## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

Affected stakeholders were notified of the Council's intention to consider the proposed temporary road closures through an advertisement in the Dominion Post. This advertisement requested the public to make submissions on the proposed road closures.

The New Zealand Police and the Ministry of Transport have also been consulted with. Any correspondence received in response to the proposed closures has been included in the attached impact report.

Approval of a traffic management plan for the event will address and show how any objections raised, are to be managed.

The City Events Team has assessed the proposed events with regard to their contribution towards Council's strategies and policies. The proposed events support the Council's strategy of being the "events capital" and will contribute to the economic success of the city.

### **Treaty of Waitangi considerations**

There are no Treaty of Waitangi implications.

### **Financial implications**

The administration of events is managed under project C481. There is no unforeseen cost associated with this event.

### **Policy and legislative implications**

A Council Traffic Engineer has assessed the proposed closures with regard to the expected impact on traffic. The Traffic Engineer has provided a professional opinion as to whether the resulting impact on traffic is likely to be reasonable or unreasonable.

The proposed closures, if implemented according to an approved traffic management plan and in accordance with specific conditions set by the Traffic Engineer, will enable the safe running of the event and minimise the impact on traffic. If, in the opinion of the council, the closure may or does impede traffic unreasonably, any approval granted by the Council may be revoked and the event organiser may be required to open the road at the direction of the Council's Traffic Engineer.

### **Risks / legal**

Nil

### **Climate Change impact and considerations**

N/A

### **Communications Plan**

The road closures will be advertised in the Dominion Post and affected parties will be notified by the event organiser.

### **Health and Safety Impact considered**

This is covered by the event management plan submitted to council, together with the traffic management plan for the road closures.

REGULATORY PROCESSES COMMITTEE

Absolutely Positively  
Wellington City Council  
Me Heke Ki Pōneke

PROPOSED TEMPORARY ROAD CLOSURE – IMPACT REPORT

*GAZLEY VOLKSWAGEN WELLINGTON MARATHON  
SUNDAY 18 JUNE 2017*

1. Description of Event

Established in 1986, the Wellington Marathon is one of New Zealand's leading running events. It is organised by the Wellington Marathon Clinic. The event involves the classic 42.2k full marathon; half marathon 21.1k; a 10k; a 5k; and a kids magic mile with approximately 5000 runners and walkers taking on these challenges. This is the 32<sup>nd</sup> year of the event, with race day scheduled for Sunday 18<sup>th</sup> June 2017.

Since 2003, when the event shifted to Westpac Stadium venue and current route, the Wellington Marathon has seen greater than 400 percent growth attracting approx. 5000 participants this year. It is now a member of New Zealand's "Big Five" marathon events, alongside the Auckland, Queenstown, Rotorua and Christchurch marathons. The event attracts more than 2000 visitors every year, and is the Wellington region's major winter event.

In 2017 the event will follow the same route and be managed in the same way as the last three years.

The proposed event will follow a scenic out-and-back route commencing from Westpac Stadium along Waterloo and Jervis Quays, Cable Street, Oriental Parade, Evans Bay Parade, Cobham Drive, Shelly Bay and Massey Road, returning via the Wellington Waterfront.

A full Traffic Management Plan will be required as part of the events approval. A qualified traffic management provider will prepare the traffic management plan and manage the controls on race day. Additional marshals will be used to further ease any impact on the public. Herd Street, being a private access, will be managed separate to the rest of the course. Public awareness of the event will be raised earlier this year by 1) earlier delivery of letters to residents and businesses, 2) improved utilisation of WCC website and social media avenues.

As for previous years the event has the support of Westpac Stadium, Wellington City Council Events office and the Oriental Bay Residents' Association and we continue to work with all stakeholders to reduce any inconvenience. In the past three years increased resource around course management, traffic management and public notices has seen the event minimise any disruption on the public. The course will only be closed for a few hours, and will re-open by 1.00pm.

The following proposed road closures are required on **Sunday 18 June 2017 from 6.00am to 1.00pm** are:

- Two seaward side traffic lanes from Westpac Stadium lights south along Waterloo Quay, Customhouse Quay Jervis Quay to Cable Street
- One North side lane on Cable Street to Oriental Parade

- The Seaward side traffic lane on Oriental Parade and Evans Bay Parade between Cable Street and Cobham Drive
- Shelly Bay Road between Miramar Avenue and Scorching Bay.

