

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 09:30
Date: Thursday, 26 April 2018
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Lester
Councillor Calvert
Councillor Calvi-Freeman
Councillor Dawson
Councillor Day
Councillor Fitzsimons
Councillor Foster
Councillor Free
Councillor Gilberd
Councillor Lee
Councillor Marsh
Councillor Pannett
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.

TABLE OF CONTENTS

26 APRIL 2018

Business	Page No.
1. Meeting Conduct	5
1.1 Karakia	5
1.2 Apologies	5
1.3 Announcements by the Mayor	5
1.4 Conflict of Interest Declarations	5
1.5 Confirmation of Minutes	5
1.6 Items not on the Agenda	5
1.7 Public Participation	5
2. General Business	7
2.1 Amendment to Suburb Boundaries Presented by Councillor Pannett	7
2.2 Committee Delegations for Long-term Plan Oral Forums Presented by Deputy Mayor Day	11
3. Committee Reports	15
3.1 Report of the Regulatory Processes Committee Meeting of 18 April 2018	15
Road Stopping and Exchange - Legal Road in Turnbull Street Adjoining 16-24 Turnbull Street (Thorndon School), Presented by Councillor Sparrow	15

Questions

4. Public Excluded	27
4.1 Appointment of a Trustee to a Council-Controlled Organisation	27
Presented by Mayor Lester	

1. Meeting Conduct

1.1 Karakia

The Chairperson will open the meeting with a karakia.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

1.2 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.3 Announcements by the Mayor

1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.5 Confirmation of Minutes

The minutes of the meeting held on 5 April 2018 will be put to the Council for confirmation.

1.6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor Matters relating to the General Business of the Wellington City Council

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

1.7 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

2. General Business

AMENDMENT TO SUBURB BOUNDARIES

Purpose

1. The purpose of this report is to seek approval for minor boundary changes to realign suburb boundaries with parcel boundaries, as shown on F Plan 3094 (refer Attachment One).

Summary

2. This is a proposal to realign suburb boundaries due to minor changes to land parcels.

Recommendations

That the Council:

1. Receive the information.
2. Approve the suburb boundary realignment shown on F Plan 3094.

Background

3. As a result of recent subdivision in Churton Park, the suburb boundary needs to be realigned. Of the 21 properties accessed off the recently created and named Prestbury Grove, 19 properties currently fall either wholly or partly into the suburb of Johnsonville. The remaining three properties lie wholly within the suburb of Churton Park.
4. Access to Prestbury Grove is off Winsley Terrace, which lies within the suburb of Churton Park. Realignment of the boundary between Johnsonville and Churton Park will bring all of the affected properties in Prestbury Grove, being either wholly or partly in the suburb of Johnsonville, into the suburb of Churton Park

Discussion

5. The suburb boundaries of Churton Park and Johnsonville, shown on F Plan 3094, need minor adjustment as a result of recent subdivision in the area. Some of the properties in Prestbury Grove created by the subdivision are in Churton Park, others in the street are in Johnsonville, and still others are bisected by the suburb boundary between the two.
6. This minor suburb boundary adjustment came to the attention of the Land, Customer and Property Information Team in the course of carrying daily tasks associated with processing new subdivisions, researching property ownership, ward alignments, and assigning new addresses to properties.
7. In this instance, the newly created properties on Prestbury Grove have not yet been on-sold by the developer, which makes this a less time-consuming and more cost-effective task than when a greater number of owners need to be individually contacted for consultation purposes, as would be the case if the properties had been on-sold already.

8. The developer, Ignition Properties Limited (director, Yuteng Zheng), has assented to the suburb boundary adjustment.
9. Fire and Emergency New Zealand have also endorsed the proposed suburb boundary adjustment. The present suburb boundary between Johnsonville and Churton Park could cause delays for emergency services when attending call-outs if new addresses in Prestbury Grove are associated with Johnsonville when the only access to the Grove is from Churton Park.
10. As an aside, minor suburb boundary adjustments such as this have generally been approved under delegated authority. Expiration of this authority has necessitated Council consideration of this particular report. The proposed re-establishment of the delegated authority will be the subject of a separate report.

Conclusion

11. Council officers recommend realignment of the suburb boundaries between Johnsonville and Churton Park as shown on F Plan 3094.

