
REPORT 4
(1215/11/IM)

DISPOSAL OF PART OF 11 VENNELL STREET

1. Purpose of Report

To inform the Council that Spirit Taekwon-Do Group Incorporated has advised that they will not be submitting a further feasibility study to develop a recreation facility on the vacant land at 11 Vennell Street. It also recommends to Council to declare the land surplus to enable disposal.

2. Executive Summary

Strategy and Policy Committee (SPC) agreed on 9 April 2009 to recommend to Council to dispose of part of 11 Vennell Street (refer to minutes in Appendix 8). Subsequently Spirit Taekwon-Do Group Incorporated (STGI) approached Council officers with a proposal to build a recreation facility on the vacant land and enter into a ground lease with the Council (refer to Appendix 3, 4, and 5).

Council was presented the SPC recommendations from 9 April 2009 Meeting along with a supplementary paper (refer to Appendix 2) at the 26 August 2009 Council meeting. STGI's proposal was assessed and Council officers did not support the request to lease the vacant land at 11 Vennell Street for a recreation facility. Council agreed to let the report lie on the table for six months in order to allow the STGI to complete a feasibility study (refer to Appendix 6).

The board of STGI have informed Council officers they will not be submitting a further feasibility study to develop a recreation facility on the vacant land at 11 Vennell Street (refer to Appendix 1). It is now appropriate for Council to consider the recommendations proposed to give effect to the recommended disposal of the land.

3. Recommendations

Officers recommend that the Council:

1. *Receives the information.*
2. *Pursuant to Section 40 of the Public Works Act 1981:*
 - (a) *Agree that the following Council owned land is not required for a public work and is surplus to requirements:*
 - *Vacant land situated at 11 Vennell Street, Brooklyn, (Part Lot 2 DP 10260, Computerised Freehold Register WN434/142, approximately 1,046m²)*

(b) Authorises Council officers to commission a Section 40 report from a suitably qualified consultant to identify whether the land must be offered back to the former owner or their successor in title, or whether an exemption from offer back applies.

3. *Authorises the Chief Executive Officer to carry out all further steps required to enable the disposal of the land either by way of offer back, private treaty or sale on the open market, including negotiating and completing the terms of sale.*

4. Background

A report was presented to dispose of part of 11 Vennell Street, on 7 August 2008 to SPC (refer to Appendix 9). Before making a decision, SPC requested that officers consult with the Vogelmorn Municipal Tennis Club and Vogelmorn Kingston Residents Association and report back to the Committee with the outcomes of this consultation.

After consultation with the above groups and a nominee of Ridgway School, Council officers presented a second report to SPC on 9 April 2009, which included the consultation outcomes (refer to Appendix 7).

At this meeting it was agreed to recommend to Council to dispose of part of 11 Vennell Street (refer to Appendix 8). However, after the SPC meeting Council officers became aware that Spirit Taekwon-Do Group Incorporated (STDGI) wished to submit a proposal for an alternative use of the land. Officers postponed putting forward the SPC recommendations to Council in order to allow STDGI time to submit a formal proposal (refer to Appendix 3, 4 and 5).

STDGI's formal proposal was presented to full Council in a supplementary paper on 26 August 2009 (refer to Appendix 2). After full consideration of STDGI's proposal, Council officers did not support STDGI's request to lease the vacant land at 11 Vennell Street for a recreation facility. Council resolved to let the matter lie on the table for six months to allow STDGI to complete a full feasibility study (refer to Appendix 6).

Officers received a letter from STDGI, on 15 January 2010, formally withdrawing from providing Council with a feasibility study due to lack of available funding (refer to Appendix 1).

STDGI are liaising with officers to explore other options that may meet their needs.

Council officers have recently been approached by Wellington Housing Trust which has expressed an interest in purchasing the vacant site for social housing. An outline proposal has been received. Refer Appendix 14. Any consideration of this or any other proposal to purchase can only be considered once Council has successfully completed investigations and procedures with regard to Section 40 Public Works Act. Compliance with Section 40 may preclude any sale by private treaty if there are offer back obligations, which in this case is a real possibility. The disposal process is set out in the SPC report dated 7 August 2008.

5. Conclusion

Now that STDGI have formally withdrawn from providing Council with a further feasibility study, it is recommended that the Council resolve that part of 11 Vennell Street having an area of approximately 1046m² is not required for a public work and is surplus to the Council's requirements.

A further report will then be presented to the Chief Executive Officer with a recommendation to either proceed with an offer back, or to agree that an exemption applies. If the exemption applies, officers will then proceed with the rezoning from Open Space to Outer Residential and recommend disposal options to the Chief Executive Officer which would include the Wellington Housing Trust.

Contact Officer: *Vanessa Whitwell, Property Advisor, Property Services*

Supporting Information

1) Strategic Fit / Strategic Outcome

In line with the Council's financial principals, assets that are declared surplus to strategic or operational requirements are sold.

2) LTCCP/Annual Plan reference and long term financial impact

Provision for undertaking this work is contained within the overall organisational budget.

3) Treaty of Waitangi considerations

Local Iwi have been approached about any possible Treaty of Waitangi implications and have confirmed they have no objection to the proposed disposal of the land.

4) Decision-Making

The report reflects the views and preferences of those with an interest in this matter who have been consulted with.

5) Consultation

a) General Consultation

All affected parties have been identified. Adjoining land occupiers on the balance of the land title have been consulted and objections and comments have been outlined in this report. Consultation with all of the Council's Business Units have been completed there have been no requirements to retain this area of land.

b) Consultation with Maori

Local Iwi have been approached and provided with this proposal for their comments and have no objection to the proposed sale.

6) Legal Implications

Any Sale and Purchase Agreements will be prepared by Council's Solicitors. A Solicitor's Certificate will be obtained before any documentation is signed..

7) Consistency with existing policy

This report recommends measures which are consistent with existing Wellington City Council policy, for the disposal of surplus property.

APPENDIX 1

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Spirit Taekwon-Do Group Incorporated,
C/- P O Box 27-032,
Marion Square,
Wellington 6041



Vanessa Whitwell
Property Advisor, Property Projects
Wellington City Council
Wellington 6011
PO Box 2199
Wellington 6140

Vanessa

Re: 11 Vennell Street – Feasibility Study

Thanks for meeting with me prior to Christmas so we could discuss the Feasibility of whether to proceed with our proposal for new Training facility on the vacant land at 11 Vennell Street.

Firstly I would like to take this opportunity to thank the Wellington City Council for allowing us the opportunity and time to undertake a study to determine the financial viability of the proposed facilities.

As discussed the Board of Sprit Taekwon-Do met in early December to discuss the project and at this stage wishes to formally advise that we will not be submitting a further feasibility study as per WCC's offer.

The main reason behind this decision to withdraw is the current economic climate, having met with all our proposed sources of funding, it has become apparent that the level of funding required to build the facility is not available.

Should you require any further clarification, please contact me.

Regards

A handwritten signature in blue ink, appearing to read "Dennis Burns", with a long horizontal line extending to the right.

Dennis Burns,
Spirit Taekwon-Do Group Incorporated,
President.

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SUPPLEMENTARY INFORMATION ON THE DISPOSAL OF PART OF 11 VENNELL STREET

1. Purpose of this paper

This paper provides supplementary information to the Council on a proposal received from Spirit Taekwon-Do Group Incorporated to lease 11 Vennell Street and to provide officer feedback to the proposal.

2. Executive Summary

SPC agreed to recommend to Council to dispose part of 11 Vennell Street on 9 April 2009. Since this time Spirit Taekwon-Do Group Incorporated approached Council with a proposal to build a recreation facility and enter into a ground lease with the Council.

In addition to Spirit Taekwon-Do Group Incorporated, Vogelmorn Kingston Residents Association was given the opportunity to provide Council with a proposal for the site. The resident's association did not provide a proposal.

Spirit Taekwon-Do Group Incorporated's proposal had been assessed and Council officers do not support the request to lease the vacant land at 11 Vennell Street for a recreation facility.

3. Background

A paper was presented on 7 August 2008 to the Strategy and Policy Committee (SPC) to obtain approval from Council that a portion of land at 11 Vennell Street is no longer required for a public work purpose. The paper also sought authorisation for Council officers to proceed with offer back investigations, subdivision and subsequent disposal of the land. This approval is pursuant to section 40 of the Public Works Act 1981 (PWA),

The vacant land was held (until 2005) for a Works Depot used by the Council's CitiOps Business Unit, which it is no longer required for. The depot was moved in 2005 and the site has been vacant since this time.

Council officers propose the site be subdivided from the bowling green and community hall.

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Before making a decision SPC requested that officers consult with the Vogelmorn Municipal Tennis Club (VMTC) and Vogelmorn Kingston Residents Association (VKRA) and report back to the Committee with the outcomes of this consultation.

Council officers presented a report to SPC on 9 April 2009, after consulting with the above groups and a nominee of Ridgway School. The paper had the same recommendations as those presented on 7 August 2008. It also included details of the objections/comments from the consultation.

SPC agreed to recommend to Council to dispose of part of 11 Vennell Street on 9 April 2009. However, after the SPC meeting Council officers became aware that Spirit Taekwon-Do Group Incorporated (STDGI) wished to submit a proposal for an alternative use of the land. Officers decided to postpone putting the recommendations to Council to allow STDGI time to submit a formal proposal on the future use of the vacant land at 11 Vennell Street (refer to Appendix 3, 4 and 5).

At this time Council officers offered the VKRA a further opportunity to submit a formal proposal on their thoughts for the future use of the site.

Council officers did not receive a formal proposal from the VKRA. Previous objections/comments from the VKRA are included in the paper presented to SPC on 9 April 2009. A VKRA representative, Mr Bernard Harris, presented concerns to Councillors at the meeting of SPC 9 April 2009.

4. Spirit Taekwon-Do Group Inc Proposal

STDGI has used the existing Vogelmorn Hall since July 1995. The club is run entirely by volunteers.

STDGI wish to expand their Club and believe a larger facility and more training times will facilitate that expansion. The proposal they have submitted (refer to Appendix 3) would use the vacant land at 11 Vennell Street to build one of the two options shown in Appendix 4 and 5 (both options include building a new hall facility). Option 1 uses the garage that is currently being leased to the Bowling Club as a new changing room and ablution block. Option 2 moves the changing room and ablution block to the front of the new facility.

5. Leases Policy for Community and Recreation Groups

The normal approval process for leases to recreation and community groups is via the Regulatory Process Committee, however given the previous papers regarding the disposal of part of Vennell Street, this proposal may be considered in conjunction with the Recommendations of 9 April 2009 SPC meeting.

STDGI has proposed that Wellington City Council lease the land to them at a nominal peppercorn rental for a period of 25 years subject to:

- The premises are made available to the community, when not required by the club,
- The premises are maintained in good order,
- The premises may be used as an educational facility,

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- STDGI will maintain and own the building for the period of the original lease,
- A right of renewal for a further period of 25 years, or a standard community group lease back to STDGI
- After the first 25 year, ownership and maintenance of the facility will be transferred to the Council.

STDGI have only undertaken a preliminary investigation at this stage into the needs of the local community, however they have been in contact with the VKRA.