The event cannot be safely managed in its starting phase on narrow areas of Waterfront land therefore it is proposed to close the left-hand lane of Waterloo Quay (just south of the Stadium over bridge) together with Customhouse and Jervois Quays, to link with Cable Street. To further assist the number of runners expected, the left-hand lane along the entire length of Cable Street will also be required to be closed. This operated well last year. These lane closures help accommodate runners until they reach Oriental Parade. The organisers are currently in consultation with both the Harbour side Market, Te Papa and Wellington Waterfront to manage suitable site access for market stallholders, market goers, businesses and public.

The full length of Shelly Bay Road between Miramar Avenue and Scorching Bay needs to be closed because sections of this road are narrow and has blind corners making it difficult to safely manage traffic without closing it. This has been necessary in past years and worked well.

Aside from the road closures listed above, the Wellington Marathon Clinic proposes to operate a one way traffic system along Oriental and Evans Bay parades which has operated successfully for the last four years. This will mean that the entire seaward traffic lane along Oriental and Evans Bay parades will be closed from Herd Street to Cobham Drive. General vehicular traffic will operate via a one way system along the landward side lane from the eastern suburbs to the city.

Event marshal's will provide access to residents along the route balanced against the safety of participants.

A full traffic management plan (to be approved by a qualified Council Officer) will be required for the event, including the single lane closures and associated parking restrictions. Additional traffic management will be in place (as for previous years) on Cobham Drive which will require approval from NZTA.

Public notification signs will be placed at strategic points along the course at least 10 days prior to the event to advertise the proposed one way system and closures. The event and proposed traffic management system is also to be advertised in the Wellingtonian in the week preceding the event.

The event is to be managed by qualified Traffic Management Company employing suitably qualified personnel. Emergency services will have immediate access to all areas if required.

## **2. Events Directorate Support**

This annual sporting and community event is supported by the City Events Team.

## **3. Proposal Notice and Consultation**

The public notice advising that the Council is proposing to consider this closure was published in the

Dominion Post Saturday on 1 April 2017 and Saturday 13<sup>th</sup> May 2017

The New Zealand Police and the Ministry of Transport have also been consulted with.

#### 4. Objections

There have been two objections received for this closure request. The summary of the objections received and a report from the organisers.

Name	Support
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<b>John and Penny Pennington</b>	<b>No</b>
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Comments: Opposed to the road closure from Miramar Avenue to Scorching Bay, proposed a one way system from Miramar Wharf to Scorching Bay.

<b>Lynne Breed</b>	<b>No</b>
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Comments: Opposed to the road closure from Miramar Avenue to Scorching Bay, in favour of the one way system as the road closure has a detrimental effect on business.

<b>Daryl Bloomfield</b>	<b>Yes</b>
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Comments: I have had a lot of discussions with residents and retailers around the Miramar Peninsula, when organising events in this area. The one way system, while on paper appears to be a good idea the reality is that, it will require the full length of the road to be fenced/barricaded even if this was done there would not be enough room for competitors.

Officially the full road closure is in place from 7am to midday for Shelly Bay and Massey Roads (ie Burnham Wharf to Scorching Bay).

#### Officer Response to Comments:

The submitters request to minimise the closure of Shelly Bay Road to one lane has been considered but is not feasible because of the numbers of competitors expected. It is proposed to allow the full closure but look at ways to improve information to the public that minimises the effect of the event on affected businesses.

#### 5. Traffic Impact Assessment

##### Prior Closures

None of the proposed closures for this event will result in a road being closed for an aggregate of more than 31 days in any year.

##### Traffic Impact

In the opinion of Stephen Harte, Programme Manager Transport Network Development, acting as the Council's Traffic Engineer, the proposed closure, if implemented according to an approved traffic management plan, is not likely to impede traffic unreasonably subject to the conditions listed below. However, the Council reserves the right to modify this opinion at any time. If, in the opinion of the Council, the closure may or does impede traffic unreasonably, any approval granted by the Regulatory Processes Committee may be revoked and the event organiser may be required to open the road at the direction of a suitably qualified Council officer in charge of traffic.

Conditions:

- The event organiser is to notify the public via newspaper advertisement, letter drop, advanced signage and media releases.