Attachments

Attachment 1. [F Plan 3094](#) 

Page 10

Authors	Carline Thomas, Advisor, Land, Customer and Property Information Michael Brownie, Team Leader Land, Customer and Property Information
Authoriser	Alison McGray, Team Leader City Records David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

The developer of Prestbury Grove (the owner of the properties affected) and emergency services have both been contacted by email. They endorse the proposed suburb boundary adjustment.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

Not applicable.

Policy and legislative implications

Not applicable.

Risks / legal

Should the proposed boundary adjustment not occur, there is a risk that emergency services could experience undue delay when responding to an emergency in Prestbury Grove.

Climate Change impact and considerations

Nil.

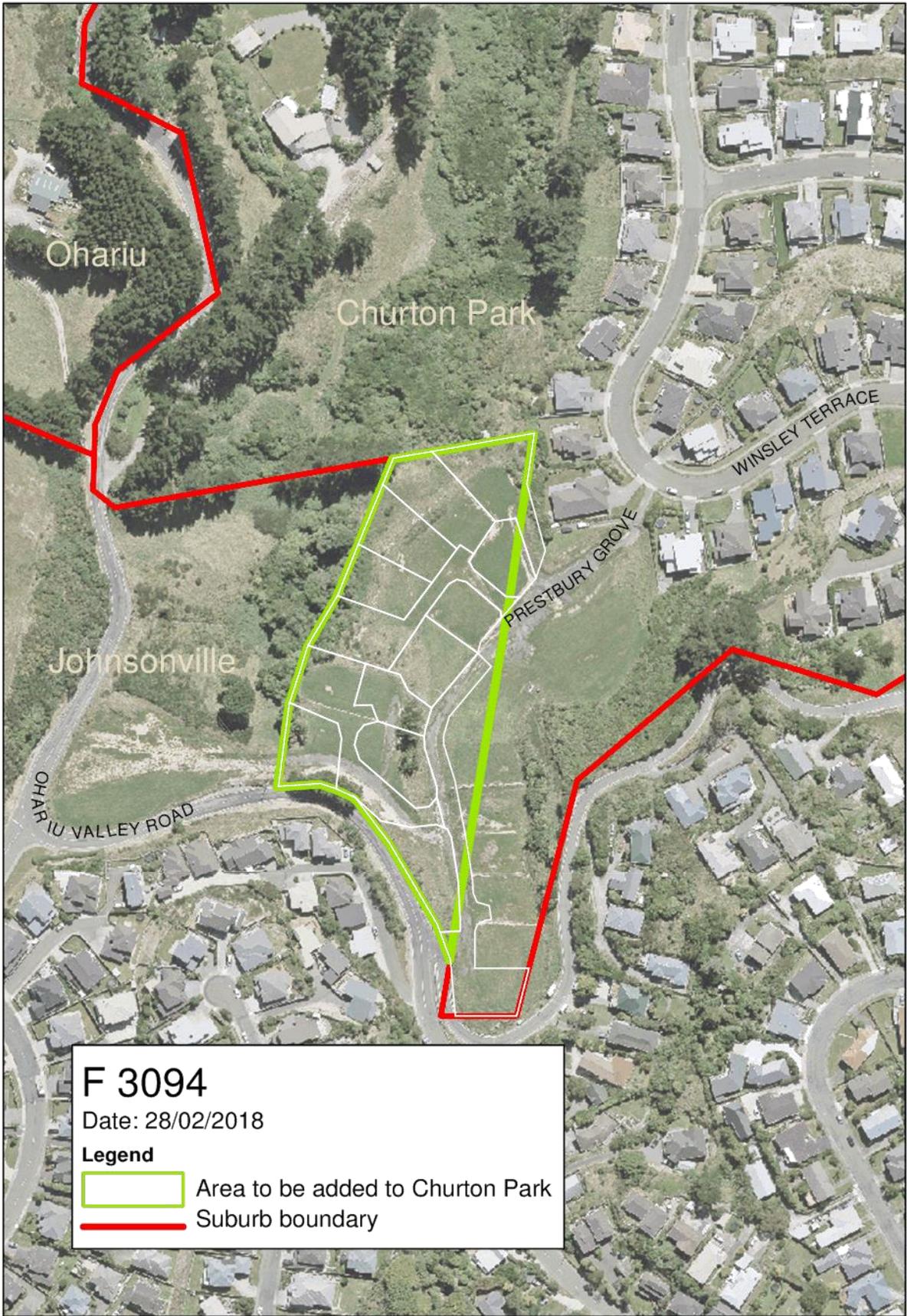
Communications Plan

There is an extensive notification list which includes Land Information New Zealand and emergency services.

