
ORDINARY MEETING

OF

REGULATORY PROCESSES COMMITTEE

AGENDA

Time: 1:00pm
Date: Wednesday, 12 April 2017
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

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 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 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 15 March 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.

2. General Business

ROAD CLOSURES

Purpose

1. To seek approval of the Regulatory Processes Committee for the temporary closure of roads in Wellington City for events.

Summary

2. The Wellington City Council has received an application from the event organisers for approval of road closures for:
 - Anzac Day celebrations on 25 April 2017

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 for the above event to vehicles and cyclists only, subject to the conditions listed in the Proposed Temporary Road Closure Impact report on Anzac Day, Tuesday 25 April 2017, from 12.01am to 1.00pm

Tory Street (Vivian Street to Memorial Park)

Tasman Street (Memorial Park to Rugby Street)

Frederick Street (no Through Traffic)

Parking restrictions will also be in place during the closures

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 an event 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. All road closure requests for different events are brought to the Committee for approval. Information related to the proposed road closures is contained in the attached impact report.

Attachments

Attachment 1. Anzac 2017

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 requests the public to make submissions on the proposed road closures.

The New Zealand Police and the Ministry of Transport have also been consulted. 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 event 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 event approvals is managed under project C481. Each event pays their own event management costs. There are no unforeseen costs 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 profession opinion as to whether the resulting impact on traffic is likely to be reasonable or unreasonable.

Risks / legal

There are no risks or legal implications.

Climate Change impact and considerations

There are no climate change impacts or considerations.

Communications Plan

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

Health and Safety Impact considered

Health and Safety in relation to the road closure is covered by the conditions imposed in the Impact Report, and by an approved Traffic Management Plan developed for each road closure.

REGULATORY PROCESSES COMMITTEE

**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke

PROPOSED TEMPORARY ROAD CLOSURE – IMPACT REPORT

**ANZAC DAY PUKEAHU PARK
TUESDAY 25TH APRIL 2017**

1. Description of Event

The Wellington Returned Services Association (Inc) and the Wellington Regional Economic Development Agency have requested the closure of the following roads, to vehicle traffic, to safely facilitate Commemorations for ANZAC DAY 2017.

The proposed road closure are as follows;

Dawn Service from 12.01am to 1.00pm

- Tasman Street (Memorial Park to Rugby Street)
- Frederick Street(No through traffic)
- Tory Street (Vivian Street to Memorial Park)

Parking restrictions will be in place

These ANZAC Day ceremonies have become popular events and draw attendance from a large cross-section of the community. The road closures are proposed to safely accommodate the increasing numbers of pedestrians attending these events.

Public Transport Operators have been consulted with and their requirements will be accommodated.

The event is to be traffic managed by a qualified Traffic Management Company. Pedestrian access will not be restricted and emergency services will have immediate access to the area if required.

2. City Events Support

The event is supported by the Wellington Regional Economic Development Agency.

3. Proposal Notice and Consultation

A public notice advising that the Council is proposing to consider this closure was published in the following newspaper:

Dominion Post Saturday 25 March 2017.

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

4. Objections

There have been NO objections to this closure request.

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 Implementation Manager, Network Improvements, acting as the Council's Traffic Engineer, the proposed closure, if implemented according to 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 obtain Council approval on the details of a traffic management plan prior to the event.
- 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 the affected property owners and businesses along the road closure are consulted with.
- The event organiser is responsible for safety (pedestrian and traffic) within the closed area.
- The event organiser is to provide marshals at all road closures ends to ensure that public safety (interaction of traffic and spectators) is not compromised.

Signed 

Stephen Harte
Implementation Manager, Network Improvements

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 12 April 2017 to consider the following temporary road closures for events.