- The event organiser is to ensure that the emergency services (Police, Fire and Ambulance Services) have been consulted with and that the Traffic Management Plan includes all of their specific requirements.
- The event organiser is to ensure that all affected property and business owners along the proposed route are consulted with.
- The event organiser is to provide marshals at all road closure points to ensure that public safety (interaction of traffic and spectators) is not compromised. This is essential where road closures transition from partial to full closures and vice versa.
- The event organiser is to work with the public transport operators to provide alternative public transport routes and bus stops along the proposed partial and full closures.
- The event organiser is to provide adequate detour routes to provide access for affected residents and businesses during the event.
- The event organiser is to provide full details of the Traffic Management Plan to Council for approval no later than two (2) weeks prior to the event.

Signed ..... 

Stephen Harte  
Programme Manager Transport Network Development

#### 6. Attachments

- Map of proposed closure
- Copy of proposal notice from the newspaper

Prepared By: .....   
Maria Taumaa  
Street Activities Coordinator

## Proposal to Close Roads

The Regulatory Processes Committee will meet on Wednesday 24 May 2017 to consider the following temporary road closures for events.

### Gazley Volkswagen Wellington Marathon Sunday 18 June 2017

**Seaward Lane Closure 2 Lanes 6.00am to 10.00am** from Westpac Stadium Traffic Lights, south along Waterloo Quay, Custom House Quay, Jervois Quay to Cable Street.

**Seaward Lane Closure 1 Lane 10.00am to 1.00pm** from Westpac Stadium Traffic Lights, south along Waterloo Quay, Custom House Quay, Jervois Quay to Cable Street.

NB: This is for the outward section of all races using two of the three lanes until Jervois Quay, where it will gradually funnel down to one lane at Cable Street.

NB: Residents, business owners, Te Papa visitors and market goers will have controlled access.

**Seaward Lane Closure 6.00am to 1.00pm**  
Waterloo Quay from Westpac Stadium traffic lights south along Waterloo Quay to intersection With Whitmore Street.

NB: This is for the outward section and return Journey of all races.

NB: Residents and business owners will have controlled access.

### Cable Street to Oriental Parade 6.00am to 10.00am Lane closure only

NB: This will funnel down from two lanes Jervois Quay and Cable Street and is for the outward section of the route only.

NB: Residents and business owners, Te Papa visitors and market goers will have controlled access.

### Oriental Parade and Evans Bay 6.00am to 12.00pm Between Cable Street and Cobham Drive

NB: Residents and business owners will have controlled access.

NB: Landward Lane for normal westbound traffic will be open by approximately 11.00am.

### Shelly Bay Road between Miramar Avenue and Scorching Bay 7.00am to 11.30am

NB: Residents and business owners will have controlled access.

NB: Road closure ends North of Scorching Bay so public access to Café, playground and car parking are unaffected.

Marshals will help residents access Herd Street from 7.30am to 11.30am.

Any person objecting to a proposed road closure must contact the City Council in writing before 4pm, Friday 19 May 2017.

Please send correspondence to Maria Taumaa at mailing address below, by fax 801 3009 or by email

[maria.taumaa@wcc.govt.nz](mailto:maria.taumaa@wcc.govt.nz)

Wellington City Council  
101 Wakefield Street  
PO Box 2199, Wellington 6140  
Wellington.govt.nz

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DOMINION POST MAY 13, 2017

## Proposal to Close Roads

The Regulatory Processes Committee will meet on Wednesday 24 May 2017 to consider the following temporary road closures for events.

### Gazley Volkswagen Wellington Marathon Saturday 18 June 2017

**Seaward Lane Closure 2 Lanes 6am to 10am** from Westpac Stadium Traffic Lights, south along Waterloo Quay, Custom House Quay, Jervois Quay to Cable Street.

**Seaward Lane Closure 1 Lane 10am to 1pm** from Westpac Stadium Traffic Lights, south along Waterloo Quay, Custom House Quay, Jervois Quay to Cable Street.

NB: This is for the outward section of all races using two of the three lanes until Jervois Quay, where it will gradually funnel down to one lane at Cable Street.

NB: Residents, business owners, Te Papa visitors and market goers will have controlled access.

### Seaward Lane Closure 6am to 1pm

Waterloo Quay from Westpac Stadium traffic lights south along Waterloo Quay to intersection With Whitmore Street.

NB: This is for the outward section and return journey of all races.

NB: Residents and business owners will have controlled access.

### Cable Street to Oriental Parade 6am to 10am Lane closure only

NB: This will funnel down from two lanes Jervois Quay and Cable Street and is for the outward section of the route only.