Health and Safety Impact considered

As previously noted, should the proposed boundary adjustment not occur, there is a risk that emergency services could experience undue delay when responding to an emergency in Prestbury Grove.

Attachment One



F 3094
Date: 28/02/2018
Legend
[Green outline] Area to be added to Churton Park
[Red outline] Suburb boundary

COMMITTEE DELEGATIONS FOR LONG-TERM PLAN ORAL FORUMS

Purpose

1. To delegate to individual members of the Long-term and Annual Plan Committee (the Committee) the authority to hear information from submitters on behalf of the committee when attending 2018-28 Long-term Plan oral forums.

Summary

2. Consultation and adoption of the Long-term Plan is conducted under the special consultative procedure (SCP) - sections 93, 83 of Local Government Act 2002 (the Act). These provisions require the Council to provide an opportunity for persons to present their views on the proposal to the local authority.
3. The Council has used formal oral hearings as the main means for submitters to present their views to the local authority. In oral hearings submitters have between 5-10 minutes to present their views their views to all Councillors. This satisfies the local authority requirement of the Act.
4. Experience suggests, that oral hearings work for some submitters while others prefer greater dialogue through a less formal meeting. On 7 February 2018, the Committee agreed to allow, in addition to oral hearings, submitters to choose to use oral forums as an alternative of presenting their views.
5. Oral forums would be conducted to enable greater dialogue between individual Councillors and submitters. However without a specific delegation from the Committee to individual Councillors to hear submissions in an oral forum there is unlikely to be compliance with the Act (i.e. to present to the local authority). This report proposes that delegation - which is also consistent with legal advice on this.
6. The proposed delegation would apply only at 2018 LTP oral forums. It would not override any of the other powers of the Long-term and Annual Plan Committee.

Recommendations

That the Council:

1. Receive the information.
2. Agree to delegate to the persons listed as “delegates” below the responsibilities and powers listed in recommendation 3:

Delegates:

- a) Mayor Justin Lester
- b) Deputy Mayor Jill Day
- c) Councillor Diane Calvert
- d) Councillor Chris Calvi-Freeman
- e) Councillor Brian Dawson
- f) Councillor Sarah Free
- g) Councillor Fleur Fitzsimons

-
- h) Councillor Andy Foster
 - i) Councillor Peter Gilbert
 - j) Councillor David Lee
 - k) Councillor Simon Marsh
 - l) Councillor Iona Pannett
 - m) Councillor Malcolm Sparrow
 - n) Councillor Simon Woolf
 - o) Councillor Nicola Young
3. Agree to allow the delegates the responsibilities and powers to hear submissions on the draft 2018-28 Long-term Plan and interact with submitters under s83(1)(d) of the Local Government Act 2002 at oral forums.
 4. Note the delegation will only apply for committee members attending oral forums between Tuesday 22 and Thursday 24 May 2018.
 5. Note that an oral forum is deemed to be a public meeting and therefore specific standing orders will still apply at the meeting.

Background

7. On 7 February 2018, the Long-term and Annual Plan Committee agreed to use oral forums as a way for submitters to be heard. The promotion and use of oral forums for the draft Long-term Plan arose from the need to provide submitters with an opportunity to be heard that was deemed to be more engaging and flexible than oral hearings.

Discussion

8. Oral forums have been successfully trialled by Auckland City Council as a way of persons to be heard under a SCP process. Wellington City Council has also trialled oral forums for cycling network engagements with positive feedback from both elected members and attendees.
9. In the draft 2018-28 Long-term Plan submission form, if submitters wish to speak to elected members about their submission, they have been provided with the opportunity to attend either an oral forum or an oral hearing.
10. Oral forums and oral hearings will be scheduled between Tuesday 22 – Thursday 24 May 2018. The oral forums will be scheduled during lunch breaks and after work to make them more accessible to the public and will be scheduled according to demand. Oral hearings will also be held based on demand but will only be available between 9 am and 4 pm.
11. Both oral forums and oral hearings are deemed to be public meetings, therefore the public will be able to view both, and specific standing orders such as quorum will also apply.
12. Consultation and adoption of the Long-term Plan is conducted under the special consultative procedure - sections 93, 83 of the Act. A requirements of the SPC and s83 is that the Council must provide an opportunity for persons to present their views on the proposal to the local authority. The Act could deem a local authority to be Wellington City Councillors **collectively**.