Anzac Day Pukeahu Park
Tuesday 25 April 2017

Road Closed 12.01am to 1.00pm
Tory Street (Vivian St to Memorial Park)
Tasman Street (Memorial Park to Rugby St)
Frederick Street (No through traffic)

Parking restrictions will be in place

Any person objecting to a proposed road closure must contact the City Council in writing before **4pm, Friday 8 April 2017**. Please send correspondence to Maria Taumaa at mailing address below, by fax 801 3009 or by email 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

MARCH 25, 2017



PROPOSED ROAD STOPPING - LAND ADJOINING 400 MIDDLETON ROAD, GLENSIDE

Purpose

1. To recommend that the Council stops and sells approximately 1,650m² (subject to survey) of unformed legal road adjoining 400 Middleton Road, Glenside (shown outlined in red in Attachment 1 (the Land)).

Summary

2. The owner of 400 Middleton Road, Glenside, has applied to purchase the Land.
3. The Land contains formed carriageway being located at the end of Rowells Road, which is a 'no exit' street.
4. Utility providers and relevant Council internal business units have been consulted. All support the proposal subject to standard conditions (where applicable).
5. Initial consultation letters have been sent to five adjacent neighbours of the road stopping, with none opposing the proposal.
6. If the Council approves officers' recommendation then public notification will commence. Neighbours and any other member of the public will then 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) Declares that approximately 1,650m² (subject to survey) of unformed legal road land in Rowells Road, Glenside, shown outlined red on Attachment 1 (the Land), and adjoining 400 Middleton Road (Part Section 29 – 30 Porirua District CFR WN526/164) is not required for a public work and is surplus to Council's requirements.
 - b) Agrees to stop the legal road and 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. The Land is basically 'L' shaped, being occupied by formed carriageway, vegetation and trees (Refer to Attachment 2 for views of the Land at street level).

8. 400 Middleton Road is located at the end of Rowells Road, the only vehicle access to this property is from Rowells Road.
9. The applicants also own the neighbouring property at 110 Rowells Road. The Land could be amalgamated with either of the applicants properties, but unless it was amalgamated with 400 Middleton Road a right of way easement in favour of that property would be required.
10. The applicant is interested in purchasing the Land as currently often traffic goes to the end of Rowells Road, and then due to the topography and narrowness of the carriageway they cannot turn around. They then have to reverse back some distance including around corners to reach the section of the road where they can turn around.
11. The remote location also means that the area is often used for unsociable or illegal activities.
12. This section of Rowells Road is very close to railway lines and officers understand there have been near misses with motorists nearly been hit by trains.
13. Securing ownership of the Land increases the applicant's options to control the situation.

Discussion

14. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1074 (LGA).
15. 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.
16. Advisors from Council's Transport Team have confirmed the land is not required for future road widening or public access purposes. They supported the proposal subject to retaining sufficient legal road to improve the turnaround area at what would become the end of Rowells Road. This has been allowed for in the proposal.
17. Relevant Council business units have been consulted with and none wish to retain the Land. Public Drainage/Wellington Water highlighted there is a public stormwater drain located in the vicinity of the proposed road stopping area, and that this should remain in road land. This has also been allowed for in the proposal.
18. As is normal practise in the early stages of the road stopping process officers have written to the owners of the five adjacent or nearby properties, including KiwiRail, notifying them that Council had received this road stopping application. At the time of writing this report only KiwiRail responded, having no issue with the proposal. These five owners will be consulted again when the formal public consultation is carried out later in the road stopping process.
19. If Council approves the above, officers will establish whether any offerback obligations under section 40 of the Public Works Act 1981 exist.

Options

20. 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.

Next Actions

21. Conclude an investigation in accordance with s40 PWA.
22. Initiate the public notification process.
23. Prepare a survey plan and Sale and Purchase contract.

Attachments

Attachment 1.	Aerial	Page 20
Attachment 2.	Views of the Land at street level	Page 21

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 October 2016 letters were sent to the owners of five properties nearby or adjacent to the land proposed to be stopped. At the time of writing this report only one reply had been received with that party having no issue with the proposal.