NB: Residents and business owners, Te Papa visitors and market goers will have controlled access.

### Oriental Parade and Evans Bay 6am to 12pm Between Cable Street and Cobham Drive

NB: Residents and business owners will have controlled access.

NB: Landward Lane for normal westbound traffic will be open by approximately 11am.

### Shelly Bay Road between Miramar Avenue and Scorching Bay 7am to 11.30am

NB: Residents and business owners will have controlled access.

NB: Road closure ends North of Scorching Bay so public access to Café, playground and car parking are unaffected.

Marshals will help residents access Herd Street from 7.30am to 11.30am.

Any person objecting to a proposed road closure must contact the City Council in writing before 4pm, Friday 15 April 2017. Please send correspondence to Maria Taumaa at mailing address below, by fax 801 3009 or by email [maria.taumaa@wcc.govt.nz](mailto:maria.taumaa@wcc.govt.nz)

Wellington City Council  
101 Wakefield Street  
PO Box 2199, Wellington 6140  
Wellington.govt.nz

Absolutely Positively  
Wellington City Council  
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APRIL 1, 2017

DOMINION POST







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## PROPOSED ROAD STOPPING - LAND ADJOINING 82 NEWLANDS ROAD, NEWLANDS

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### Purpose

1. The purpose of this report is to recommend that the Council disposes of approximately 185m<sup>2</sup> of unformed legal road adjoining 82 Newlands Road, Newlands (refer Attachments 1 and 2).

### Summary

2. The owners of 82 Newlands Road, Newlands, have applied to purchase part of the unformed legal road abutting the frontage of their property.
3. The approximately 185m<sup>2</sup> of legal road to be purchased (the **Land**) is shown bordered red on the plan in Attachment 2.
4. Utility providers and relevant Council business units have been consulted. All support the proposal, subject to standard conditions (where relevant).
5. Initial consultation letters were sent to adjacent neighbours and, at time of writing of the report, no replies had been received.
6. If the Council agrees with the recommendation of the Regulatory Processes Committee and proceeds with the disposal then it will be publicly notified. At that time neighbours, and any other members of the public, will have the opportunity to make a submission.

### Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to the Council that it:
  - a. Agrees that approximately 185m<sup>2</sup> of unformed legal road land on Newlands Road, Newlands, shown as the land bordered red on the plan in Attachment 2 (the Land) and adjoining 82 Newlands Road, Newlands (being Lot 17 DP14870, CFR WN825/86) is not required for a public work and surplus to requirements.
  - b. Agrees to dispose of the Land.
  - c. Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.
3. Notes that if objections are received to the road stopping and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee for consideration.

### Background

7. Newlands Road (previously Horokiwi Road) has existed since 1913. The subdivision creating 82 Newlands Road was completed in 1950.

8. In 1964/65 Newlands Road was straightened and widened to accommodate the expansion of the eponymous suburb. The realignment created the wide legal road corridor existing today.
9. 82 Newlands Road is occupied by a single storey, c.1950, weatherboard dwelling. The remainder of the site is covered in grassed lawn (road frontage) or gorse and scrub (bank to rear).
10. The Land is occupied by a sealed driveway, footpath and grassed lawn.

### **Discussion**

11. Road stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (the **LGA**)
12. Council, under section 40 of the Public Works Act 1981 (the **PWA**), 'shall endeavour' to dispose of any land not required for the public work for which it was taken, and which is not required for any other public work.
13. The Transport Network Team has confirmed the Land is not required for road or access purposes. No other relevant business unit of the Council seeks to retain the Land. The section 40 PWA report will, otherwise, determine whether any offer back obligation exists.

### **Options**

14. The alternative to undertaking the road stopping is to retain the Land as unformed legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires or intends to use.
15. An encroachment licence could be issued for the Land if it is not stopped. Such a licence provides less certain tenure for the occupier and limits the scope for better utilisation of the land by these owners.

### **Next Actions**

16. Conclude a section 40 PWA investigation.
17. Prepare a survey legalisation plan and Sale and Purchase agreement for the Land.
18. Initiate the public consultation process.

### **Attachments**

Attachment 1.	82 Newlands Road - Location Plan	Page 21
Attachment 2.	82 Newlands Road - Aerial Plan	Page 22
Attachment 3.	Photo looking south east from road	Page 23
Attachment 4.	Photo looking east (showing approximate extent of area to be stopped)	Page 24

Author	Brett Smith, Property Advisor
Authoriser	Tracy Morrah, Property Services Manager David Chick, Chief City Planner

## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

#### **Community**

In February 2017 letters were sent to adjacent neighbours of the Land. At time of writing no replied had been received.