13. Advice from Legal Services is that to meet the requirements of the Act and oral forums would need to be supported by a delegation of authority from the Long-term and Annual Plan Committee (the Committee) to individual Councillors. Such a delegation would allow to individual Councillors to hear information from submitters on behalf of the committee when attending 2018-28 Long-term Plan oral forums.

Attachments

Nil

Authors	Fiona Lewis, Planning and Reporting Advisor Lloyd Jowsey, Team Leader, Planning and Reporting
Authoriser	Baz Kaufman, Manager Strategy Kane Patena, Director Governance and Assurance

SUPPORTING INFORMATION

Engagement and Consultation

The report is designed to support the trialling of oral forums as part of the draft Long-term Plan 2018-28 consultation.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

There are no financial implications directly relating to this report.

Policy and legislative implications

The legislative implications are outlined in the report above.

Risks / legal

We are trialling something new to provide submitters with a more flexible and engaging option for being heard. Oral hearings can still be selected by those who prefer to the traditional method of presenting to Councillors.

Climate Change impact and considerations

There are no climate change impact and considerations.

Communications Plan

If a submitter wishes to speak to their submission, they have been provided with an opportunity on the submission form to select either an oral forum or an oral hearing. On the paper/downloadable PDF form submitters have been provided with a definition of what each entails. If the submitter is completing a web version they have been provided with a link to clarify the difference. The definition of oral forums and oral hearings provided on the website is identical to the definition on the form. We will also advertise the difference for online submitters on social media.

Health and Safety Impact considered

There are no Health and Safety requirements to be considered.

3. Committee Reports

REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 18 APRIL 2018

Members: Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Lee, Councillor Sparrow (Chair).

The Committee recommends:

**ROAD STOPPING AND EXCHANGE - LEGAL ROAD IN TURNBULL STREET
ADJOINING 16-24 TURNBULL STREET (THORNDON SCHOOL)**

Recommendations

That the Council:

1. Agrees that approximately 141m² (subject to survey) of formed road land in Turnbull Street, Thorndon, shown highlighted orange on **Attachment 1** (the Land), and adjoining 20-24 Turnbull Street, Thorndon (Lot 1 DP 5859; Lot 1 DP 5443 and Part Lot 1 Application Plan 648 CFR 782543) is not required for a public work and is surplus to Council requirements.
2. Agrees to dispose of the Land by sale and exchange for approximately 22m² of the owners adjoining land currently part of 16 and 18 Turnbull Street (Lot 1 DP 4659 and Lot 17 Deeds Plan 27 CFR 782543) shown highlighted orange in **Attachment 1** (the Applicant's Land).
3. Agrees to acquire the Applicant's Land.
4. Delegates to the Chief Executive Officer all powers necessary to conclude this transaction including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale and exchange, imposing any reasonable covenants, and anything else necessary.
5. 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.
6. Notes that the land exchange will formalise the construction of a vehicle turning area (underway) in Turnbull Street, with all related costs to be met by the applicant (MOE).

Attachments

Attachment 1. [Report to Regulatory Processes Committee](#) [↓](#)

Page 16

REGULATORY PROCESSES COMMITTEE
18 APRIL 2018Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Item 2.2

ROAD STOPPING AND EXCHANGE - LEGAL ROAD IN
TURNBULL STREET STREET ADJOINING 16-24 TURNBULL STREET
(THORNDON SCHOOL)**Purpose**

1. This paper asks the Committee to recommend that the Council:
 - a. Stops and sells approximately 141m² of Council-owned legal road adjoining Thorndon School at 16-24 Turnbull Street, Thorndon, Wellington (the Land); and
 - b. Acquires approximately 22m² of the applicants' land for the purposes of road (refer land exchange plan shown in **Attachment 1**).
 - c. This will facilitate the construction of a vehicle turning area at the (new) end of Turnbull Street at the cost of the applicant - Ministry of Education (MOE).