Utility Provider and Council Business Units

The applicant is obliged to obtain comments from utility providers prior to submission of the application. None have objected to the road stopping.

Wellington Electricity Lines Limited advised that there are overhead electricity lines in the vicinity of the road stopping area. The positioning of these lines and any power poles relative to the road stopping area and proposed new legal boundaries will be confirmed by survey and easement(s) registered on the title if necessary.

Several relevant Council business units were consulted in addition to Transport Planning: None objected to the road stopping.

City Planning and Design approved the proposal on the basis the stopped road land was amalgamated with either 400 Middleton Road, or 110 Rowells Road.

The District Plan team noted: 'the road stopping parcel will take on the zoning from either side, being Rural to the east and Open Space B to the west, with the zone boundary running down the centre of the former road. This is unlikely to be helpful or suitable for the future owner as the Open Space B zoning could have an effect on the future use of the amalgamated lot. It would therefore make sense for the rural zoning to apply to the whole 'road stopping parcel'; This could be covered by one of the plan changes we do from time to time to deal with minor zoning changes'.

Treaty of Waitangi considerations

Iwi groups have not been consulted. The 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. Any costs associated with the disposal of the Land are borne by the applicant or subtracted from sale proceeds per the 2011 cost sharing initiative.

In August 2011 a new cost sharing incentives for road stoppings were approved by Council. The rebate amount is determined at the end of the road stopping process when all of the costs are known.

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 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.

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

If this road stopping proposal is successful, the owners of 400 Middleton Road plan to install a gate at their new legal boundary in Rowells Road. This would prevent unauthorised access and current dangerous traffic manoeuvres.

Attachment 1



Attachment 2



S10A ANNUAL DOG REPORT FOR 2016

Purpose

1. S10A of the Dog Control Act 1996 requires a territorial authority, in respect of each financial year to report on the administration of:
2. (a) its dog control policy adopted under S10 of the Dog Control Act; and
(b) its dog control practices

Summary

3. The attached report includes statistics relating to the number of registered dogs, probationary and disqualified owners, menacing and dangerous dogs, infringement notices, and complaints and prosecutions in relation to dogs and dog owners in the Wellington region. The report also contains a narrative on the Council's dog control policy and practices.

Recommendations

That the Regulatory Processes Committee:

1. Receive the information.
2. Adopt the report.

Background

4. Once adopted, the Report will be publicised in the local media. A copy will also be sent to the Secretary for Local Government at the Department for Internal Affairs (as required by Section 10A(3) and (4) of the Act).

Next Actions

5. Reports will be published annually as required by the Act.

Attachments

Attachment 1. Annual Dog Control Report 2016

Page 25

Author	Helen Jones, Manager Public Health Group
Authoriser	David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

Much of the narrative and statistical information was provided by the animal control team at Hutt City Council who are contracted to provide animal control services for Wellington

Treaty of Waitangi considerations

Not relevant

Financial implications

The financial data included in the Report may be of interest to the general public as it relates to how the income from dog registration fees are spent

Policy and legislative implications

This report is a legislative requirement

Risks / legal

Not relevant

Climate Change impact and considerations

Not relevant

Communications Plan

S10A(3) of the Dog Control Act states:

The territorial authority must give public notice of the report –

- (a) By means of a notice published in –
 - (1) 1 or more daily newspapers circulating in the territorial authority district; or
 - (2) 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
 - (3) By any means that the territorial authority thinks desirable in the circumstances

The existence of the Report will be advertised in the Dominion Post. A copy of the report will also be available on Wellington City Council's website.

Health and Safety Impact considered

Not relevant

Wellington City Council
**Annual Dog Control Report
2016**

1. Introduction

The Wellington City Council, as territorial authority, is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act) and subsequent amendments in 2003, 2004, 2006 and 2010.