#### **Utility Provider and Council Business Units**

The applicant is obliged to obtain comment from utility providers prior to submission of the application. None objected to the road stopping and/or have provided condition support subject to the creation of relevant easements.

Several business units of the Council were consulted: Transport Networks, Planning, Parks, Sport & Recreation, District Plan Policy, Vehicle Access and Urban Design. None objected to the road stopping or provided conditional support.

Conditions such as kerb setbacks, the inclusion of isolation strips, amalgamation of parcels and neighbour consultation, have been adopted were applicable.

#### **Treaty of Waitangi considerations**

Iwi Groups have not been consulted. The land is not located within a Māori Precinct or other area identified as significant to Māori. As amalgamation is a condition of the stopping it is likely only to be disposed of to the adjacent neighbour, and not be available for purchase by iwi or the public in general.

#### **Financial implications**

There are no financial considerations relating to this recommendation. Any costs associated with the disposal of the Land are borne by the applicant and the proceeds of sale are directed towards the general fund.

As of August 2011 a new cost sharing incentive for road stoppings was approved by the Council. The rebate amount is a percentage of the sale price, so is determined at the end of the process when these costs are known.

#### **Policy and legislative implications**

The recommendations of this report are consistent with the policies of the Council. The road stopping is also undertaken in accordance with legislative requirements.

This is not a significant decision. This report sets out the Council's options under the relevant legislation and under the Council's Road Encroachment and Sale Policy 2011.

The proposed road stopping has no significant impact on the Long Term Plan.

#### **Risks / legal**

The road stopping process will be undertaken in accordance with legislative, and Council, requirements. Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

#### **Climate Change impact and considerations**

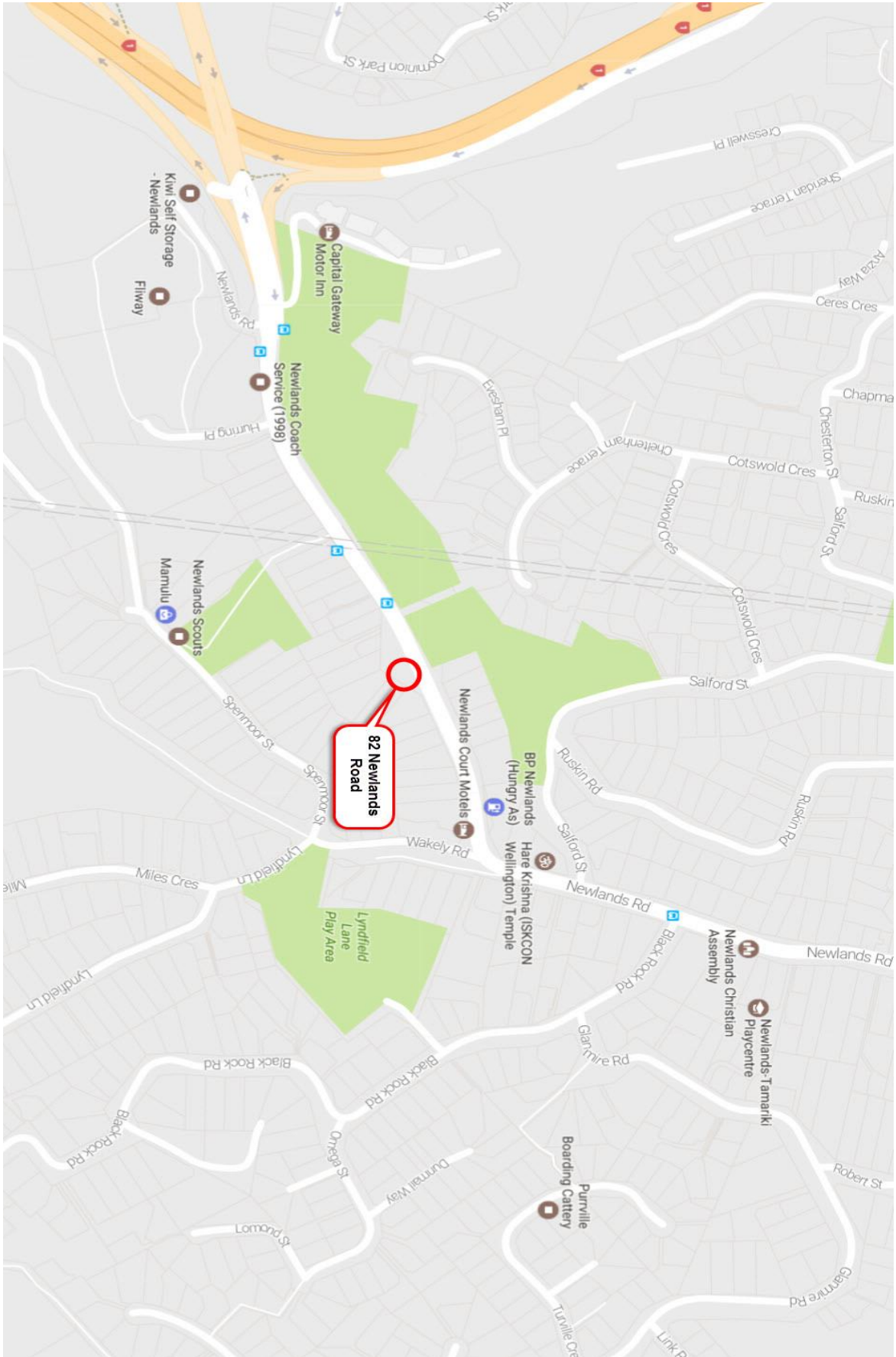
There are no climate change implications arising from this road stopping.