Summary

2. The Ministry of Education (MOE) owns Thorndon School at 16-24 Turnbull Street (also 19-23 Turnbull Street) and has applied to purchase 141m² of formed legal road adjoining their property at the end of Turnbull Street. The proposed road stopping area of 141m² is shown highlighted orange in **Attachment 1**.
3. In exchange for the above, Council will acquire 22m² of MOE land at 16 and 18 Turnbull Street (the Applicants' Land) highlighted orange in **Attachment 1**. MOE will pay for all relocation or termination of service utilities and the costs to construct the vehicle turning area and street end (shown in **Attachment 2**) and all transaction costs.
4. Utility providers, relevant Council business units and WREMO have been consulted. All support the proposal subject to standard utility conditions (where applicable).
5. Officers met with the two affected neighbours on the opposite side of Turnbull Street to discuss the proposal. Both support the turning area and land exchange proposal.
6. If the Council approves officers' recommendations then public notification will commence. At that time neighbours, and any other member of the public, will have an 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 141m² (subject to survey) of formed road land in Turnbull Street, Thorndon, shown highlighted orange on **Attachment 1** (the Land), and adjoining 20-24 Turnbull Street, Thorndon (Lot 1 DP 5859; Lot 1 DP 5443 and Part Lot 1 Application Plan 648 CFR 782543) is not required for a public work and is surplus to Council requirements.
 - b. Agrees to dispose of the Land by sale and exchange for approximately 22m² of the owners adjoining land currently part of 16 and 18 Turnbull Street (Lot 1 DP 4659 and Lot 17 Deeds Plan 27 CFR 782543) shown highlighted orange in **Attachment 1** (the Applicant's Land).

Item 2.2

REGULATORY PROCESSES COMMITTEE
18 APRIL 2018

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

- c. Agrees to acquire the Applicant's Land.
- d. Delegates to the Chief Executive Officer all powers necessary to conclude this transaction including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale and 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.
- f. Notes that the land exchange will formalise the construction of a vehicle turning area (underway) in Turnbull Street, with all related costs to be met by the applicant (MOE).

Background

7. The Ministry of Education (MOE / the Applicant) owns 16-24 Turnbull Street, Thorndon and has applied to acquire an area of legal formed road at the end of Turnbull Street which is bordered on three sides by Thorndon School. This 141m² area is shown outlined orange in **Attachment 1** (the Land).
8. The Land is proposed to be amalgamated with 20-24 Turnbull Street legally described as Lot 1 DP 5859, Lot 1 DP 5443 and Part Lot 1 Application Plan 648 on CFR 782543.
9. In exchange for the Land, MOE has agreed to sell 22m² of its land to Council, being parts of 16 and 18 Turnbull Street (the Applicant's Land). This is for the purposes of creating a vehicle turning area (shown in **Attachment 2**) that is deemed to be an important facility to service this narrow street and adjacent properties.
10. MOE has arranged and will pay for the construction (underway) of the new vehicle turning area and reform the stopped road land to include a gate, paving, seating and planters in order to provide a safe transitional area from the main school buildings to the playing field on the west side of (now) Turnbull Street.

Discussion

11. Road Stopping is provided for under sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (LGA).
12. 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.
13. Advisors from Council's Transport Team have confirmed the Land is not required for future road purposes, and support the proposal as the acquisition of the Applicant's land, as part of the land exchange, provides for a necessary vehicle turning area in the street.
14. As part of the road stopping, the applicant consulted with service authorities and officers with affected internal business units. All have granted consent with only standard conditions applying.
15. There are only two affected neighbours in the street (the Royal Society of NZ and a private individual) at 9-15 and 17 Turnbull Street. They have been consulted by way of onsite meetings with officers to fully discuss the land exchange and turning area proposal. Both neighbours support the land exchange in order to provide a vehicle

REGULATORY PROCESSES COMMITTEE
18 APRIL 2018

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Item 2.2

turning area in this narrow street. The Wellington Regional Emergency Management Office (WREMO) has also been consulted and supports the proposal.

16. If Council approves the above, officers will establish whether any offerback obligations under section 40 of the PWA exist, although exclusions are likely to apply.

Options

17. 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.
18. There is no alternative to acquiring the Applicant's Land in order to create a vehicle turning area in Turnbull Street and the safety of school and street users would be reduced.