STDGI has identified the times and days they would require dedicated use of the new facility, any free slot would be offered to other community organisations. (Refer to Appendix 3 under “Community” for full breakdown of times)

No financial information has been provided, but STDGI has requested another year to carry out a full feasibility study including a funding strategy.

6. Assessment

6.1 Leases Policy

STDGI’s proposal, if supported, will eventuate into a request for a ground lease under the Council’s Leases Policy for Community and Recreation Groups (Leases Policy). Therefore this has been considered against the Leases Policy. Applications for fresh leases are assessed against the following criteria.

6.1.1 Strategic Fit

Appendix one to the Leases Policy explains that assessment of strategic fit should consider the Council's most up-to-date strategic statements and relevant strategies. The following are particularly relevant for this application:

- Social and Recreation Policy

Social and Recreation Strategy

The Social and Recreation Strategy identifies strong communities as those that:

Have a robust social infrastructure; that is, there is sound provision of amenities, facilities and key social services; and
Are cohesive; that is, there is a high level of community participation, strong networks and empowered community groups.

In this context infrastructure can be considered as buildings and organisations and cohesion can be considered as relationships and engagement. Both aspects are interdependent and critical to strong communities.

Officer feedback to this proposal: There is not a need for a new recreation facility within this area as there is currently a community hall situated on the same site. The Vogelmorn Hall is not heavily used, with seven (7) regular

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users and without including the 'one off' hall users the average use is 61 hours a month (Of this approximately half of this is used by STDGI).

While the hall is not heavily used at the moment there is a good mix of activities that meet the needs of the local community. There is scope for the hall to be utilised significantly more by community groups and planning for increased marketing is underway. The addition of a separate building offering space for the community to use would compete with the existing facility which is already under utilised.

6.1.2 Activity Sustainability

Appendix one of the Leases Policy states that judgement is needed as to how sustainable the group or activity is for both the short and medium term. This has a membership, usage, and financial components.

Officer feedback to this proposal: The NZ Societies and Trust website contains information relating to the STDGI financial position. Officer's note STDGI have approximately \$7,000 in available funds as at March 2009. STDGI has not secured funding for the new facility and have requested up to a further year to achieve this. Therefore the financial sustainability of the proposal can not be assessed at this stage.

6.1.3 Optimal Use of Resources

This criteria is concerned with the level of use of the buildings needs to be considered. Recognition should be given to any circumstances where other factors may limit the ability to expand use such as resource consent conditions.

Officer feedback to this proposal: While STDGI will utilise the new facility very well, their dedicated demand for the building may seriously limit the availability to other community groups or organisations.

STDGI have indicated their facility would be available for other potential users between 8am and 3:30pm daily. These are currently the available hours the existing community hall struggles to fill. During the weekend the new recreational facility would be available most Saturday's. The existing community hall is currently utilised between the hours of 8:30am and 1pm on Saturday and STDGI are the only users on Sunday.

STDGI have advised that they would require the new facility up to ten (10) Saturdays or Sunday's a year for seminars, gradings and combined trainings.

6.1.4 Environmental Impact

Land that is subject to leases is first and foremost for the use of the public. It is therefore important to assess the level of impact that the activity will have on the public use of the land.

Officer feedback to this proposal: It is anticipated issues such as noise, parking, conflict with other uses and the proximity of the new building to surrounding residential properties would need to be considered further.

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The application would also need to provide detailed information about the hours of operation and the nature of the activities and uses of the building.

6.1.5 Demonstrated Need and Support from the Community

The level of support for the activity needs to be assessed. Activities that provide services across the community are likely to provide more community benefit. Consideration should be given to whether other similar activities are available nearby.

Officer feedback to this proposal: No indication has been given as to what other community organisations would use this facility. Use of the existing smaller hall is only 61 hours per month. This indicates there is plenty of opportunity for alternative community groups or organisations to utilise the existing hall if there was a need identified.

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The table below shows the current hours the community hall is utilised.

Vogelmorn Hall - Regular Users	
Activity	Scheduled Days 2009
Dancing Classes	Saturdays 12pm - 1pm
Martial Arts Club (STDGI)	Mondays 7th & 14th Sep, 5th & 12th Oct, 2nd & 9th Nov - Evenings Thursdays 5pm - 8:45pm Sundays 3pm - 6:45pm
Tai Chi Classes	Saturdays - 8:30am - 10am
Dance Lessons	Saturdays - 10:30am - 11:30am
Dance Classes	Wednesdays 4:30pm- 9pm
School	No regular time but usually during the week 1:30pm-2:30pm
Badminton	Tuesdays - 5:45pm- 6:45pm
Singing	Mondays - 7:30pm - 9pm

6.1.6 Need for a Lease

Appendix one of the Leases Policy sets out the following questions that should be considered under this criteria:

Is Council support needed for the activity to occur?

Is open space/public land required?

Is a lease the best option?

Officer feedback to this proposal: Given the low user numbers of the existing hall it is questionable whether there is a need for increased community space. While the proposed facility will be considerably larger, with modern amenities it will not necessarily support the breadth of activities needed to respond to a local need, if there is one. A barrier to participation is often cost of access and again it is not clear how cost of access would be determined for the new facility or if there would be a way to ensure low cost usage for other community groups.

The new facility would be primarily for STDGI and other activities would have to coexist comfortably. The proposed facility could potentially pull existing or new hall hire customers and revenue away from the community hall reducing usage further.

Although there isn't a need or requirement to lease the vacant area of 11 Vennell Street due to the existing community hall being available, other options have been brought to our attention.

A similar proposal already sits in Council about the upgrading of an existing facility on Council land on Bell Road with Brooklyn Northern United Football Club (BNU). The BNU are looking for partners to share in the redevelopment of this building. In addition officers are aware of a number of buildings within the area that have leases to community or recreational groups where there is opportunity for other groups to share their facilities.

In terms of management of Council assets and use of community facilities, we believe that the addition of another building on Council land is not

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appropriate. It would be to the detriment of the usage of the existing Community Hall next door and potentially take usage away from an existing Council facility.

The fact that the building would default back to Council ownership after 25 years is not ideal, as there is already a Community Hall at the site that services the local community. An additional building is a significant asset for Council to have to manage in the long term.

7. Conclusion

On full consideration of the STDGI proposal, although there may be benefits to STDGI having a new recreational facility on the vacant site at Vennell Street, Council officers do not support STDGI's request to lease the vacant land at 11 Vennell Street for a recreation facility.

Contact Officer: Vanessa Whitwell, Property Advisor, Property Services

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SPIRIT Taekwon-Do
Brooklyn

Proposal for Use of Vacant Land
11 Vennell Street
Vogelmorn

Project Summary
Submission to Wellington City Council

Monday 3 August 2009



Prepared By

Dennis Burns
President
Spirit Taekwon-Do Incorporated

T 04 802-5630
M 021 428-547
E dennis@burns.net.nz

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We are dedicated to teaching the original Taekwon-Do, as
developed by the founder of Taekwon-Do:
General Choi Hong Hi.

<http://spirit-taekwondo.wellington.net.nz/>



Executive Summary

The existing Vogelmoorn Hall has served, firstly BROOKLYN Taekwon-Do and then its successor SPIRIT Taekwon-Do, very well since opening in July 1995. As we continue to provide our services on Thursdays and Sundays, we look forward to a future where we can expand the school to offer a greater variety of classes more frequently, and have the ability to have both more members at training but also to have the use of a facility specifically designed as a Taekwon-Do Dojang (training facility).

Entirely run by volunteers, Taekwon-Do is about to receive a major boost to its profile as a major martial art in New Zealand with one of its key points being the International Taekwon-Do Federation's (our international governing body) World Championships, held in Wellington in early 2011.

To achieve the goals as stated above we need to have a larger dedicated facility that can, at the same time as meeting our goals, add benefit to the local community. By building a new facility as shown on the attached plans, and linking it with the existing hall, we believe these two objectives can be met.

Though the existing hall has served us well, we believe it is time to move forward and to achieve this objective, SPIRIT Taekwon-Do seeks the following input and assistance from the Wellington City Council.

1. Support retaining the 11 Vennell Street land in Council ownership and its use for Community recreational requirements.
2. Give SPIRIT Taekwon-Do the time and assistance to fully analyse the benefit of a new facility to the community and help where necessary to determine these needs.
3. Advice on Design, layout and operational requirements
4. Assistance to obtain necessary Resource and Building Consents
5. An agreement to lease back the land for a peppercorn rental in exchange for Spirit Taekwon-Do designing, constructing and completing the new facility.



Spirit Taekwon-Do welcomes any feedback on the proposal; please contact our President,

Mr Dennis Burns at;
T 04 802-5630 (day)
M 021 428-547
E dennis@burns.net.nz



History

SPRIT TAEKWON-DO

The Spirit Taekwon-Do Group Inc. is a non-profit incorporated society, of which all paid-up students of any of our schools are members.

Spirit Taekwon-Do currently has four schools, training in locations throughout Wellington. The Brooklyn School opened in July 1995, and has been running classes in Vogelmorn Hall on Sundays and Thursdays since then. Brooklyn is instructed by Mr. Brett Kraiger (3rd Dan Black Belt) and Ms Louise Chan (3rd Dan). The Thorndon School opened in October 2005 and the Karori School opened in November 2007.

The Brooklyn Children's class is a dedicated environment, allowing children to have fun as well as learning the important skills which Taekwon-Do teaches – etiquette, respect, courtesy, goal-setting and many other life skills. The instructor, Mrs Helen Miller (3rd Dan), has a particular affinity with children.

We emphasise the non-physical aspects of the martial arts as well as the physical side. Our basic tenets of Courtesy, Integrity, Perseverance, Self Control and Indomitable Spirit are very important to the instructors and students.

TAEKWON-DO

Taekwon-Do is the modern form of ancient Korean martial arts and Japanese Karate. The founder of Taekwon-Do, General Choi Hong-Hi, combined the various martial arts that he had studied into one martial art, Taekwon-Do, by refining the best techniques from each of those arts and applying scientific formulae and military tactics. General Choi then proceeded to introduce Taekwon-Do around the world, culminating in the formation of the International Taekwon-Do Federation (ITF).

Taekwon-Do is famous for its spectacular flying kicks. However Taekwon-Do is much more than just that! The physical movements of Taekwon-Do are taught in a systematic fashion, allowing anybody to start training at their own level. The process of training in the martial arts develops much more than physical ability though.

Through the discipline of training over a period of time the student will develop a strong morality and high self esteem. This is particularly important for children, who can learn many important life skills through training in Taekwon-Do.

As well as the kicking and striking techniques, Taekwon-Do teaches practical self defence, and promotes physical fitness, courtesy, integrity, perseverance, self control and indomitable spirit.

TAEKWON-DO IN NEW ZEALAND

Taekwon-Do was introduced into New Zealand in the 1960s and has since grown to the point where our national organisation, the International Taekwon-Do Foundation of New Zealand, has over 60 schools spread throughout the country. ITFNZ coordinates much of what we do, maintaining the integrity and consistency of Taekwon-Do in New Zealand.