This report fulfils this statutory requirement for the dog registration year:

- 1 July 2015 to 30 June 2016



2. The Council's Dog Control Policy and Practices

2.1 Policy objectives

The Council adopted a Dog Policy in December 2009 making provisions relating to the control of dogs in public places, which are enforceable under the Wellington Consolidated Bylaw 2008 - Part 2: Animals.

The objectives of the policy are to:

- Ensure that the owners of dogs comply with their obligations under the Act, that dogs are well cared for and Wellingtonians are able to enjoy dog ownership;
- Prevent any danger caused by dogs to the public and to wildlife and natural habitats;
- Minimise the risk of distress and nuisance caused by dogs to the public and to wildlife and natural habitats;
- Actively promote the responsible ownership of dogs; and
- Provide for the reasonable exercise and recreational needs of dogs and their owners.

A review of the Policy was undertaken during this reporting period. Over 250 submissions were received on the draft revised Dog Policy representing a variety of views from across the city. The Council adopted the finalised Dog Policy on 17th August 2016 and also agreed on areas where dogs can exercise off-leash. Work is planned to improve signage and facilities at dog exercise areas.

The key changes to the Dog Policy are:

- Clarifying that the Council can impose a fine of \$300 on owners who fail to pick up and properly dispose of dog poo.
- Easing restrictions on dogs in the CBD, and allowing dog owners to stop with their dogs on lead as long as they are not left unattended.
- Prohibiting dogs from being left unattended.
- All dog owners who apply for Responsible Dog Owner status must have completed dog obedience training by a recognised training school.
- Updated access times for dogs to parks and beaches where there are summer restrictions in place





The Council's Dog Control Policy and Practices

2.2 Fees

Dog registration fees, fines and impound fees contribute approximately 70% to the cost of dog control in Wellington City. The Council also operates a Responsible Dog Owner scheme which provides a discounted rate for dog owners who meet the relevant criteria. Dog registration fees are set by council resolution.

Fees are used for:

- Dog control activities including law enforcement, patrols and complaint investigation.
- Education programmes for schools, community groups and businesses.
- Signs and promotion of the Council's Animal Bylaw and Dog Policy.

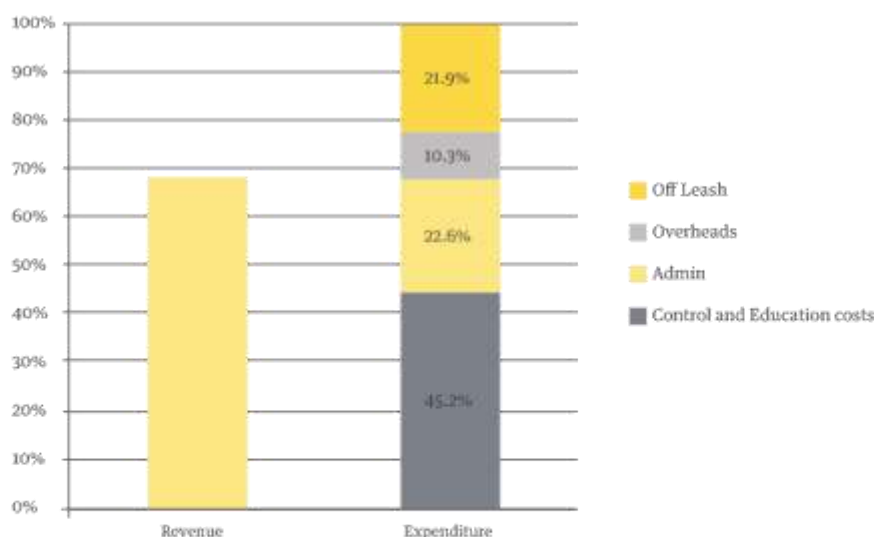
- Providing shelter facilities.
- Running the dog registration programme - this includes forms, printing, tags, maintaining the national dog database and related promotional material.

2.3 Summary of practices

Wellington City Council contracts the management of its animal control functions to Hutt City Council which has a team based solely in Wellington for the delivery of animal management within the boundaries of Wellington City Council.

The graph below sets out the level of income and expenditure in relation to dog control activities during the year:

Dog revenue and expenditure





3. Key Achievements

Safety

Council through the animal services team has continued the “keeping safe around dogs” programme to schools, groups that interact with dogs and many other community organisations that may encounter dogs in their course of work. We put particular importance on ensuring our children in the communities are kept safe and if they encounter uncontrolled dogs that they have the skills to keep themselves safe and are able to report the incident as soon as possible to council’s animal services team.

Council’s animal services Officers also delivered safety programmes around dogs to adult groups on behalf of the Department of Corrections to young offenders and to other council officers who interact with dogs during routine visits and inspections.

Community free dog training

We are committed to commencing the community dog training programme which is available to Wellington dog owners free of charge, and these sessions will be held in various locations throughout the city. Our animal services contractor has recently purchased a caravan that will be used in Wellington for onsite community engagement for mobile low cost microchipping, dog registration and dog behavioural advice.

We are fortunate in that we have dedicated animal services staff who are experienced dog trainers and are able to offer that training assistance to dog owners on their own properties at no cost to the dog owners that may be experiencing training difficulties with their dogs.

Rehoming programme

Wellington City is part of a very successful rehoming programme for unwanted dogs run in conjunction with Hutt City. Over 40 dogs have been rehomed this past year.

The use of Facebook ensures that we have wide coverage for advising the public on what type of dogs are available. Dogs have been rehomed throughout the greater Wellington region and the programme continues to grow in popularity.

Volunteers

In preparation for a disaster being declared in our City and wider areas, we have recently trained ten animal services volunteers that will assist animal services staff in the possible evacuation of animals and the relocating to temporary shelters should these actions be required.

Community partnerships

Animal services staff from neighbouring councils will all work together in any emergency to make best use of staff, resources and animal shelters to ensure we are able to deliver and assist animal owners in the event of a disaster being declared.

We continue to have great working relationships with the Wellington SPCA, HUHA Animal Rescue, the Police and many other community groups that we interact with in the course of any day.

Dog parks

It is pleasing to see that the newly created dog exercise parks are being well utilised by dog owners and the space available to those dogs is a great way to socialise dogs.



4. Dog Control Statistics

4.1 Dogs registered

Dogs registered for the 2015/16 year: 11039

Response to service requests: The target time for responses to service requests is within one hour for urgent requests and 24 hours for non-urgent requests:

During business hours: **97.7%** of requests responded to within target time

Outside business hours: **94.2%** of requests responded to within target time

4.2 Dangerous and Menacing Dogs

Number of dogs classified as dangerous (Section 31)

Category	Number
Dangerous by owner conviction S31(1)(a)	0
Dangerous by sworn evidence S31(1)(b)	5
Dangerous by owner admitting in writing S31(1)(c)	0
Total dangerous dogs	5

Number of dogs classified as menacing (Section 33A and 33C)

Category	Number
Menacing by behaviour (S33A(1)(b)(i))	14
Menacing by breed characteristics (S33A(1)(b)(ii))	23
Menacing by Schedule 4 breed S33C(1)	36
Total menacing dogs	73

4.3 Infringement notices issued:

Infringement notices issued	125
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Wellington City Council | Annual Dog Report 2016



4.4 Probationary owners and disqualified owners:

We have not disqualified or applied probationary classifications on any dog owners during this period.

4.5 Number of dog owners prosecuted by Wellington City Council:

We did not prosecute any dog owners during this period.

4.6 Number of dog related complaints

Category	Number
Attacks on people	51
Attacks on animals	73
Barking dogs	809
Uncontrolled dogs	785
Miscellaneous	1020
Total number of dog related complaints	2738