Next Actions

19. Conclude an investigation in accordance with section 40 PWA.
20. Initiate the public notification process.
21. Prepare a survey plan and conclude a land exchange agreement with MOE.
22. Construction of the vehicle turning area at the new end of Turnbull Street.

Attachments

Attachment 1.	Aerial of Land Exchange area in Turnbull Street ↓	Page 43
Attachment 2.	Views of vehicle turning area ↓	Page 45
Attachment 3.	Location Plan ↓	Page 47

Authors	John Vriens, Senior Property Advisor Charles Kingsford, Principal Traffic Engineer
Authoriser	Steve Spence, Chief Advisor, Transport and Infrastructure David Chick, Chief City Planner

REGULATORY PROCESSES COMMITTEE
18 APRIL 2018

SUPPORTING INFORMATION

Engagement and Consultation

Community

Initial consultation meetings have been undertaken with the only two other neighbours in Turnbull Street, and they have advised us they have no concerns and support the vehicle turning area proposal. Consultation on the proposed Parking changes was completed 30 March 2018 and is to be presented to City Strategy Committee on 19 April 2018 to the proposed parking changes required.

Utility Provider and Council Business Units

All relevant utility providers and Council business units have been consulted and none objected to the proposed road stopping. Those that have assets in the subject road land have provided their conditions of relocation or termination to the new street end.

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 as the applicant, MOE, is paying for all the costs of the new turning area construction, relocation of services (as required) in the road to be stopped and the road stopping / land exchange transaction costs (survey, legal, valuation and advertising, etc.).

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 Schedule 10 of the LGA will be carried out later in the road stopping process.

Health and Safety Impact considered

There are no Health and Safety Impact considerations for this proposed road stopping and exchange except that the provision of a vehicle turning area in Turnbull Street will provide

REGULATORY PROCESSES COMMITTEE
18 APRIL 2018

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Item 2.2

improved traffic safety for all street users (both vehicle and pedestrian) and provide a safer environment for the predominant Thorndon Primary School users.



REGULATORY PROCESSES COMMITTEE
18 APRIL 2018

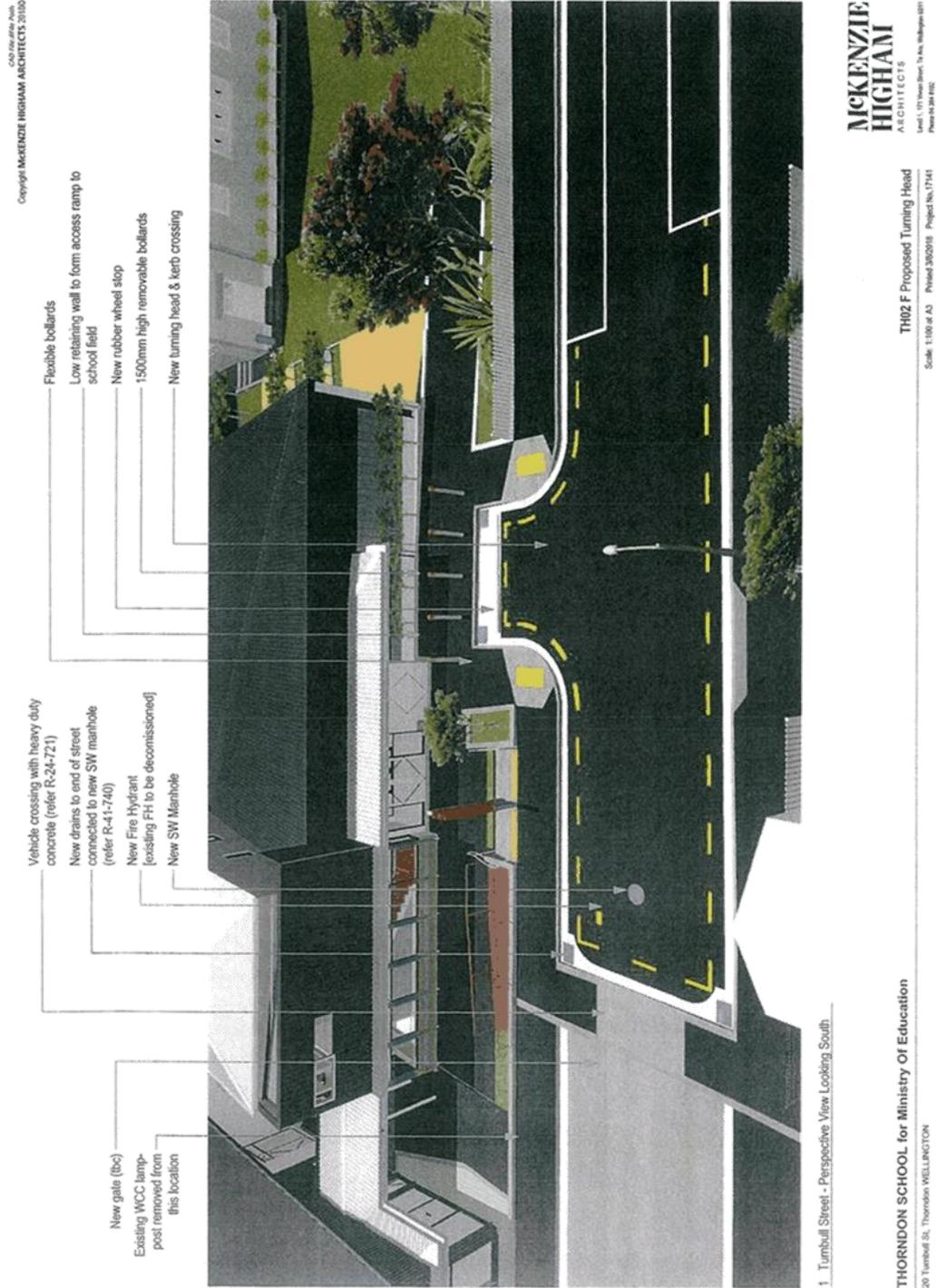
Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke



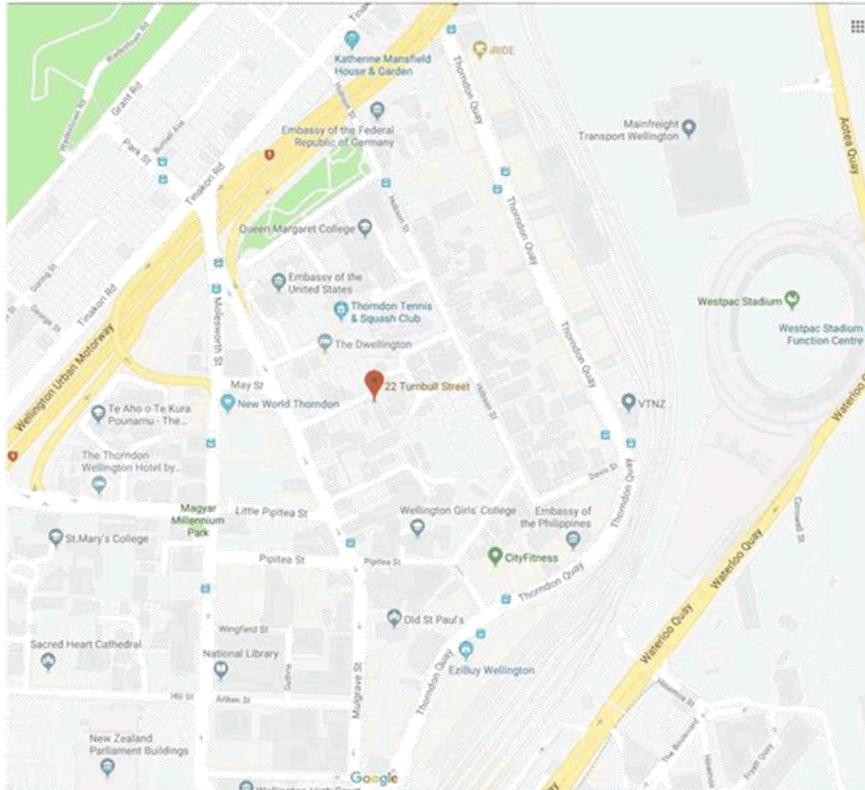
Item 2.2 Attachment 2

Item 3.1 Attachment 1

Item 2.2 Attachment 3



Location Plan



4. Public Excluded

Resolution to Exclude the Public:

THAT the Council :

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

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 Appointment of a Trustee to a Council-Controlled Organisation	7(2)(a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.