#### **Communications Plan**

Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process.

**Health and Safety Impact considered**

The land exchange is a minimal risk to health and safety. The work is entirely administrative and is a normal operational function of Council Officers.











Item 2.2 Attachment 4





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## ROAD STOPPING AND EXCHANGE - LEGAL ROAD ADJOINING 19 DEVON STREET, ARO VALLEY

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### Purpose

1. To recommend that the Council disposes of approximately 32m<sup>2</sup> of unformed legal road adjoining 19 Devon Street, Aro Valley, Wellington and to acquire approximately 72m<sup>2</sup> of the applicant's land (refer attachment 1).

### Summary

2. The owners of 19 Devon Street, Aro Valley have applied to purchase part of the unformed legal road abutting the frontage of their property.
3. The approximately 32m<sup>2</sup> of legal road to be purchased (the Land) is shown bordered red on the plan in attachment 1.
4. The owners also own 11 and 13 Devon Street. The owners have proposed exchanging the Land for approximately 72m<sup>2</sup> of their property at 11 Devon Street (the Applicant's Land).
5. Council's Transport Planning unit have confirmed their interest in acquiring the Applicant's Land to vest as road.
6. Utility providers and relevant Council business units have been consulted. All support the proposal subject to standard conditions (where applicable).
7. Initial consultation letters have been sent to the four adjacent neighbours of the road stopping. At the time of preparing this report none have opposed the road stopping proposal.
8. If the Council agrees with the recommendation of the Regulatory Processes Committee and proceeds with the proposal, then it will be publicly notified. At that time, neighbours and any other members of the public, will have the opportunity to make a submission.

### Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to Council that it:
  - a. Agrees that approximately 32m<sup>2</sup> (subject to survey) of unformed road shown outlined red on Attachment 1 (the Land), and adjoining 19 Devon Street, Aro Valley (Lot 3 DP 5767 CFR WN316/98) is not required for a public work and is surplus to Council's requirements.
  - b. Agrees to dispose of the Land (referred to in recommendation a) either by sale or exchange for approximately 72 m<sup>2</sup> of the owners adjoining land currently *part of* 11 Devon Street (Lot 1 DP 89235 CFR WN56A/536) shown outlined yellow on Attachment 1 (the Applicant's Land).
  - c. Agrees to acquire the Applicant's Land.
  - d. Delegates to the Chief Executive Officer the power to conclude all matters in

relation to the road stopping and disposal of the Land, and the acquisition of the Applicant's Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, imposing any reasonable covenants, and anything else necessary.

- e. Notes that if objections are received to the road stopping and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.