ITFNZ Taekwon-Do is also the single largest Martial Art Practiced in New Zealand.

TAEKWON-DO IN WELLINGTON

Taekwon-Do in the Wellington region is strong, with Dojangs throughout the Greater Wellington region. The region's schools often get together for combined trainings, regional tournaments, training camps, and social functions.

The region's instructors meet regularly to organise these events and to keep everybody up to date with the latest developments.



Existing Premises

The existing Vogelhorn Hall has served SPIRIT Taekwon-Do very well since we opened in July 1995. Should this proposal not be accepted, SPIRIT Taekwon-Do will continue to operate its Brooklyn school from this location.

However having said this, the existing facilities designed and built early last century as a community hall are not entirely suited to Training in Taekwon-Do. The hall has both good points and challenges as noted below:

Good points

Timber floor – This is excellent and is the ideal flooring for training in Martial arts

Cost – Low rental is another bonus to community organisations such as ours

Location – located down a side street parking is easy, and the timing of our classes generally does not clash with users of either the Bowling or Tennis clubs

Existing – the fact that the hall is existing is another bonus, as the use of existing Council facilities is to be encouraged.

Challenges

Floor – The timber floor is uninsulated, with the combination of gas heaters , hard physical activity and cold winter nights means condensation forms on the floor, rendering 1/3 of the hall unusable during winter

Size – the existing premises are ideal from a small clubs perspective. However, we are unable to develop our club further nor increase membership.

Availability – though available on other days, to date we have been unable to find suitable additional training times.

Changing facilities – currently there are no dedicated change rooms, with male members being allocated the kitchen, whilst female members can use the existing toilets, which is not ideal.

Storage – dedicated storage is limited.

Future

The potential availability of the site adjacent to the existing Vogelhorn Hall was first raised nearly two years ago, and it would be a shame for this opportunity to not be fully investigated before Council commits to disposing of this community asset.

SPIRIT Taekwon-Do welcomes the opportunity to investigate the proposal to construct new facilities on the land and looks forward to a favourable response



Proposal for New Training and Community Facility



Please refer to the attached Preliminary plans prepared by Archaus Architects.

These show that we can accommodate a new facility on the land at 11 Vennell Street, that not only will accommodate SPIRIT Taekwon-Do but will also be a long term asset to the whole community

The internal size of the proposed facility is sufficient to fit a full sized Basketball court.

As mentioned in the next section, times not used by SPIRIT Taekwon-Do will be available for use by other community groups.

The Proposal:

Spirit Taekwon-Do propose to have the new facilities designed, constructed and completed at no cost to either the local community or Wellington City Council.

It is proposed that the Wellington City council lease the land to SPIRIT Taekwon-Do at nominal peppercorn rental for a period of 25 years, subject to:

- The premises being made available to the community as stated later in this proposal.
- The premises being maintained in good order
- Being an educational facility, there are no rates payable.
- A right of renewal for a further period of 25 years, or a standard community group lease back to SPIRIT Taekwon-Do; should the Council and SPIRIT Taekwon-Do agree the facility is to be owned and maintained by the Council.

In addition to this, we request that all Resource and Building Consent fees be donated by Wellington City Council.

Validity of Offer:

We propose that should this preliminary proposal be acceptable, that SPIRIT Taekwon-Do, be given an option on the use of the land for 1 calendar year so that full plans and feasibility study can be undertaken and a funding programme instigated.

Further, we agree that this could run concurrently with other council options. So that should in the unlikely event we be unable to raise sufficient funds, Council is not disadvantaged.

We have specifically couched this proposal in "Non Legalese" so that all aspects can be debated in an overall perspective before getting down to detail. However, should further clarification be required please contact our President Mr Dennis Burns.



Community

To date we have only undertaken a preliminary investigation into the needs of the local community, though we have been in contact and met with the local Residents Association.

However the basis of our proposal is for Brooklyn Taekwon-Do to be in charge of our own destiny, in conjunction with our national organisation's initiatives, we want to expand the range of services available. This expansion falls into 3 main areas

- Ability to train in a dedicated facility
- Ability to offer year round, all week services
- Grow class sizes by having a training facility large enough to accommodate them.
- Offer a greater range of class types to suit the requirements of our members

The basis of this proposal is that Spirit Taekwon-Do Brooklyn will have dedicated use of the new facility and changing rooms for the following times:

During School terms			
Weekdays	3:30pm to 5:30pm	Normal Classes	Three days per week
	5:30pm to 10:00pm	Normal Classes	Four days per week
Weekends	3:00pm to 7:30pm	Normal Classes	Sunday

During School Holidays

- To operate a school holiday programme in conjunction with other community groups

Weekdays	8:30am to 3:30pm	School Holiday programme	Five days a week
	3:30pm to 5:30pm	Normal Classes	Three days per week
	5:30pm to 10:00pm	Normal Classes	Four days per week
Weekends	3:00 to 7:30	Normal Classes	Sunday

In addition to the these times we would require use of the facility up to 10 times per year on a Saturday or Sunday for seminars, gradings and combined trainings

This gives the community the ability to use the hall for the times not mentioned above.

You will note that the indicative plans also include the construction of dedicated changing rooms, located in between the new and old halls. These changing facilities are available for full time for use by either the old hall or new hall users.



Funding & Timing

In light of the current economic climate and the current pressure being placed on funders it is unlikely there would be sufficient fundraising opportunities to enable SPIRIT Taekwon-Do to raise sufficient funds to build this facility in the short term.

However I am confident that once conditions improve the raising of the \$850,000 build price is achievable with a 6-9 month lead-in.

Documentation for Resource and Building Consent would be prepared by Archaus Architects. This and other professional fees, which normally account for over 10% of project cost would be donated.

Preliminary time frame:

Once a green light is given to fully investigate the feasibility of the project, we envisage the following programme

- Months 1-3 Consultation and engagement with WCC and Local affected parties.
Community groups, Schools , Residents Associations, Local Authority and other sporting codes
- Months 4-6 Prepare plans and negotiate with WCC Town Planners
Undertake feasibility study
- Months 6-9 Resource Consent process
Instigate fundraising campaign
- Months 10-12 Building Consent Documentation
Complete Fundraising
- Months 13-14 Building Consent application and approval
- Month 15 Commence Construction.



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Attachments

Archaus Architects
Preliminary Sketches

Vogelmorn Training Facility

09046		A101	Aerial photo and Site layout
		A102	Floor plans
		A103	Elevations & Cross section
		A104	Aerial Perspective (from North West)
		A105	Elevation to Vennell Street
		A106	Persective from Cnr Vennell Street & Mornington Road
		A107	Internal perspective

APPENDIX 4 – Option 1



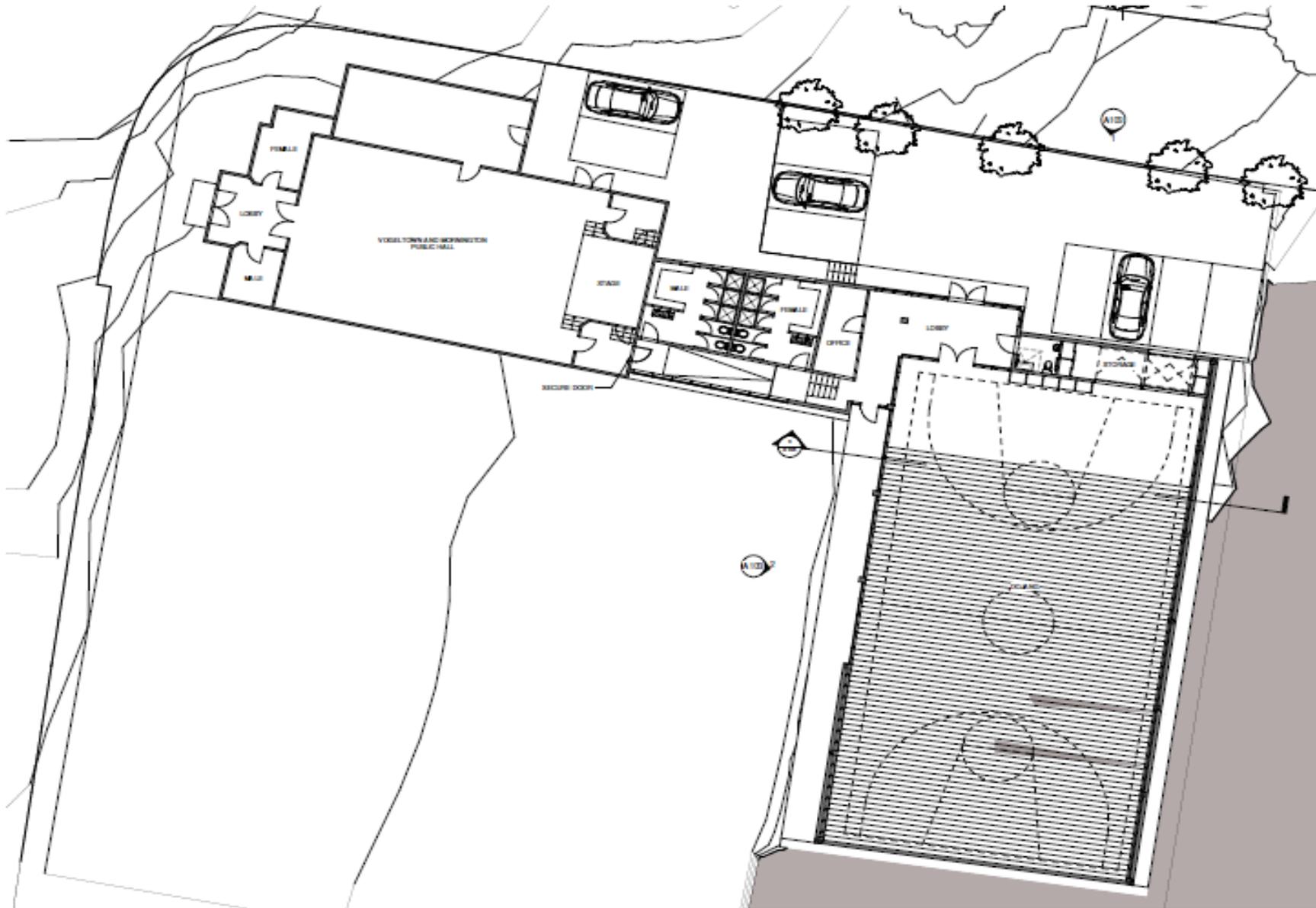
(P) 802 3830
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Vogelmorn Training facility



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(04) 802 5600
(08) 908 8981
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Vogelmorn Training facility



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A102





① NORTH ELEVATION
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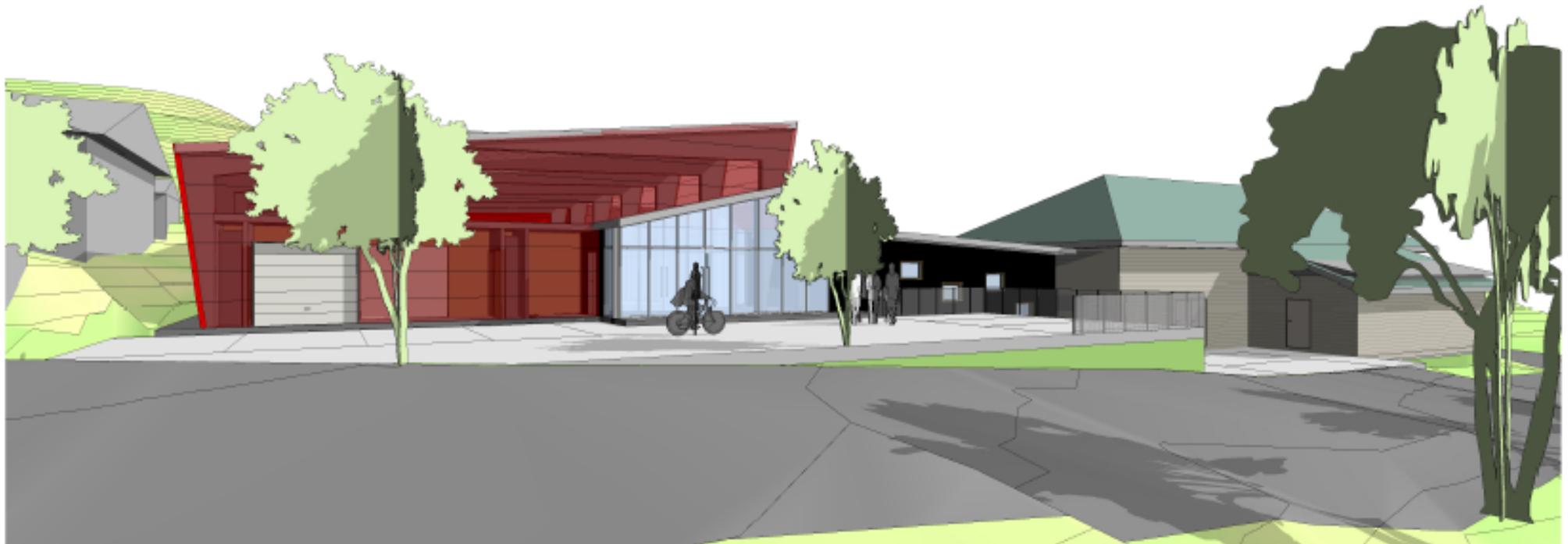


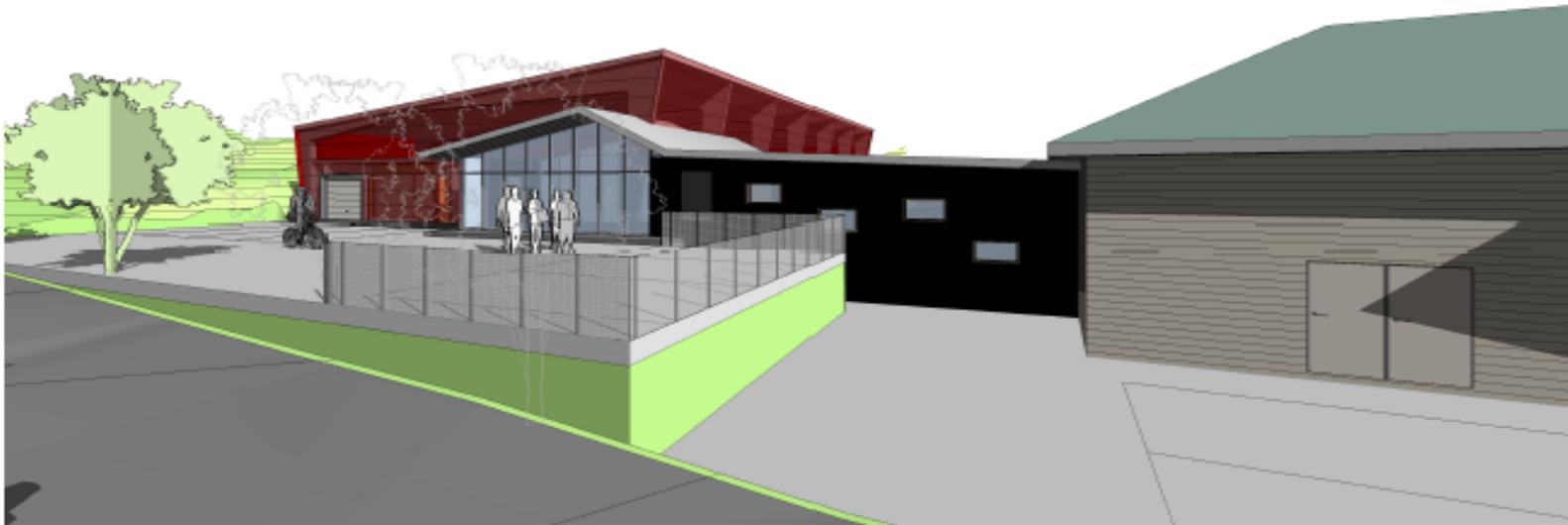
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③ CROSS SECTION
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(08) 949 8931
www.archaus.com.au

Vogelmorn Training facility



20-07-08
09046
A106



APPENDIX 5 – Option 2



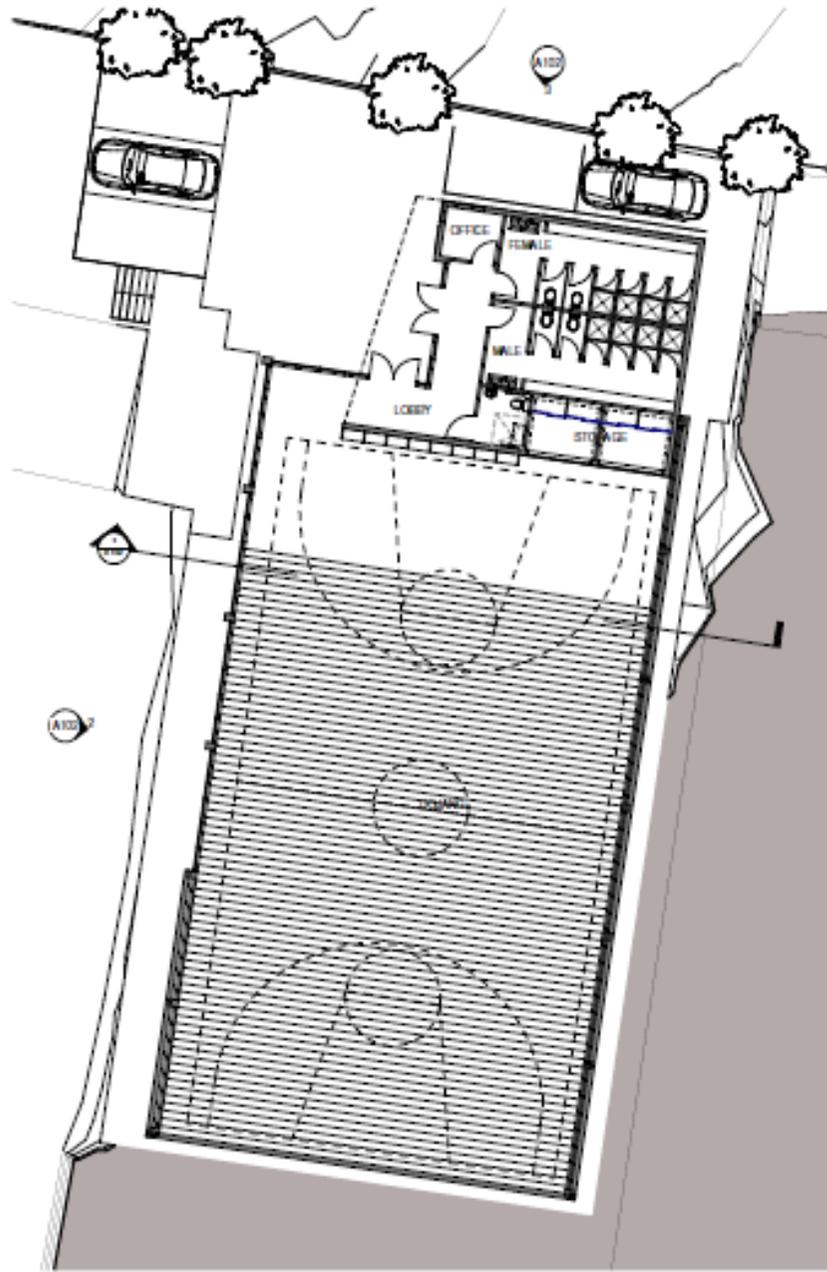
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Vogelmorn Training facility, Option 2



09046
A101





① GROUND FLOOR
1:100



④ CROSS SECTION
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③ NORTH ELEVATION
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② WEST ELEVATION
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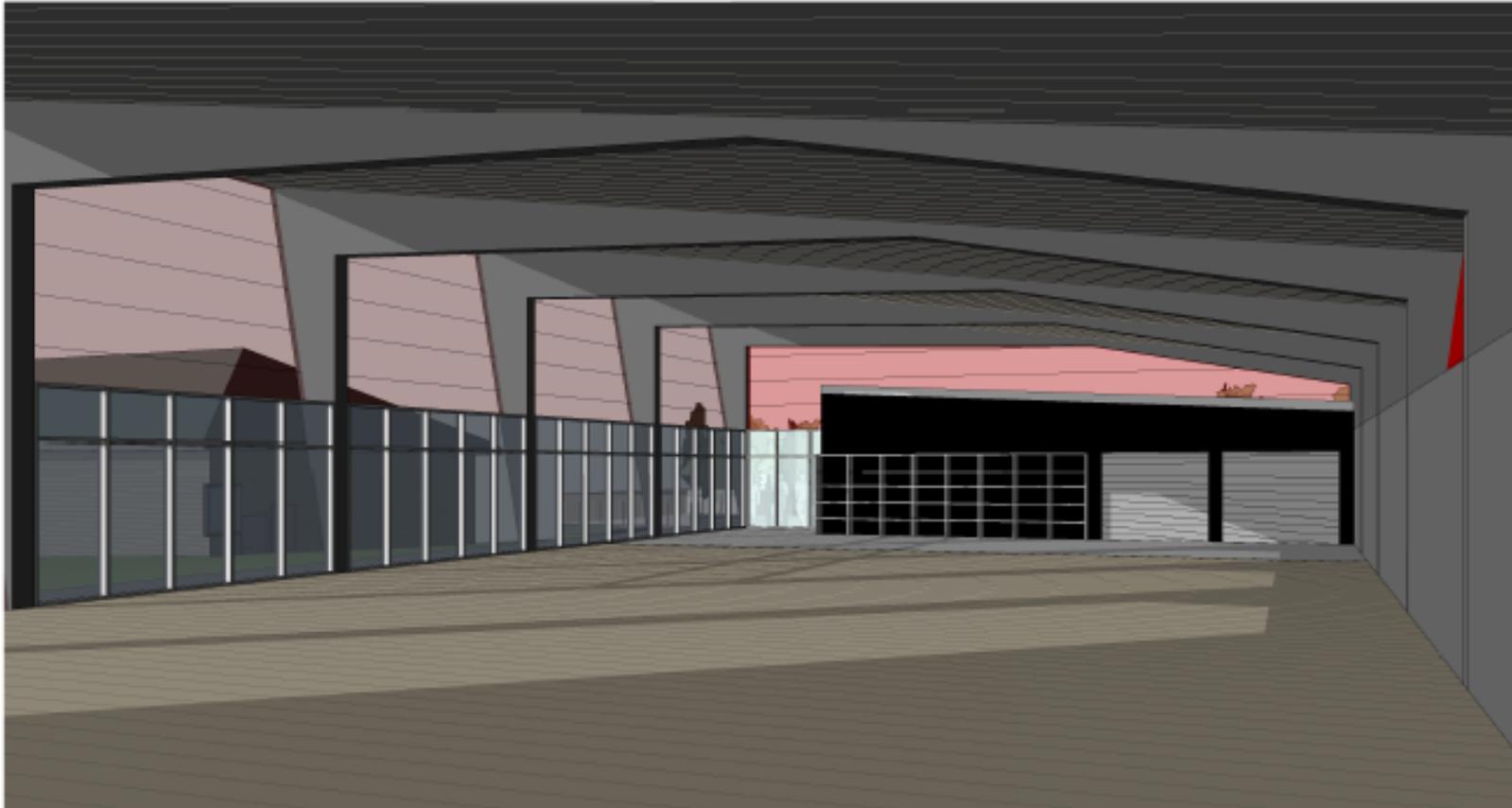
(04) 802 5630
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Vogelmorn Training facility, Option 2



09046
A103





MINUTES

WEDNESDAY 26 AUGUST 2009

5.31PM – 7.12PM

Council Chamber
First Floor, Town Hall
Wakefield Street
Wellington

PRESENT:

Mayor Prendergast (5.31pm – 7.12pm)
Councillor Ahipene-Mercer (5.31pm – 7.12pm)
Councillor Best (5.31pm – 7.12pm)
Councillor Cook (5.31pm – 7.12pm)
Councillor Coughlan (5.31pm – 7.12pm)
Councillor Goulden (5.31pm – 7.12pm)
Councillor McKinnon (5.31pm – 7.12pm)
Councillor Morrison (5.31pm – 7.12pm)
Councillor Pannett (5.31pm – 7.12pm)
Councillor Peppereil (5.31pm – 7.12pm)
Councillor Ritchie (5.45pm – 7.12pm)
Councillor Wade-Brown (5.31pm – 7.12pm)
Councillor Wain (5.31pm – 7.12pm)

APOLOGIES:

Councillor Foster
Councillor Gill

096/09C **PUBLIC PARTICIPATION**
(1215/11/IM)

NOTED:

1. Bernie Harris addressed the meeting regarding Report 4 - Report of the Strategy and Policy Committee meeting of Thursday 9 April 2009 Disposal of Part of 11 Vennell Street.

Council – Meeting of Wednesday 26 August 2009

Reports from Committees - Part A – Committee Decisions requiring Council approval

102/09C STRATEGY AND POLICY COMMITTEE
Meeting of Thursday 9 April 2009.
(1215/11/IM) (REPORT 4)

1. **ITEM 063/09P DISPOSAL OF PART OF 11 VENNELL STREET**
(1215/52/IM) (REPORT 3)

Moved Councillor Morrison, seconded Councillor Ahipene-Mercer the substantive motion.

Moved Councillor Wade-Brown, seconded Councillor Best the following amendment:

Replacement of recommendation two:

“2. Agree that the report lie on the table for six months to allow the Spirit Taekwon-Do Group to complete a feasibility study.”

The amendment was put.

Voting for: Councillors Best, Cook, Coughlan, Goulden, Pannett, Pepperell, Ritchie and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, McKinnon, Morrison and Wain.

Majority vote: 8:5

The amendment was declared CARRIED.

The substantive motion as amended was put.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Cook, Coughlan, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority vote: 13:0

The substantive motion as amended was declared CARRIED.

RESOLVED:

THAT Council:

1. *Receive the supplementary information (appendix 1 of the report of the Committee).*
2. *Agree that the report lie on the table for six months to allow the Spirit Taekwon-Do Group to complete a feasibility study.*

NOTED:

The resolution differs from the recommendation in the Committee report as follows:

The meeting added the text in **bold**.

CA INSERT REPORT NO
CA INSERT FILE N

DISPOSAL OF PART OF 11 VENNELL STREET

1. Purpose of Report

The purpose of this report is to obtain Council approval, that pursuant to Section 40 of the Public Works Act 1981 (PWA) that part of the land at 11 Vennell Street (land) is no longer required for a public work purpose and to authorise Council officers to proceed with offer back investigations.

2. Recommendations

Officers recommend that the Committee:

1. *Receives the information.*
2. *Recommends that the Council, pursuant to Section 40 of the Public Works Act 1981:*
 - (a) *Agrees that the following Council owned land is not required for a public work and is surplus to requirements:*
 - *Vacant land situated at 11 Vennell Street, Brooklyn, (Part Lot 2 DP 10260, Computerised Freehold Register WN434/142, approximately 1,046m²)*
 - (b) *Authorises Council officers to commission a Section 40 report from a suitably qualified consultant to identify whether the land must be offered back to the former owner or their successor in title, or whether an exemption from offer back applies.*
3. *Notes that once the Section 40 report has been received, a further report will be provided to the Chief Executive Officer, under delegated authority, for approval to either offer the land back to the former owners or their successors in title, or to approve the exemption from offer back.*
4. *Authorises the Chief Executive Officer to carry out all further steps required to enable the disposal of the land either by way of offer back or sale on the open market, including negotiating and completing the terms of sale.*
5. *Agrees that if the land is exempt from offer back or alternatively is subject to offer back but the former owner, or their successor in title, does not accept the offer back, then the land shown as Part Lot 2 on Deposited Plan*

APPENDIX 7

10260 of approximately 1,046m² be rezoned from Open Space A to Residential (Outer).

6. *Agree to include the rezoning in the next appropriate District Plan change.*

3. Background

On 7 August 2008, Council officers presented a report (refer to Appendix 9) to the Strategy and Policy Committee recommending that the Committee recommend to Council that pursuant to Section 40 of the PWA, part of the land at 11 Vennell Street (shown as area C in Appendix 10) is no longer required for a public work purpose and to authorise Council officers to proceed with offer back investigations.

The Strategy and Policy Committee requested officers consult with the Vogelmorn Municipal Tennis Club and Vogelmorn Kingston Residents Association and report back to the Strategy and Policy Committee.

4. Discussion

4.1 Consultation

A meeting was held on the 18 October 2008, with representatives from the Vogelmorn Kingston Residents Association, a past president and life member of the Vogelmorn Tennis Club, Vogelmorn Bowling Club and a nominee of Ridgeway School.

Below are the key objections resulting from the meeting. A full file note of the meeting is attached in Appendix 12. This file note was distributed to everyone who attended the meeting, and is an agreed record of the meeting.

Objections/Comments	Officers Comments
The land forms part of a precinct that has been used for recreational purposes for the community (as allowed for under its current zoning), the land should be retained for that use in the future.	Officers have investigated the cost and suitability of the land for future recreational purposes and have confirmed the land is not suitable for any community or recreational use within existing or future budgets.
The land provides alternative emergency egress route for the club.	Officers confirm this is not a formal egress route for the club.
The land is used as a parking area when bowling and tennis tournaments are held which avoids congestion in Vennell and Mornington Streets.	The land is currently underutilised and officers do not believe retaining the land for tournament car parking is the best utilisation of the land.
Currently the land is a community asset specifically dedicated to recreation; and should be utilised for such. Ridgeway School has lost the use of its basketball/netball court. The area in question could be tar sealed and used by the School, Tennis Club, Hall and Bowling Club for parking when not in use.	Dave Martin (Executive Committee of Vogelmorn Kingston Residents Association and nominee of Ridgeway School) advised that the principal of Ridgeway School thought this would be beneficial to the community but acknowledged that it would have a limited use to the school due to the distance from the school.

APPENDIX 7

Refer to Appendix 13 for full written objections from Vogelmorn Municipal Tennis Club and the Vogelmorn Bowling Club.

5. Conclusion

It is recommended that the Strategy and Policy Committee recommend to Council that, under Section 40 of the PWA, the Council owned vacant land at 11 Vennell Street is not required for a public work and is surplus to the Council's requirements. Council officers will then investigate whether any offer back obligations exist and proceed with the proposed subdivision.

A further report will then be presented to the Chief Executive Officer with a recommendation to either proceed with an offer back, or to agree that an exemption applies. If the exemption applies, officers will then proceed with the rezoning from Open Space to Outer Residential and dispose of the property on the open market.

Contact Officer: *Vanessa Whitwell, Property Advisor, Property Services*

APPENDIX 7

Supporting Information
<p>1) Strategic Fit / Strategic Outcome</p> <p><i>In line with the Council's financial principals, assets that are declared surplus to strategic or operational requirements are sold.</i></p>
<p>2) LTCCP/Annual Plan reference and long term financial impact</p> <p><i>Provision for undertaking this work is contained within the overall organisational budget.</i></p>
<p>3) Treaty of Waitangi considerations</p> <p><i>Local Iwi have been approached about any possible Treaty of Waitangi implications and have confirmed they have no objection to the proposed disposal of the land.</i></p>
<p>4) Decision-Making</p> <p><i>The report reflects the views and preferences of those with an interest in this matter who have been consulted with.</i></p>
<p>5) Consultation</p> <p>a) General Consultation</p> <p><i>All affected parties have been identified. Adjoining land occupiers on the balance of the land title have been consulted and objections and comments have been outlined in this report. Consultation with all of the Council's Business Units have been completed there have been no requirements to retain this area of land.</i></p> <p>b) Consultation with Maori</p> <p><i>Local Iwi have been approached and provided with this proposal for their comments and have no objection to the proposed sale.</i></p>
<p>6) Legal Implications</p> <p><i>Any Sale and Purchase Agreements will be prepared by Council's Solicitors. A Solicitor's Certificate will be obtained before any documentation is signed.</i></p>
<p>7) Consistency with existing policy</p> <p><i>This report recommends measures which are consistent with existing Wellington City Council policy, for the disposal of surplus property.</i></p>

MINUTES

THURSDAY 9 APRIL 2009

9.24AM

Committee Room 1,
Ground Floor, Council Offices,
101 Wakefield Street
Wellington

PRESENT:

Mayor Prendergast (Deputy Chair) (9.24 – 9.59am, 10.23 – 11.16am)
Councillor Ahipene-Mercer
Councillor Best
Councillor Cook
Councillor Foster
Councillor Gill
Councillor McKinnon (Chair) (9.24 – 10.54am)
Councillor Morrison
Councillor Pannett
Councillor Pepperell
Councillor Wade-Brown
Councillor Wain

APOLOGIES:

Councillor Coughlan
Councillor Goulden
Councillor Ritchie

057/09P **APOLOGIES**
(1215/12/IM)

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Accept apologies for absence from Councillors Coughlan, Goulden and Ritchie.*

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060/09P **PUBLIC PARTICIPATION**
(1215/52/IM)

NOTED:

1. Rex Nairn addressed the meeting regarding the Hanson Street Playground. He advised that some years ago the rubbish bin was removed. He has canvassed the area around the playground and has a petition to request the installation of a rubbish bin.

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Receive the petition and refer it to officers.*
2. Bernie Harris addressed the meeting in relation to Report 3 - Disposal of Part of 11 Vennell Street.

063/09P **DISPOSAL OF PART OF 11 VENNELL STREET**
Report of Vanessa Whitwell – Property Adviser, Property Services.
(1215/52/IM) (REPORT 3)

Moved Councillor Morrison, seconded Councillor Ahipene-Mercer the substantive motion.

(Mayor Prendergast left the meeting at 9.59am.)

Moved Councillor Foster, seconded Councillor Pepperell the following amendment.

Replacement to recommendations 2, 3, 4 and 5.

2. THAT Council consult with the Vogelmorn Community to determine whether there is likely to be a community use for 11 Vennell Street that warrants Council retaining the site.

(The meeting adjourned at 10.19am and reconvened at 10.21am.)

(Mayor Prendergast returned to the meeting at 10.23am.)

(The meeting adjourned at 10.33am and reconvened at 10.34am.)

The amendment was put and a DIVISION called.

Voting for: Councillors Cook, Foster, Pannett, Pepperell and Wade-Brown.

Voting against: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Gill, McKinnon, Morrison and Wain.

Majority vote: 5:7

The amendment was declared LOST.

(Councillor McKinnon left the meeting at 10.54am and Mayor Prendergast as Deputy Chair took over chairing the meeting.)

The substantive motion recommendation 1 was put and declared CARRIED.

The substantive motion recommendations 2, 3, 4 and 5 was put and declared CARRIED.

The substantive motion recommendation 6 was put and declared CARRIED.

RESOLVED AND RECOMMENDED TO COUNCIL (Wednesday 27 May 2009):

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Recommend that the Council, pursuant to Section 40 of the Public Works Act 1981:*
 - (a) *Agree that the following Council owned land is not required for a public work and is surplus to requirements:*
 - *Vacant land situated at 11 Vennell Street, Brooklyn, (Part Lot 2 DP 10260, Computerised Freehold Register WN434/142, approximately 1,046m²).*
 - (b) *Authorise Council officers to commission a Section 40 report from a suitably qualified consultant to identify whether the land*

APPENDIX 8

7

must be offered back to the former owner or their successor in title, or whether an exemption from offer back applies.

3. *Note that once the Section 40 report has been received, a further report will be provided to the Chief Executive Officer, under delegated authority, for approval to either offer the land back to the former owner/s or their successor/s in title, or to approve the exemption from offer back.*
4. *Authorise the Chief Executive Officer to carry out all further steps required to enable the disposal of the land either by way of offer back or sale on the open market, including negotiating and completing the terms of sale.*
5. *Agree that if the land is exempt from offer back or alternatively is subject to offer back but the former owner, or their successor in title does not accept the offer back, then the land shown as Part Lot 2 on Deposited Plan 10260 of approximately 1,046m² be rezoned from Open Space A to Residential (Outer).*
6. *Agree to include the rezoning in the next appropriate District Plan change.*

NOTED:

1. Councillors Cook, Foster, Pannett and Pepperell requested that their dissenting votes be recorded against for recommendations 2, 3, 4 and 5.
2. Councillors Cook, Pannett and Pepperell requested that their dissenting votes be recorded against recommendation 6.

(The meeting adjourned for morning tea at 10.55am and reconvened at 11.09am.)

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DISPOSAL OF PART OF 11 VENNELL STREET

1. Purpose of Report

The purpose of this report is to seek Committee agreement to recommend to Council that pursuant to Section 40 of the Public Works Act 1981 (PWA), that part of the land at 11 Vennell Street (land) is no longer required for a public work purpose and to authorise Council officers to proceed with offer back investigations.

2. Executive Summary

The section of land known as 11 Vennell Street was acquired as part of a land exchange between the Education Board of the District of Wellington (Education Board) and Council in 1923. The exchange allowed the Board to construct a school on The Ridgeway site at Mornington.

The land was utilised as a Works Depot by the Council's CitiOps Business Unit until 2005. Council officers believe that the vacant part of land at 11 Vennell Street shown as area C in Appendix 10 is now surplus to the Council's operational requirements.

This report seeks Council approval to authorise Council officers to commission a Section 40 PWA report on the land.

The Chief Executive Officer has delegated authority to approve either, offer back of the property to the former owner or their successors in title, or to approve an exemption from offer back and investigate options for disposing of the land on the open market.

3. Recommendations

It is recommended that the Committee:

- 1. Receives the information.*
- 2. Recommends that the Council, pursuant to Section 40 of the Public Works Act 1981:*

(b) Agrees that the following Council owned land is not required for a public work and is surplus to requirements:

- Vacant land situated at 11 Vennell Street, Brooklyn, (Part Lot 2 DP 10260, Computerised Freehold Register WN434/142, approximately 1,046m²)*

APPENDIX 9

- (b) Authorises Council officers to commission a Section 40 report from a suitably qualified consultant to identify whether the land must be offered back to the former owner or their successor in title, or whether an exemption from offer back applies.*
3. *Notes that once the Section 40 report has been received, a further report will be provided to the Chief Executive Officer, under delegated authority, for approval to either offer the land back to the former owners or their successors in title, or to approve the exemption from offer back.*
 4. *Recommends to Council to authorise the Chief Executive Officer to carry out all further steps required to enable the disposal of the land either by way of offer back or sale on the open market, including negotiating and completing the terms of sale.*
 5. *Agrees that if the land is exempt from offer back or alternatively is subject to offer back but the former owner, or their successor in title, does not accept the offer back, then the land shown as Part Lot 2 on Deposited Plan 10260 of approximately 1,046m² be rezoned from Open Space A to Residential (Outer).*
 6. *Requests that the Urban Development and Transport Directorate include the rezoning in the next convenient District Plan change for minor amendments and updating of the District Plan.*

4. Background

Council officers are proposing to declare the vacant land at 11 Vennell Street surplus to Council requirements. The Council's obligations under Section 40 of the PWA are outlined in Appendix 11.

The site at 11 Vennell Street (Part Lot 2 DP 10260, Computerised Freehold Register WN434/142) comprises of 2,897m² which there are three areas:

- Area "A" of 482m² which has the Vogelmorn Hall situated on it;
- Area "B" of 1,369m² which has a bowling green currently leased to the Vogelmorn Bowling Club; and
- Area "C" of 1,046m² which is vacant land.

The vacant land was previously held for a Works Depot by the Council's CitiOps Business Unit. It is a rectangular shaped section, approximately 1,046m² in area. The area is largely vacant apart from a small shed at street frontage. The front half of the land is level and rises towards the rear of the property. The rear half of the land is covered in scrub and also has a footpath providing an alternative pedestrian access to the Bowling Club. Parks and Gardens have confirmed that the site has no ecological value.

The site is currently zoned Open Space A under the Operative Wellington City Council District Plan which provides for passive and active recreational activities only on the site.

It is proposed to subdivide off the Bowling Green, Hall and vacant area into separate lots to allow better management of the land and to allow the vacant land to be disposed of if declared surplus.

APPENDIX 9

4.1 Acquisition History

The land comprised in Computer Freehold Register WN22/185 was owned originally by John Bacon until it transferred to the Education Board in 1891.

In 1921 the Education Board wrote to the Town Clerk requesting usage of the Council land on The Ridgeway in Mornington for the purpose of erecting temporary school buildings, as their current site was not going to be available to build on for some time. The Council granted permission to the Education Board's request.

There was further consideration for an exchange of land between the Education Board and the Council and in 1923, the Vennell Street land was exchanged for land at The Ridgeway.

5. Discussion

5.1 Consultation

The preliminary step in any potential disposal process is to undertake consultation with the Council's Business Units. This is to confirm that the property is no longer required for a public work or any other Council purpose to ensure that there are no special interests that need to be considered in the event of any sale. The Council's Business Units have been given the opportunity to demonstrate that this parcel of land will be needed for a public work within a reasonable timeframe. All Business Units have responded that the land in question is not required for any PWA purpose.

Capacity has indicated that the property situated at the rear of the vacant area being 9 Vennell Street is discharging its storm water onto the site. The layout of a private storm water drain will be required if the site is developed.

The Vogelmorn Bowling Club and the Vogelmorn Hall have been consulted in regards to the future subdivision and disposal of the vacant land and have no objections to the proposal. There is no statutory requirement for public consultation to be carried out in this matter.

5.2 Required Works

The next step is to seek a resolution by Council, under Section 40 of the PWA that the land is no longer required for a public work before investigating whether there is a need to offer back the property to any former owner or their successors in title.

If the land is exempt from offer back or alternatively, is subject to offer back but the former owner or their successors in title do not wish to accept the offer back, the land will be sold on the open market.

In order for the land to be offered back to the previous owner or their successors in title, the land will need to be subdivided off from the main title. If the land is sold on the open market, it will also need to be rezoned from Open Space to Outer Residential which will allow the Council to maximise the value of the lot.

5.3 Disposal Process

APPENDIX 9

1. Investigate and implement any Section 40 obligations the Council has.
2. Undertake subdivision of this lot and the creation of any necessary easements over the land.
(Note: steps 1 and 2 above will happen simultaneously).
3. Offer back the land to the former owner and/or heirs at current market value (if applicable).
4. Undertake rezoning to Outer Residential (if no offer back is required).
5. Decide on the best marketing methodology.
6. Engage Real Estate Agents.
7. Market Property.
8. Disposal to new owner.

6. Conclusion

It is recommended that the Strategy and Policy Committee recommend to Council that, under Section 40 of the PWA, the Council owned vacant land at 11 Vennell Street is not required for a public work and is surplus to the Council's requirements. Council officers will then investigate whether any offer back obligations exist and proceed with the proposed subdivision.

A further report will then be presented to the Chief Executive Officer with a recommendation to either proceed with an offer back, or to agree that an exemption applies. If the exemption applies, officers will then proceed with the rezoning from Open Space to Outer Residential and dispose of the property on the open market.

Contact Officer: *Hanita Shantilal, Property Advisor, Property Services*

Supporting Information
<p>1) Strategic Fit / Strategic Outcome</p> <p><i>In line with the Council's financial principals, assets that are declared surplus to strategic or operational requirements are sold.</i></p>
<p>2) LTCCP/Annual Plan reference and long term financial impact</p> <p><i>Provision for undertaking this work is contained within the overall organisational budget.</i></p>
<p>3) Treaty of Waitangi considerations</p> <p><i>Local Iwi have been approached about any possible Treaty of Waitangi implications and have confirmed they have no objection to the proposed disposal of the land.</i></p>
<p>4) Decision-Making</p> <p><i>The report reflects the views and preferences of those with an interest in this matter who have been consulted with.</i></p>
<p>5) Consultation</p> <p>a) General Consultation</p> <p><i>All affected parties have been identified. Adjoining land occupiers on the balance of the land title have been consulted and have not raised any objections to the proposal. Consultation with all of the Council's Business Units have been completed there have been no requirements to retain this area of land.</i></p> <p>b) Consultation with Maori</p> <p><i>Local Iwi have been approached and provided with this proposal for their comments and have no objection to the proposed sale.</i></p>
<p>6) Legal Implications</p> <p><i>Any Sale and Purchase Agreements will be prepared by Council's Solicitors. A Solicitor's Certificate will be obtained before any documentation is signed.</i></p>
<p>7) Consistency with existing policy</p> <p><i>This report recommends measures which are consistent with existing Wellington City Council policy, for the disposal of surplus property.</i></p>

APPENDIX 10

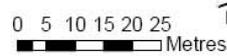


DATA STATEMENT
 Property boundaries Land Information NZ
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 Accuracy at time of issue: $\pm 0.1m$
 Topographic data Wellington City Council
 WCC copyright reserved Accuracy: $\pm 0.25m$
 Colour Orthophotography 1:800 flown March 06
 owned by WCC.

- Area A - Vogelmorn Hall
- Area B - Bowling green currently leased to Vogelmorn Bowling Club
- Area C - Vacant land for possible disposal

11 Vennell St

1:1,000



Absolutely POSITIVELY
 We Here by Pioneers
 WELLINGTON CITY COUNCIL

APPENDIX 11

SECTION 40 OBLIGATIONS UNDER THE PUBLIC WORKS ACT 1981

S40 Obligations under The Public Works Act 1981

The Public Works Act 1981, and its predecessors, has played a large part in the development of New Zealand's infrastructure. It has enabled land to be acquired, either by agreement or by compulsion, for the construction of local or public works. The main intention of the Public Works Act 1981 regarding surplus land is that it must be offered for repurchase to the person from whom it was acquired, or the successor of that person, if it is not exempt under the grounds set out in the Act.

Section 40 of the Public Works Act 1981 deals with the disposal of land that is no longer required for the public work for which it is held, or any other public work.

Under section 40 Council is required to:

- (a) identify what land is subject to section 40;
- (b) determine when the offer-back obligations under section 40 are triggered;
- (c) investigate the circumstances surrounding the acquisition, use and characteristics of the land in order to determine whether any exceptions to the offer-back requirement apply as per section 40 (2); and
- (d) determine the appropriate course of action in relation to any affected land.

What Land is Subject to Section 40?

All land held by Council for any public work will be subject to section 40. The land need not have been acquired specifically for a public work nor does it need to be designated formally as such.

Local and public works are:

"Local work" means a work constructed or intended to be constructed by or under the control of a local authority, or for the time being under the control of a local authority:

"Public work" means every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain. It also includes every use of land and anything else required directly or indirectly for any such Government work or local work or use, including those required by any Education Authority within the meaning of the Education Act 1964 and any university within the meaning of the Universities Act 1961 (abridged definition).

The purpose for which Council holds any particular land needs to be considered objectively.

When is an Offer-Back Triggered Under Section 40?

Council must proceed under section 40 when the pre-conditions in Section 40(1) are satisfied, namely when the land in question:

- (a) is no longer required for the public work for which it is held; and

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- (b) is not required for any other public work; and
- (c) is not required for any exchange under Section 105 of the Public Works Act 1981.

The Courts have not yet defined the phrase “required for any other public work”. However Council’s legal advisors have recommended that the Land Information New Zealand guideline be followed to interpret this requirement. Their interpretation is as follows:

- The land has been designated for another public work; or
- Written notification has been given of another public work requirement; and
- Council has demonstrated that there is an actual need for the land, or
- Council has demonstrated that the land will be used for the purpose, within a reasonable timeframe.

Council is legally obliged to follow the sales process with due expedition once it has established that the three pre-conditions in Section 40(1) have been satisfied. Having satisfied the above pre-conditions, Council is under a duty (subject to the discretion of Section 40(2) and 40(4)) to endeavour to sell the land back to the former owner or their successors, in a timely manner.

Exemptions to Offer-Back Requirements – Section 40(2) and (4)

Once the affected land has been declared surplus, a decision must be made as to whether or not the land must be offered back to its former owner(s) in accordance with section 40. This is a decision for Council and must be made after suitably qualified agents have made full investigations.

Land can be exempted from an offer-back where:

- it would be impracticable, unreasonable or unfair to do so; or
- there has been a significant change in the character of the land for the purposes of, or in connection with, the public work for which it was acquired or held; or
- it is believed on reasonable grounds that, because of the size, shape or situation of the land that it could not be expected to be sold to any person who did not own land adjacent to the land being sold. Hence the land may be sold to an adjoining owner.

Sale of Land

If a property is not exempt under section 40(2) or (4), the property must be offered back to the previous owner(s) or their successors as per section 40(2). This may require further investigation to locate the appropriate person(s) for the offer-back to occur. Once the offer-back is made, the offeree has a certain amount of time to accept the offer.

Where an offer under Section 40(2) is not accepted within the timeframe or is declined outright, or where an exemption to offer-back applies, the land may be sold to the owner of adjacent land, or by public auction, public tender or by private treaty.

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File Note – Meeting regarding the possible disposal of vacant land at 11 Vennell Street, Brooklyn

Date – 18 October 2008

Attendees –

Bernie Harris, Secretary of Vogelmorn Kingston Residents Association (BH)

Colin Frampton, past president & life member of Vogelmorn Tennis Club (CF)

John Blakely, President of Vogelmorn Bowling Club (JB)

Paul Burgess, Secretary of Vogelmorn Bowling Club (PB)

Dave Martin, Executive Committee of Vogelmorn Kingston Residents Association & nominee of Ridgway School (DM)

Mike Scott, Manager, Property Services (MS)

Hanita Shantilal, Property Advisor, Property Projects (HS)

-
- BH advised that the Community were quite shocked to hear that the Council were considering disposing of this land when members of the Community had been waiting for something to be done with the land. BH wanted to know why they could not continue using it as they had been for years and considering they are leasing a lot of the adjoining land from the Council.
 - DM advised that he had spoken to the Principal of Ridgway School about this land and that she was in favour of the land being used as a recreational / sporting area. DM advised that the Principal thought this would be beneficial to the community but acknowledged that it would have limited use to the school due the distance and use. The principal is also prepared to put her views in writing. MS acknowledged that she should do so.
 - JB advised that 20 years ago when there were many Vogelmorn Bowling Club members, the land was used as a car park and entrance for those who parked there. MS asked how many members the club now have. JB advised that they now only have 14 registered members but they hold quite a few functions at the club that many people attend and that is when there is a clutter of cars everywhere.
 - It was mentioned that there was a proposal, by the Bowling Club, put to the Council many years ago to acquire the land but the Council turned it down.
 - JB mentioned that in the event of a fire, they have two forms of egress and these two forms of egress would be compromised when the most likely place for a fire to start would be in the kitchen area. Therefore, they would rely on the exit out to the vacant land at 11 Vennell Street but would not be able to do so if it was in private ownership. HS pointed out that JB had implied that this third fire egress onto the vacant land at 11 Vennell Street was a formal fire egress and asked if this was the case and if so, whether he had any papers to prove this. JB said he would see if he could find anything. MS said it wouldn't be a formal fire egress.

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- CF commented that it was a clear piece of land and that in the past, members of the Tennis Club used it as a shortcut from the Tennis Club to the Bowling Club to make use of the bar facilities as the Tennis Club did not have one. CF commented on the fact that the public had been using this land for years now and acknowledged that there was a period of time where Citiops were using the land. CF said that the land had predominantly been used as a car park for the Tennis Club.
- MS advised that HS would be taking another paper up to Council regarding their perspectives on the disposal of this land.
- MS went through the process that Council officers go through before taking a report to Committee to declare any Council owned land surplus. For example, consult with internal Business Units to see if anyone else within the Council needs the land for a public work purpose.
- CF mentioned that there are four schools' within the area (Ridgway, Brooklyn, Montessori and St Bernard's) and that if this land was made into a netball court, they would use it and mentioned that if the land was put to good use, and it would be used.
- MS advised that at this point, officers had made a call and that was that they believed the land should be sold and that it was now up to Council to make the final call. MS acknowledged that BH has asked for us to obtain comments from the Community on this possible sale and that we will put these comments up to Council. MS mentioned that the land was not suitable for a park as is and asked whether the Community had a vision for the land.
- BH talked about how the community had historically done a lot of fundraising and also did the work themselves on community projects.
- BH suggested that the land was perfect to have a volley wall for tennis and then said the land would need to be sealed and could be used for parking as well.
- BH advised that a working bee would do the work if the land was available to the Community to use. This work would be paid for by the Community not the Council but the Council would retain ownership of the land.
- BH made comments in regards to the fact that not much work had been done in the Vogelmorn area by the Council for a long time (40 years). He mentioned that there was one reserve owned by the Council in the area which is used for sports and has had no attention in the last 30 years. BH later advised by email that this reserve is used for winter sports by the Council but belongs to the Education Department.
- DM mentioned that it would be good for the land to be used for a few different activities/sports and some provision for parking.
- BH mentioned that there were 120 children at the tennis club and sometimes more when they had an interclub (both senior and junior clubs) meet.

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- MS said that officers would take the communities comments back to Councillors.
- BH said that now that the Community know that the land is surplus to the Council's requirement, they can look at the land in another light.
- There was discussion around the community providing a proposal for the land to Councillors. MS said that they were best to speak with the Councillors in regards to this.
- PB asked what the value of the land was. MS advised that no valuation had been obtained yet but thought the land maybe worth up to \$350,000.
- PB asked that if the land was put up for sale, could they have the first option to purchase. MS explained that the Council have a process that precludes the ability to negotiate with an individual but rather the Council has to put a property such as this on the open market.
- Meeting concluded with BH acknowledging that they would be in direct contact with Councillors to ask if they would like a proposal to be put forward by residents as to possible uses of the land.

————— *The Vogelmorn Municipal Tennis Club (Inc)* —————

(Founded 1929)

Courts: Vennell Street
Morningside
Wellington
Club House: 389 9757
Colours: Sapphire Blue and Gold.

Secretary's Address
P.O. Box 11-834
Wellington



22 September 2008

Hanita Shantilal
Property Advisor
Wellington City Council
PO Box 2198
WELLINGTON

Dear Ms Shantilal

Thank you for your letter regarding the land at 11 Vennell Street.

The club notes that the land forms part of a precinct that has long been used for recreational purposes in the community. That precinct includes the Vogelmorn Municipal Tennis Club, the Vogelmorn Hall and the Vogelmorn Bowling Club.

The club's position, which was affirmed at its annual general meeting on 10 August 2008, is that the land at 11 Vennell Street should be retained as a community asset to enhance the existing precinct, and that it should retain its present zoning status, which provides for active and passive recreational activities only.

Before the council takes any further action, the club seeks a meeting with it to discuss the matter.

Yours sincerely

Geoffrey Melvin
President



2008-09-11 – 11 Vennell Street (Reply)

93 Morningside Road
Brooklyn

Ms Hanita Shantila
Property Advisor – Property Projects
Wellington City Council
P O Box 2199
WELLINGTON 6140

Dear Ms Shantila

POSSIBLE DISPOSAL OF PART OF THE LAND AT 11 VENNEL STREET, BROOKLYN

I refer to your letter of 21 August 2008 and wish to thank you for the copy of the Strategy and Policy Committee report of 7 August 2008 on that subject that you emailed me.

Let me start by saying that your letter, addressed to the club at 6 Vennell Street was incorrectly addressed and was not received by the club until much later. The only structure at that address is the club's gardening shed. The club's correct mailing address is as shown on this letterhead i.e. 93 Morningside Road. This is known to the Council as other correspondence from it has been correctly addressed and received promptly.

It is with some disappointment that we note that this club, the immediate neighbour to the property in question, and with the Council the only party to have utilised the property (see below) is not among the parties designated by the committee to be consulted about this matter. The two parties designated for consultation by the committee being the Vogelmorn Tennis Club and local residents association. The Vogelmorn Bowling Club hereby requests to be included in the parties that the council is formally required to consult.

Secondly, The Vogelmorn Bowling Club formally stresses that it objects to the proposal to rezone and ultimately sell the land in question, Area C on Appendix 1 of the 7 August report. The grounds for this objection are as follows:

- (a) The property does provide alternative access to the club, but, more importantly it serves as an alternative emergency exit route for the club and its patrons. In the event of a fire blocking the stairway to the ground floor such a fire will also likely block access to the doorway on the south side of the top floor making the only viable exit that which goes through the proposed property.

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(b) The property has, in the past, up to the point when the CitiOps Business Unit of the council used the site to store vehicles and other equipment, been used by the club as a parking area thus avoiding congestion through cars that would otherwise be parked in Vennell and/or Mornington Road when bowling tournaments were held.

(c) The property is currently zoned 'Open Space A' restricting use to "passive and active recreational activities only" to change this to 'Open Residential' would make the use of this land for recreational activities impossible. Previous suggestions by the club for the development of a squash centre were rejected by the Council.

(d) It is currently a community asset specifically dedicated to recreation. Consequently it would seem it should be utilised for such. By way of example, Ridgeway School has lost the use of its basketball/netball court. The area in question could be tar sealed and then used by either Ridgeway School for basketball/netball, the Tennis Club, the Hall and the Bowling Club for parking when not otherwise used (the Tennis Club has at its junior tennis coaching sessions in excess of 100 children), while the bowling club conducts monthly community quiz nights and has been doing so for over 20 years as well as for its bowling tournaments. The Bowling Club would wish to discuss these options with the Council and the other local organisations affected.

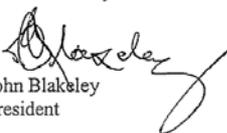
(e) It is also of some relevance when Bowling Club members approached the Council to acquire the land, in the mid to late 1990s the proposition was declined, on the basis of its zoning.

(f) While the report to the Strategy and Policy Committee states that "the Vogelmorn Bowling Club and Vogelmorn Hall have been consulted in regards to the future subdivision and disposal of the vacant land and have no objections to the proposal". The club wishes to stress that it has no record of any such consultations nor of having made any statement that it has no objections to it. On the contrary the club has strong objections to the proposal.

As stated earlier the Vogelmorn Bowling Club requests that the Council now includes it in parties that the council is obliged to consult in this matter. Finally this consultation would perhaps best be undertaken by a joint Vogelmorn Bowling, Vogelmorn Tennis Club and the local residents association meeting with representatives of the council at the site. The bowling club would be happy to host such a meeting.

I look forward to a reply.

Yours sincerely


John Blaksley
President

Submission to Wellington City Council regarding the possible sale of 11 Vennell Street to the Wellington Housing Trust

This submission highlights the need for more social housing in Wellington city. It also highlights that one way Wellington City Council (WCC) can facilitate some more social housing is by selling 11 Vennell Street to the Wellington Housing Trust – should WCC decide 11 Vennell Street is surplus.

Summary

A summary of why 11 Vennell Street should be sold to the Wellington Housing Trust (WHT):

- WHT is a long and well established organisation that has been providing social housing in Wellington since 1981.
- The need for affordable and social housing in the city is very high and the demand is growing.
- WCC's City Housing will not be growing its housing stock in the next 20 years – in fact it will reduce while the Housing Upgrade Project is undertaken.
- Housing New Zealand has no plans to increase their stock in Wellington city.
- By selling 11 Vennell St to WHT WCC will be facilitating more social housing in the city.
- WHT is well known to WCC and has an ongoing relationship with it.
- WHT has in the past brought property off WCC – this was by way of private treaty.
- If the site is purchased by WHT it will be used for public good.
- Vennell Street is a perfect location for social housing.
- The site is ideal for development by WHT.
- WHT is committed to quality urban development and public good is the motivation.
- WHT has a strong asset base and infrastructure that will support future development.
- Central government wants to see the community housing sector – which includes WHT - grow to meet some of the growing housing need.
- WHT has a well established relationship with the Crown via Housing New Zealand.
- WHT has been successful in obtaining Crown funding to build 10 homes in the city.
- WHT has a history of working in partnership and collaborating with other community based and social service agencies.

The site

The site is ideal for social housing as it is close to public transport, schools, local amenities etc. It is in a neighbourhood that has a mixture of rental accommodation and home ownership with the majority of the community in home ownership. This gives a good mix and diversity. WHT's goals are to create quality homes that work well with the local community and to ensure mixed communities. Should WHT purchase this site it would not be undertaking a housing project in an area of high social housing.

The site is sunny and attractive with open space directly beside it. Most of land is flat which will enable easier development with lower costs for WHT. The site is wide enough for good vehicle movement.

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WHT have had little detail of the site in terms of size, zoning etc from WCC and have only discussed the possible purchase briefly with WCC officials. With this small amount of information and detail our initial thoughts about what to do on the site are:

- Build 3 homes on the site and these would be a mix of 2 or 3 bedrooms.
- If WHT can secure the appropriate funding we would explore undertaking a home ownership scheme with one or two of the homes. We envisage this would be a shared equity scheme with first home buyers.

Ways WCC can support the Trust and therefore facilitate more social and affordable housing are:

- Sell the land to the Trust by way of a private sale/private treaty.
- Zone the land in a way that would facilitate as many homes on the site as possible.
- Negotiate a settlement date that is realistic to WCC but one that would enable WHT to secure and obtain funding.

WHT experience

In February 2009 the Trust completed a 6 home new build project with Housing Innovations Fund (HIF) funding. The project was challenging but has been highly successful. The Trust gained a large amount of experience and knowledge during this project. We have the systems and structures in place to take on more property development and are about to commence our second new build project in Berhampore which will see four 4 bedroom homes built. WCC planners have identified this scheme as an excellent example of infill housing.

Funding

The HIF was established by central government to grow the community housing sector and is administered by Housing NZ. In 2009 the criteria was changed and made available only to groups that had a track record and that the government felt could grow to provide housing on a larger scale. In total 34 groups nationally applied and WHT was one of 10 who were successful in obtaining funding in this current financial year. We believe this is a clear indication Housing NZ wish to partner with WHT in the future.

WHT uses a mix of HIF funding and private borrowing to grow its stock. We anticipate that should it go ahead the purchase of Vennell Street will be funded by HIF and private borrowings.

Previous purchases from WCC

WHT purchased 75 Herald Street from WCC in approximately 1985 by way of a private treaty.

The Need

In August 2006 WCC and Housing New Zealand completed a housing needs assessment in Wellington city. The report "Wellington City Housing Needs Assessment" states:

"In summary, the number of household with housing needs is projected to increase by 3,310 between 2006 and 2026. This is an annual increase of 166 households per annum. The growth in support required can be met through the provision of additional social housing stock or alternatively the accommodation supplement. If no additional social housing units are supplied over the next 20 years, social housing providers will be supporting 33 percent of households in need in 2026, compared with 44 percent in 2006 and 50 percent in 2001. To maintain their level of support, at a ratio of assisting 44 percent of households in need, an additional 1,452 units would need to be added to the social housing portfolios in Wellington City over the next 20 years, or 73 units per annum."

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This report is now 3 years old and there have been numerous changes since – such as the impact of the WCC housing upgrade project and the economic recession. Evidence shows that the demand is now significantly higher than the report found yet there are no plans by either WCC's City Housing or HNZA to increase their housing stocks in Wellington city. In fact over the course of their 20 year project WCC's housing stock will reduce.

Partnerships

The Trust always takes a collaborative approach to its operations. We currently work in formal partnerships with HNZA, IHC, and Wellink Trust.

We have had discussions many times with WCC on ways we can work together and this work is ongoing. Should the Vennell Street sale be completed then we anticipate this could be the basis for future partnerships.

WHT and Wellink Trust – a mental health support agency – work together in partnership. One example is WHT owns a house which Wellink leases for a forensic mental health service.

We have had discussions with many social service agencies and community housing providers on ways of working together to meet various needs. When selecting tenants for our homes we work with a number of social service and other agencies to ensure the right people with the greatest needs are being supported.

WHT was key in establishing the Wellington Housing Forum which brings together agencies who work in social housing – housing providers, social service agencies and local and central government agencies.

For further information please contact:

Alison Cadman
Director
Wellington Housing Trust
Level 9, 173-175 Victoria Street
P O Box 24-179, Manners Street, Wellington

Phone: 04 384-4854 Mobile: 0275542621 Fax: 04 384-4692

Email: alison@wht.org.nz

Web: www.wht.org.nz

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Background to WHT

WHT is a community based housing provider and has been providing quality affordable housing to low and moderate income people since 1981.

WHT is governed by a Board which consists of a group of Trustees who are elected by members at the Annual General Meeting. The Trust Board currently has 7 Trustees who are highly skilled and experienced ensuring effective governance – the Trustees consist of a lawyer, 2 accountants, a commercial property business owner, a UK housing professional, a public health expert, etc. The Board also has an architectural adviser who is a local successful architect, with a history of working with the Trust. He provides advice to the Board on development opportunities, District Plan requirements etc etc.

The Trust employs a Director who, with the support of their administration staff, is responsible for the day to day management of the Trust and its development. The property management work is contracted out to IHC Properties (a division of IHC NZ) – another not for profit organisation. We have various volunteers who work with us in many ways.

While we are not an incorporated society our Trust does have members. Anyone who supports the aims and objectives of the Trust and who pays an annual subscription can become a member of the Trust.

WHT currently own 24 homes in various Wellington suburbs. Our housing stock is diverse and we own many different types of properties. Generally WHT sets its rentals at 70% of market rents but there is flexibility to ensure that no rentals are more than 30% of the tenant's income. Market rents in Wellington can be high and therefore this can make our 70% policy unaffordable for some households.

WHT is a generic provider of housing and our criteria is:

Applicants for housing must be low or moderate income people in Wellington city, with a housing need not being met by other housing providers.

Therefore the tenants of the Trust come from a diverse range of backgrounds and have a diverse range of needs.

The objectives of WHT are to:

- a) provide affordable appropriate housing to our client group
- b) collaborate with other agencies providing social support services to our clients
- c) advocate for social housing to central and local government and the wider community.

WHT works closely alongside other social service agencies to ensure our tenants have the supports they need and want.

Our Vision

WHT has a vision to become the leading partner for developing community housing in Wellington.