## **Background**

9. The properties situated at 11, 13 and 19 Devon Street, Aro Valley are jointly owned. The owners have proposed acquiring an area of Council's legal but unformed road adjoining 19 Devon Street. This is shown outlined in red on attachment 1 (the Land).
10. The Land that is proposed to be stopped and amalgamated with 19 Devon Street measures approximately 32m<sup>2</sup>. It contains shrubs, trees, a driveway and carpark.
11. Part of the carpark area is subject to an existing encroachment licence.
12. The owners have further proposed to sell part of their 11 Devon Street property to Council. This is shown outlined yellow on attachment 1 (the Applicant's Land).
13. The Applicant's Land provides pedestrian along Devon Street and contains public stormwater sumps. Refer to Attachment 3 for a street level view.
14. There is a narrow 1.5m wide strip of legal road between the Applicant's Land and neighbouring 2 Essex Street.
15. Part of the garage at 2 Essex Street occupies this strip under an encroachment licence.

## **Discussion**

16. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (LGA).
17. The Council, under section 40 of the Public Works Act 1981 (PWA), 'shall endeavour' to dispose of any land not required for the public work for which it was taken, and which is not required for any other public work.
18. As part of the road stopping process service authorities, internal business units. All gave their consent with only standard conditions applying.
19. Immediate neighbours have been given an opportunity to provide initial comments. Letters were sent to four adjacent neighbours. At the time of preparing this report none objected to the road stopping proposal.
20. One neighbour has raised concerns regarding the applicant creating car parking that may impede access to their property, this is unrelated to the road stopping and can be addressed through Council's encroachment licence process.
21. Advisors from Council's Transport Team have confirmed the Land is not required for future road widening or public access purposes, and support the proposal subject to a legal road width of 10 metres being retained.

22. Acquiring the Applicant's Land seeks to protect public storm water sumps currently located in private land and will increase the legal road width in this area to 10 metres.
23. If Council approves the above, officers will establish whether any offerback obligations under section 40 PWA exist.

### **Options**

24. The alternative to undertaking the road stopping is to retain the Land as legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires.
25. The alternative to acquiring the Applicant's Land is to leave the status quo. Council's risk exposure would continue in relation to adjoining privately owned fee simple properties frontage issues, planning consents etc.

### **Next Actions**

26. Conclude an investigation in accordance with s40 PWA.
27. Initiate the public notification process.
28. Prepare a survey plan and land exchange agreement.

### **Attachments**

Attachment 1.	Aerial	Page 29
Attachment 2.	Aerial view of surrounding streets	Page 30
Attachment 3.	Views at street level	Page 31

Author	Paul Davidson, Property Advisor
Authoriser	Tracy Morrah, Property Services Manager Peter Brennan, Manager Property David Chick, Chief City Planner

## **SUPPORTING INFORMATION**

### **Consultation and Engagement**

#### ***Community***

In April 2017 letters were sent to the owners of four properties nearby or adjacent to the land proposed to be stopped. At the time of writing this report only one had responded with encroachment related concerns.

#### ***Utility Provider and Council Business Units***

All relevant utility providers and Council business units have been consulted. None have assets in the subject road land, or objected to the road stopping.

#### **Treaty of Waitangi considerations**

Iwi groups have not been consulted. The subject road land is not located in a Māori Precinct, or other area identified as significant to Māori. The land is not being disposed on the open market, and will not become a standalone allotment (amalgamation is proposed).

#### **Financial implications**

There are no significant financial considerations related to this recommendation. Given this is an exchange proposal Transport Planning have agreed to share costs with the applicant. Council's contribution to the processing costs will be funded from the Service Lane Improvements project funds.

#### **Policy and legislative implications**

The recommendations of this report are consistent with policies of the Council; the road stopping is also being undertaken in accordance with legislative requirements.

This is not a significant decision. This report sets out the Council's options under the 2011 Road Encroachment and Sale Policy.

This proposed road stopping and exchange has no significant impact on the Long Term Plan.

#### **Risks / legal**

The road stopping process is consistent with legislative, and the Council's requirements.

Any legal agreement, or action in the Environment Court, will be overseen by the Council's lawyers.

#### **Climate Change impact and considerations**

There are no climate change implications for this road stopping and exchange.

#### **Communications Plan**

Public consultation in accordance with the Tenth Schedule of the LGA will be carried out later in the road stopping process.

#### **Health and Safety Impact**

There are no Health and Safety Impact considerations for this proposed road stopping and exchange.

Aerial





Aerial view of surrounding streets



Views at street level







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## NEW LEASE: RESERVES ACT 1977 - WILTON BOWLING CLUB (EXISTING TENANT)

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### Purpose

1. To recommend that the Committee approves a new ground lease Wilton Bowling Club (existing tenant).

### Summary

2. A map showing the areas and locations are included as attachment 1.
3. The proposed lease is consistent with the assessment criteria laid out in the Section 7 of the *Leases Policy for Community and Recreation Groups*.
4. The proposed new lease is a continuation of an existing occupancy. The Club has occupied the area for a significant period of time and performed satisfactorily.

### Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Agrees to grant a new lease under the Reserves Act 1977 to the Wilton Bowling Club.
3. Notes that approval to grant the lease (referred to above) is conditional on:
  - a. Appropriate Iwi consultation.
  - b. Public notification under s119 and s120 of the Reserves Act 1977.
  - c. No sustained objections resulting from the above consultation and notification.
  - d. Legal and advertising costs being met by the respective lessee (where applicable).

### Background

5. Since 1965 Wilton Bowling Club (WBC) has owned and occupied the building on Council-owned land at 122 Wilton Road, Wilton.
6. The land is contained within the following:
  - Pt Lot 2 DP 20266 CFR WN42D/163
  - Pt Sec 1 Kaiwharawhara District CFR WN158/218, and
  - Pt Sec 1 Kaiwharawhara District Gaz 1992 p 2529
7. There is a current lease in place to WBC for an area of 9,192sqm. This is due to expire on 29 September 2022.
8. WBC is in the midst of negotiating an amalgamation with Khandallah and Karori Bowling Clubs. The plan would be for the groups to amalgamate membership and activities on the Council-owned WBC site.
9. Khandallah and Karori Bowling Clubs own their own land and buildings. In order for the other groups to sell their land and invest into the WBC, they need (among other things) confidence around tenure.

10. For this reason, WBC has requested that Council provides a new ten-year lease with a 10 year renewal. With this longer tenure, WBC will be in a better position to negotiate and agree the bowling club amalgamation.
11. The amalgamation of these groups is in line with Council's goal of better utilisation of existing lease areas. WBC continues to satisfy the criteria required under Section 7 of the *Leases Policy for Community and Recreation Groups*.
12. It is proposed that WBC is granted a new ground lease for a term of 10 years + 10 years for the purposes of the bowling club and associated activities.
13. The proposed rent per annum is \$4,175.16 + GST, consistent with the *Leases Policy for Community and Recreation Groups*.

### **Next Actions**

14. If the recommendations in this report are accepted the following will occur:
  - Public notification / consultation of the proposed lease, in line with the Reserves Act 1977.
  - The outcome of submissions will be reported back to Committee, if necessary.
  - Negotiate and sign Wilton Bowling Club lease documentation.

### **Attachments**

Attachment 1. Wilton Bowling Club Lay out

Page 36

Author	Tracy Morrah, Property Services Manager
Authoriser	Paul Andrews, Manager Parks, Sport and Recreation Barbara McKerrow, Chief Operating Officer

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

Public consultation will be undertaken as required under the Reserves Act 1977 and the *Leases Policy for Community and Recreation Groups*.

### **Treaty of Waitangi considerations**

There are no Treaty of Waitangi considerations

### **Financial implications**

There are no significant financial implications

### **Policy and legislative implications**

The proposals are consistent with relevant Council policies – as outlined in the paper.

### **Risks / legal**

The proposal will be subject to the provisions of the Reserves Act 1977.

### **Climate Change impact and considerations**

There are no climate change impacts and considerations.

### **Communications Plan**

Not applicable.

### **Health and Safety Impact considered**

Relevant Health and Safety provisions have been included in the lease templates, in line with Council policy.



**Wilton Bowling Club Incorporated,**  
**0477-WILTO - 9192.1sq m**

**Wilton Bowling Club**  
 Property boundaries, 20m Contours, road names, rail line, address & 10m points sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: ±1-5m in urban areas, ±1-30m in rural areas. Census data sourced from Statistics NZ. Postcodes sourced from NZ Post. Assets, contours, water and drainage information shown is approximate and must not be used for detailed engineering design. Other data has been compiled from a variety of sources and its accuracy may vary, but is generally ±1-5m.

MAP PRODUCED BY:  
 Wellington City Council  
 101 Wakefield Street  
 WELLINGTON, NZ

ORIGINAL MAP SIZE: A4  
 AUTHOR: presto2j  
 DATE: 8/11/2013  
 REFERENCE:

