

ORDINARY MEETING

OF

REGULATORY PROCESSES COMMITTEE

AGENDA

Time: 1:00pm
Date: Wednesday, 15 November 2017
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

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

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing public.participation@wcc.govt.nz or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.

AREA OF FOCUS

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

The committee will have responsibility for:

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

Quorum: 3 members

TABLE OF CONTENTS
15 NOVEMBER 2017

Business	Page No.
1. Meeting Conduct	5
1.1 Apologies	5
1.2 Conflict of Interest Declarations	5
1.3 Confirmation of Minutes	5
1.4 Public Participation	5
1.5 Items not on the Agenda	5
2. General Business	7
2.1 Road Closures	7
2.2 Approval of Names for Private Ways off South Makara Road	21
2.3 New Lease: Reserves Act 1977 - Vogelhorn Tennis Club (Existing Tenant)	25
2.4 Road Stopping and Exchange - Legal Road in Crieff Street Adjoining 130 Glenmore Street	31

1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Conflict of Interest Declarations

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

1.3 Confirmation of Minutes

The minutes of the meeting held on 11 October 2017 will be put to the Regulatory Processes Committee for confirmation.

1.4 Public Participation

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

1.5 Items not on the Agenda

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

Matters Requiring Urgent Attention as Determined by Resolution of the Regulatory Processes Committee.

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

Minor Matters relating to the General Business of the Regulatory Processes Committee.

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

2. General Business

ROAD CLOSURES

Purpose

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

Summary

2. The Wellington City Council has received applications from event organisers for approval of road closures for the following events:
 - Kilbirnie Festival – Sunday 11 March 2018 6.00am to 6.00pm
Evans Bay Parade (between Cobham Drive SH1 and the rear entrance of the Regional Aquatic Centre near Kemp Street)
 - Cigna Round the Bays – Sunday 18 February 2018 6.30am to 1.00pm
Customhouse Quay (southbound lanes, from Whitmore to Jervois Quay)
Jervois Quay (southbound lanes from Customhouse Quay to Cable Street)
Cable Street (between Jervois Quay and Oriental Parade right hand lane open from Chaffers Street to Kent Terrace)
Oriental Parade (all of Oriental Parade)
Evans Bay Parade (between Oriental Parade and Cobham Drive)
Evans Bay Parade (Cobham Drive and Kilbirnie Crescent)
Wellington Road (one way east between Crawford Road and Ruahine Street)
Shelly Bay Road (All of Shelly Bay Road)
Massey Road (between Shelly Bay Road and Point Gordon)

Recommendation/s

That the Regulatory Processes Committee:

1. Receive the information.
2. Note that recommendations in this report should not be amended without first carrying out further consultation with affected parties and verification from the Council's Traffic Engineer that the amendment is not likely to cause an unreasonable impact on traffic.
3. Agree to close Evans Bay Parade for the Kilbirnie Festival to vehicles and cycles only, subject to the conditions listed in the Proposed Temporary Road Closure Impact Report.
4. Agree to close Customhouse Quay, Jervois Quay, Cable Street, Oriental Parade, Evans Bay Parade, Wellington Road, Shelly Bay Road, and Massey Road for the Cigna Round the Bays to vehicles and cycles only, subject to the conditions listed in the Proposed Temporary Road Closure Impact Report.

Background

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

Discussion

5. N/A

Options

6. N/A

Next Actions

7. N/A

Attachments

- | | | |
|---------------|--------------------|---------|
| Attachment 1. | Kilbirnie Festival | Page 10 |
| Attachment 2. | Cigna RTB | Page 15 |

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

SUPPORTING INFORMATION

Engagement and Consultation

Affected stakeholders were notified of the Council's intention to consider the proposed temporary road closures through an advertisement in the Dominion Post on 30 September 2017 and October 14 2017. This advertisement requested the public to make submissions on the proposed road closures.

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

Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

Financial implications

The administration of events is managed under project C481. There are no unforeseen costs associated with these events.

Policy and legislative implications

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

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

Risks / legal

N/A

Climate Change impact and considerations

N/A

Communications Plan

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

Health and Safety Impact considered

A Health and Safety Management Plan is required as part of the event planning and approval process.

REGULATORY PROCESSES COMMITTEE

PROPOSED TEMPORARY ROAD CLOSURE - IMPACT REPORT

KILBIRNIE FESTIVAL
Sunday 11 March 2018 6.00am to 6.00pm

1. Description of Event

The event is promoted by the Wellington community event and activities volunteer group, Aro Creative Incorporated, who engage event managers, Capital Productions to manage the event on their behalf. The event will uphold high values of sustainability, requiring separation of waste and recycling; requiring biodegradable food containers and service to be used, and other initiatives.

This season's Festival will feature three music stages, an extensive market of craft and other stalls, a wide variety of food stalls, kids rides and inflatables, and a range of free creative activities for kids and families. There will be a number of competitions, including the Twinkle Twinkle Little Stars talent competition for kids, Air guitar and Lip Sync competitions, Cardboardbox Land for kids, and a variety of other creative interactive challenges and activities.

The Proposed road closure is proposed for **Sunday 11 March 2018 6.00am to 6.00pm**

- **Evans Bay Parade** – (between Cobham Drive SH1 and rear entrance of Regional Aquatic Centre near Kemp Street)

Road closure notification boards will be placed at each end of the closure at least 14 days prior to the event. Residents will receive a letter drop advising them of the event and the road closure. The event is also to be advertised in the Wellingtonian in the week preceding the festival.

The event will be traffic managed by a qualified traffic management company according to a Council approved Traffic Management Plan. Emergency services will have immediate access to the area if required.

2. Events Directorate Support

The Events Directorate has no connection with, and no objection to, this event.

3. Proposal Notice and Consultation

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

- Dominion Post Saturday 30 September 2017

- Dominion Post Saturday 30 September 2017

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

4. Objections

There has been no objection to this event.

5. Traffic Impact Assessment

Prior Closures

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

Traffic Impact

In the opinion of Stephen Harte Implementation Manager Network Improvements, acting as the Council's Traffic Engineer, the proposed closure, if implemented according to the plans provided, is not likely to impede traffic unreasonably subject to the conditions stated below. However, the Council reserves the right to modify this opinion at any time.

If, in the opinion of the Council, the closure may or does impede traffic unreasonably, any approval granted by the Temporary Road Closures Subcommittee may be revoked and the event organizer may be required to re-open the road at the direction of a suitably qualified Council officer in charge of traffic.

Conditions:

The road closure will start at 6.00am and end at 6.00pm.

- The event organizer is to provide a detailed Traffic Management Plan approved by Council prior to the event.
- A detour is to be provided during the road closure.
- The Event organiser is to publicly notify the event via letter drop, local Newspaper advertisement, advanced signage and media releases.
- The event organiser is to ensure that the emergency services (police, Fire and Ambulance Services) have been consulted with and that the Traffic Management Plan includes all of their specific requirements.
- The event organiser is to ensure that the affected residents along the road closure are consulted with.
- The event organiser is responsible for safely (pedestrian and traffic) within the closed road area and at the road closure ends.
- The event organiser is to advertise the event in the Wellingtonian on the Thursday before the event.
- Health and Safety plans are to be forwarded to Council before the event.

Signed: 

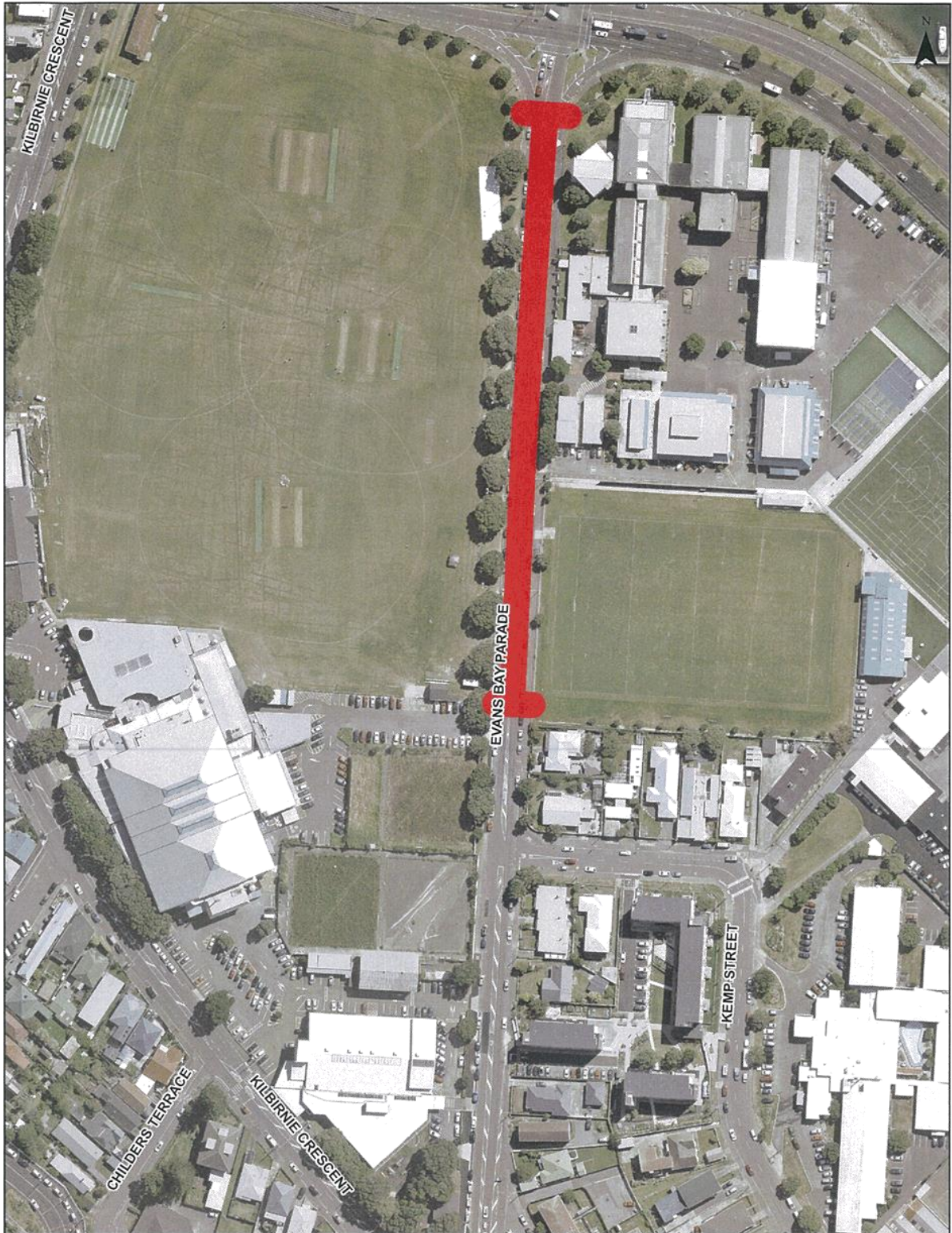
Stephen Harte
Implementation Manager Network Improvements

Attachments

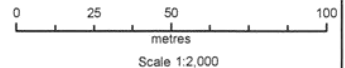
- Map of proposed closure
- Copy of proposal notice from the newspaper

Prepared By: 

Maria Taumaa
Street Activities Coordinator



Kilbirnie Festival road closure site.
Evans Bay Parade between SH1 and the Aquatic Centre rear carpark entrance.
6am to 6pm, Sunday 11th March 2018.



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

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

ORIGINAL MAP SIZE: A4
AUTHOR: Catter2c
DATE: 13/10/2017
REFERENCE:

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Proposal to Close Roads

The Regulatory Processes Committee will meet on Wednesday 15 November 2017 to consider the following temporary road closures for events.

Kilbirnie Festival 2018

Sunday 11 March 2018 6am to 6pm

Evans Bay Parade (between Cobham Drive SH1 and up to rear entrance of Regional Aquatic Centre near Kemp Street)

Any person objecting to a proposed road closure must contact the City Council in writing before 4pm, Friday 13 October 2017. Please send correspondence to Maria Taumaa at mailing address below, by fax 801 3009 or by email maria.taumaa@wcc.govt.nz

Wellington City Council

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

Absolutely Positively
Wellington City Council

Me Heke Ki Pōneke

DOMINION POST

SEPTEMBER 30, 2017

Regulatory Processes Committee

PROPOSED TEMPORARY ROAD CLOSURE – IMPACT REPORT

CIGNA ROUND THE BAYS *SUNDAY 18 FEBRUARY 2018 6.30AM TO 1PM*

1. Description of Event

Sport Wellington has applied to hold the annual Cigna Round the Bays Fun Run and Half Marathon. The proposed event is the same as the 2017 event - starting at Frank Kitts Park and finishing at Kilbirnie Park. It also includes, for the sixth time, a half-marathon event to Scorching Bay, which then returns to finish in Kilbirnie Park. The whole event is strongly supported by in excess of 10,000 people each year, with a broad cross section of the community running and walking the course.

The proposed road closures, proposed for **Sunday 18 February 2018**

- **Customhouse Quay.** (southbound lanes, from Whitmore to Jervois Quay) from 6.30am and 11.00am.
- **Jervois Quay.** (southbound lanes from Customhouse Quay to Cable Street) from 6.30am and 11.00am.
- **Cable Street.** (between Jervois Quay and Oriental Parade – with the exception of the right hand lane which will be open from Chaffers Street to Kent Terrace) from 7.00am to 11.00am.
- **Oriental Parade** (all of Oriental Parade) from 7.15am to 11.00am.
- **Evans Bay Parade.** (between Oriental Parade and Cobham Drive) from 7.15 am to 12noon.
- **Evans Bay Parade.** (between Cobham Drive and Kilbirnie Crescent) from 7.15am to 1.00pm.
- **Wellington Road,** (one way east between Crawford Road and Ruahine Street) from 7.15am to 12.00pm
- **Shelly Bay Road.** (all of Shelly Bay Road) from 7.30am to 12noon.
- **Massey Road.** (between Shelly Bay Road and approximately Point Gordon), from 7.30am to 12noon

In addition, State Highway 1, Cobham Drive from the Wellington Road/Hamilton Road intersection to Troy Street roundabout will be closed from 7.15am to 11.30am. Arterial roads adjoining Oriental Parade and Evans Bay Parade will be affected by these closures, as will intersections adjoining the State Highway along Ruahine Street at Taurima Street, and Goa Street. Alternative entry routes to Hataitai will be provided at the Hamilton Road/Wellington Road intersection, the Wellington Road/Moxham Avenue intersection and via Roseneath/Mt Victoria. Traffic will still be able to exit Hataitai. The street closures affecting the State Highway will require separate approval from NZTA. As in previous years, the closures will remain in place for the minimum duration, with the roads being opened at the earliest, safe opportunity.

There will be areas designated as "No Stopping" to assist with the finish line set-up and the diverted traffic flow around Kilbirnie Park and the general Kilbirnie area. Notification signs will be placed at points along the proposed closures at least one week prior to the event advising of the road closures

and the parking restrictions. Residents and local businesses will also receive a letter drop advising them of the road closures and parking restrictions. The event is to be traffic managed by a qualified traffic management company and emergency services will have immediate access to the area if required.

2. Events (Business Development) Support

This is an annual event organised by Sport Wellington and is supported by the Events Business Unit.

3. Proposal Notice and Consultation

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

- Dominion Post Saturday 7 October 2017

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

4. Objections

There have been No Objections to this closure request.

5. Traffic Impact Assessment

Prior Closures

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

Traffic Impact

In the opinion of Stephen Harte Implement Manager Network Improvements, acting as the Council's Traffic Engineer, the proposed closure, if implemented according to the plans provided, will impede traffic flows on several major routes. The proposed conditions below will go some way to mitigate the expected traffic congestion during the road closures. The expected congestion during the road closures is considered acceptable to facilitate a public event and ensure the safety of the general public. An approved traffic management plan is required and will attempt to minimise disruption. Further conditions listed below will also be required to be adhered to, to assist in managing the event.

However, the Council reserves the right to modify this opinion at any time. If, in the opinion of the Council, the closure may or does impede traffic unreasonably, any approval granted by the Regulatory Processes Committee may be revoked and the event organiser may be required to open the road at the direction of a suitably qualified Council officer in charge of traffic.

Conditions:

- The event organiser is to publicly notify the event via letter drop, newspaper advertisement, advanced signage and media releases.
- The event organiser is to advertise the event in the Wellingtonian a week before the event.
- The event organiser is to ensure that the emergency services (Police, Fire and Ambulance Services) have been consulted with and that the Traffic Management Plan includes all of their specific requirements.
- The event organiser is to ensure that the affected property owners and businesses along the road closures are consulted with and access options are arranged for affected parties.
- The event organiser is to provide marshals at all road closure ends to ensure that public safety (interaction of traffic and spectators) is not compromised.
- The event organiser is to work with the public transport operators to provide alternative public transport route and bus stops.
- Detour routes are to be provided with adequate signage during the road closure period.
- The event organiser is to provide details of the Traffic Management Plan to Council for approval prior to the event.
- The event organiser is to provide further details to the Wellington City Council with a separate detailed Traffic Management Plan for the diverted State Highway traffic onto City Council managed streets in particular Kilbirnie Crescent, Rongotai Road and Troy Street. The management of the diverted traffic onto City Council streets will be controlled by Wellington City Council rather than the New Zealand Transport Agency.
- The event organiser is to provide Variable Message Signs on major routes to advise driver of the road closures, in particular routes between the CBD and the Airport and the Regional Hospital.
- The event organiser is to ensure safe and reasonable access for affected parties and have regular updates and contact with on-site marshals and City Council representatives.
- The event organiser is to provide Council with an Event Hazard/Risk management plan 10 working days prior to the event that describes in full how the event organiser will manage all the Health & Safety risks associated with the event.

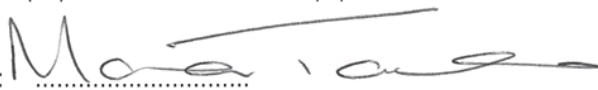
Signed 

Stephen Harte
Programme Manager Transport Network Development

6. Attachments

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

Prepared By:



Maria Taumaa
Street Activities Coordinator



Proposal to Close Roads

The Regulatory Processes Committee will meet on Wednesday 15 November 2017 to consider the following temporary road closures for events.

Cigna Round the Bays 2018

Sunday 18 February 2018

Customhouse Quay, Southbound lanes, full closure on Customhouse Quay. (Whitmore to Jervois Quay) closed between 6.30am to 11am.

Jervois Quay, Southbound lanes on Jervois Quay to Cable Street will be closed between 6.30am to 11am. Lane 3 Northbound will be closed at this time.

Cable Street, full closure from Jervois Quay to Chaffers Street from 7.00am to 11.00am.

From Chaffers Street to Oriental Parade, Southbound lane (left hand closest to Waitangi Park) to close 7.00am to 11.00am. Right hand lane is to remain open allowing traffic from Chaffers New World to turn right into Kent Terrace.

Oriental Parade and all joining roads (Herd St/Freyberg Carpark/Oriental Terrace/Hay St/Grass St) Closed to Carlton Gore Road, 7.15am to 11.00am.

Evans Bay Parade, closed from Carlton Gore Road/Oriental Bay to Cobham Dr between 7.15am and 12.00noon. If all participants have cleared off Evans Bay Parade before this time road closures will be removed.

Evans Bay Parade, closed from Cobham Drive to Kibblimie Crescent Intersection, 7.15am to 1.00pm. If all participants have cleared off Evans Bay Parade before this time road closures will be removed.

All arterial roads joining Evans Bay Parade, these roads to be closed from 7.15am and reopening approx. 12.00noon. If all participants have cleared off Evans Bay Parade before this time, road closures will be removed.

Cobham Drive/ Wellington Rd/ Hamilton Rd Intersection, from this intersection to Troy street roundabout. Full closure from 7.15am till 11.30am. (This stretch of SH1 will open as soon as it is safe and practical to do so, with the aim to have it open before the stated time.)

Hataitai - Taurima St and Goa St, no entry into Hataitai from 7.15am till 11.30am Traffic can exit from Hataitai.

Wellington Road, East lane closed (making Wellington Road one-way east between Crawford Road roundabout and Ruahine Street), from 7.15am to 12.00noon.

Shelly Bay Road, closed between Miramar Avenue and Massey Road - detour route in place, from 7.30am to 12noon.

Massey Road, closed (between Shelly Bay Road and approximately Point Gordon), from 7.30am to 12noon.

No Parking Jervois Quay - Southbound lanes between Grey Street and Cable St; Cable Street Jervois Quay to Chaffers Street 5.00am until 11.00am.

No Parking Kibblimie Crescent, park side - Wellington Road to Evans Bay Parade Intersection 5.00am until 12noon.

No Parking Evans Bay Parade (Cobham Drive Intersection to Kemp Street) from 5.00am until 1.00pm.

No Parking Catabar Road roundabout to Shelly Bay Road from 5.00am to 1.00pm.

Any person objecting to a proposed road closure must contact the City Council in writing before 4pm, 20 October 2017. Please send correspondence to Maria Taumaa at mailing address below, by fax [04 801 3009](tel:048013009) or by email maria.taumaa@wcc.govt.nz

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

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

DOMINION POST

OCTOBER 14, 2017

APPROVAL OF NAMES FOR PRIVATE WAYS OFF SOUTH MAKARA ROAD

Purpose

1. The purpose of this report is to seek approval to name two private ways as shown on F Plan 3092 (refer **Attachment 1**).

Summary

2. This is a proposal to assign the names Noel Ashton Way and Te Wai Komaru Way to the private ways off South Makara Road in Makara.

Recommendation/s

That the Regulatory Processes Committee:

1. Receive the information.
2. Agree to give approval for the names **Noel Ashton Way** and **Te Wai Komaru Way** to be allocated to the private ways as shown on F Plan 3092 (refer **Attachment 1**).

Background

3. The site is located at the southern end of South Makara Road and extends to the south to near the coastline. The property lies to the east of the Karori Stream and to the west of Long Gully Station.

Discussion

4. The New Zealand Forestry Group Limited bought Kinnoul Station in 2004 and have been involved in a regeneration programme to revert the site to native bush. Kinnoul is situated at the end of the road amidst green hills with access to the South West Coast and views over the Cook Strait.
5. The New Zealand Forestry Group Limited said they “*wish to enhance the area and create a living environment nurtured by its wild beauty. They invite people to be part of an eco-village close to the city. Proposed subdivision of land will give opportunity to public to build a country home in a peaceful natural environment with a pleasant drive to the bustle of the centre of Wellington.*”

Ann Wilson on behalf of the New Zealand Forestry Group Limited proposed two names for the private ways, which give access to the site. The names as proposed were Noel Ashton Drive and Te Wai Komaru Way.

- **Noel Ashton Drive** – Noel Ashton Garratt was a Wellington resident for over sixty years and President of the Rawleigh’s company in Wellington for thirty years. Noel Ashton Garrett was father of the Managing Director, Wesley Thomas Garratt of the New Zealand Forestry Group Limited.

The suffix **Drive** is used for a wider main public roadway, therefore Council officers recommend suffix **Way** be used, as it also signifies that it is a private way, maintained by the owners and not open to public. Officers recommend the name **Noel Ashton Way** for the private way, which meets the criteria outlined in New

Zealand Addressing Standards. Officers also think that there would be minimal confusion with other names that include Ashton (i.e. Ashton Fitchet Drive).

The owners have no objection to the use of suffix 'Way'.

- **Te Wai Komaru Way** – The name Te Wai-Komaru is the name of the Conservation Covenant 2009 over the area.

Te Wai-Komaru Reserve was named after Te Wai-Komaru Pā, which was located at the reserve site. Te Wai-Komaru Pa was an old Ngāti Mamoe iwi settlement which pre-dates Te Āti Awa.

Officers feel that naming the private way leading to the reserve with the same name is appropriate. The use of name Te Wai Komaru without a hyphen does not affect the meaning of the name and NZ Standards for road names prefer not to include hyphens.

Recommended Names

6. Council officers recommend the names **Noel Ashton Way** and **Te Wai Komaru Way** to be approved for the private ways as shown on F Plan 3092 (refer **Attachment 1**).

Attachments

Attachment 1. F PLAN 3092

Page 24

Author	Michael Brownie, Team Leader Land, Customer and Property Information
Authoriser	Toni Thompson, Manager Information Centre David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

Consultation on this proposal has taken place with Ann Wilson on behalf of the New Zealand Forestry Group Limited.

The names have been checked for duplication, similarity and suitability with the Wellington Regional Council. They have no objection to the use of the names in the Wellington region.

Consultation on this proposal has taken place with Makara Ohariu Community Board and they have no objection to the proposed names.

Treaty of Waitangi considerations

Consultation has taken place with Iwi, who have no alternative suggestions and are not opposed to the recommendations.

Financial implications

There are no financial implications.

Policy and legislative implications

Allocation of street names is a statutory function under section 319A of the Local Government Act 1974.

Risks / legal

There are no obvious legal implications in this proposal.

Climate Change impact and considerations

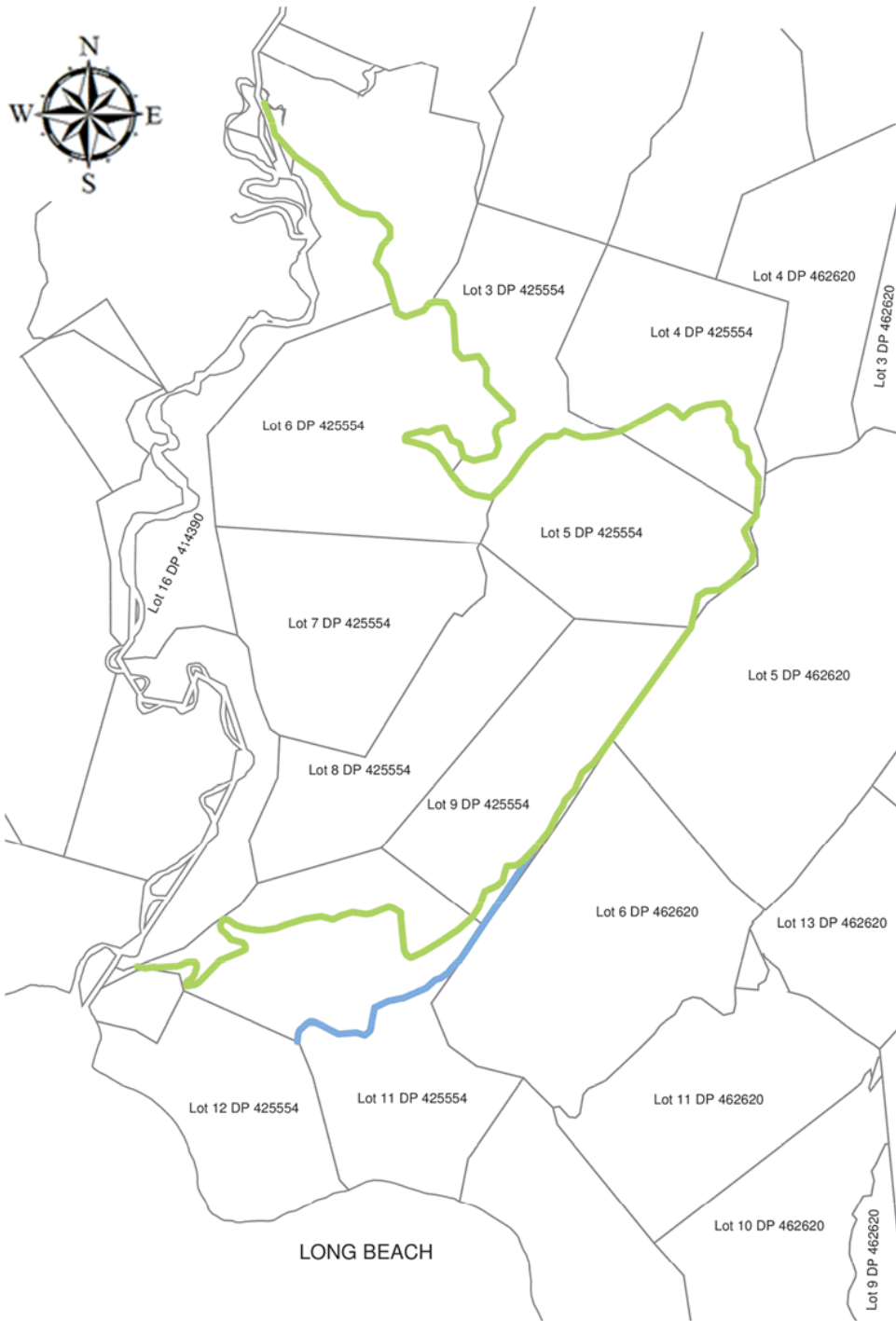
Not applicable.

Communications Plan

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

Health and Safety Impact considered

Nil.



PRIVATE WAY TO BE NAMED
NOEL ASHTON WAY ———
TE WAI KOMARU WAY ———

F PLAN 3092
DATE: 15 November 2017

NEW LEASE: RESERVES ACT 1977 - VOGELMORN TENNIS CLUB (EXISTING TENANT)

Purpose

1. To recommend that the Committee approves a new ground lease to the Vogelmorn Tennis Club Incorporated, an existing tenant.

Summary

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

Recommendations

That the Regulatory Processes Committee:

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

Background

5. Vogelmorn Tennis Club Incorporated (the Club) has occupied the land at 6 Vennell Street, Brooklyn since 1949.
6. The land is contained within CFR WN383/235 legally described as Lot 6, 6A,7 Deposited Plan 1862 and Lot 9-10 Deposited Plan 6920.
7. The Club currently occupies the land on a month-to-month basis based on a ground lease that expired on 30 June 2017.
8. The Club promotes a healthy lifestyle and contributes to building a strong community. The facility is used by members for coaching, playing, training and regular inter-club activities are held.
9. The Club also has a school partnership programme in place and works with the broader community in the area.
10. The Club continues to satisfy the criteria required under Section 7 of the *Leases Policy for Community and Recreation Groups* (refer **Attachment 2**).
11. It is proposed that the Club is granted a new ground lease for a term of 10 years + 5 years for the purposes of tennis and associated activities.

12. The proposed rent per annum is \$1,909.67 + GST, consistent with the *Leases Policy for Community and Recreation Groups*.

Next Actions

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

Attachments

Attachment 1.	Leased Area - Vogelmorn Tennis Club	Page 28
Attachment 2.	Leases Policy for Community and Recreation Groups, Section 7 excerpted	Page 29

Authors	Fel Go, Property Advisor Kristine Ford, Relationship Management Advisor
Authoriser	Tracy Morrah, Property Services Manager Paul Andrews, Manager Parks, Sport and Recreation Barbara McKerrow, Chief Operating Officer

SUPPORTING INFORMATION

Engagement and Consultation

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

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

There are no significant financial implications.

Policy and legislative implications

The proposal is consistent with relevant Council policies – as outlined in the paper.

Risks / legal

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

Climate Change impact and considerations

There are no climate change impacts and considerations.

Communications Plan

N/A

Health and Safety Impact considered

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



Leases Policy for Community and Recreation Groups

Section 7 excerpted

7. Assessment criteria

The assessment criteria will be applied when assessing:

- new lease applications
- granting lease renewals
- granting new leases to existing lessees
- varying existing leases.

1. The group's purpose and activities must be consistent with the Council's strategic direction to promote healthy lifestyles and build strong communities

Key questions: What is the group's purpose? What are the additional facilities and programmes proposed? What additional benefits will the proposal bring to the community?

2. The group must be an incorporated society or trust

Key questions: How does the group spend the money it raises and what happens to any surplus? What is the group's structure and are there clear governance and management processes?

3. The group must be sustainable in terms of membership and/or users of the service for the term of the lease

Key questions: Is there evidence that the group's membership numbers and trends justify and necessitate the proposal? Is there an open membership policy? Does the application support a sportsville or amalgamation model?

4. The group must be in a financial position to fulfil its lease obligations for the term of the lease, including but not exclusive to rent, insurance and building and grounds maintenance

Key questions: How does the group fund its activities? Has a scheduled maintenance programme been developed and is there evidence that the group is able to afford to implement the programme?

5. The land and/or buildings must be utilised to the fullest extent practicable

Key questions: How often will the building be used and what activities are planned? Are there any plans to sublease or hire out the building or part of the building? What alternatives have been considered by the group and why have they been rejected? Is there potential for the group to share facilities with other existing lessees?

6. The activity cannot have the potential to adversely affect open space values or other legitimate activities

Key questions: Is the activity consistent with the Reserves Act, Resource Management Act and any applicable management plan/s?

7. There must be demonstrated support and need within the community for the activity

Key questions: Is there support from the wider community and those expected to benefit from the activity? Are similar activities to the one being proposed, delivered by other facilities that are accessible to the group and the wider community?

Each case will be considered on an individual basis by officers who will make recommendations to a committee or subcommittee for approval.

If, at renewal time, a lessee does not meet all the assessment criteria, officers will prepare a committee or subcommittee report to seek approval to revoke the renewal and terminate the lease. If the lessee does meet all assessment criteria, officers will renew the lease.

If an existing lessee applying for a new lease does not meet all the assessment criteria, officers will prepare a committee or subcommittee report recommending that a new lease is not granted. If the lessee does meet all the assessment criteria, officers will seek committee or subcommittee approval to grant a new lease.

If at any time during the term of the lease, the lessee does not meet one or more of the assessment criteria, officers will provide assistance to the lessee in meeting the necessary criteria. If such assistance is unsuccessful, officers may prepare a committee or subcommittee report to seek approval to terminate the lease prior to its expiry.

Any application from an existing lessee or new group to undertake a commercial activity on Council-owned land and/or buildings will be required to meet the criteria in section 8.8 (commercial activities).

Where applications do not meet relevant legal requirements (for example, those defined in the Reserves Act) or comply with applicable management plans, the application will be declined.

Approved in 2012

Full policy available at: <https://wellington.govt.nz/~media/your-council/plans-policies-and-bylaws/plans-and-policies/a-to-z/leasescommrec/files/leases-policy.pdf>

ROAD STOPPING AND EXCHANGE - LEGAL ROAD IN CRIEFF STREET ADJOINING 130 GLENMORE STREET

Purpose

1. To recommend that the Council:
 - a. Stops and sells approximately 20m² of Council-owned unformed legal road (Crieff Street) adjoining 130 Glenmore Street, Northland, Wellington (the Land); and
 - b. Acquires approximately 20m² of the applicants' land for the purposes of road (refer land exchange plan shown in **Attachment 1**).

Summary

2. The owners of 130 Glenmore Street have applied to purchase part of the unformed legal road adjoining their property. This proposed road stopping area of 20m² is shown outlined red in **Attachment 1**.
3. Council's transport planners have taken the opportunity to rectify a small area of the Crieff Street pavement and road which is currently on private property, by acquiring part of the owners' property (the Applicants' Land) in exchange for the above.
4. The Applicants' Land measures approximately 20m² and is shown outlined green in **Attachment 1**.
5. Utility providers and relevant Council business units have been consulted. All support the proposal subject to standard conditions (where applicable).
6. Initial consultation has been undertaken with neighbours on the opposite side of Crieff Street. No objections have been received.
7. 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 20m² (subject to survey) of unformed road land in Crieff Street, Northland, shown outlined red on **Attachment 1** (the Land), and adjoining 130 Glenmore Street, Northland (Lots 228-230 DP 1087 CFR WN207/96 and WN133/23) is not required for a public work and is surplus to Council requirements.
 - b) Agrees to dispose of the Land either by sale or exchange for approximately 20m² of the owners adjoining land currently part of 130 Glenmore Street (Lot 228-230 DP 1087 CFR WN207/96 and WN133/23) shown outlined green in attachment 1 (the Applicant's Land).
 - 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.

Background

8. The owners of 130 Glenmore Street, Northland have applied to acquire an area of legal but unformed road in Crieff Street. This is shown outlined red in **Attachment 1** (the Land).
9. The Land is proposed to be amalgamated with 130 Glenmore Street and measures approximately 20m². The legal description of 130 Glenmore Street is Lots 228-230 DP 1087 CFR WN133/23 and WN207/96.
10. In exchange for the Land, the owners have agreed to sell 20m² of land to Council. This is for the purposes of legalising the existing road and pavement and is outlined green on **Attachments 1 and 2** (the Applicant's Land).
11. The Applicant's Land contains parts of Council's footpath, kerb and channel and road carriageway on the Crieff Street frontage. Refer to **Attachment 2** for views of both areas at street level.

Discussion

12. Road Stopping is provided for under Sections 319(1)(h) and 342(1)(a) of the Local Government Act 1974 (LGA).
13. 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.
14. As part of the road stopping, officers consult with service authorities and affected internal business units. All have granted consent with only standard conditions applying.
15. The neighbours immediately opposite have been consulted and do not object to the road stopping proposal. There is clearly benefit seen in acquiring land for road where it currently occupies part of 130 Glenmore Street.
16. Advisors from Council's Transport Team have confirmed the Land is not required for future road widening or public access purposes, and support the proposal. The proposal addresses the current situation of formed road and footpath occupying part of 130 Glenmore Street.
17. Acquiring the Applicant's Land would serve to protect the existing road carriageway and footpath located on private land.
18. If Council approves the above, officers will establish whether any offerback obligations under section 40 PWA exist although exclusions are likely to apply.

Options

19. 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.

20. The alternative to acquiring the Applicant's Land is that Council would have to try and relocate the road which would be difficult on this tight bend of Crieff Street approaching the intersection with Glenmore Street.

Next Actions

21. Conclude an investigation in accordance with s40 PWA.
22. Initiate the public notification process.
23. Prepare a survey plan and conclude a land exchange agreement.

Attachments

Attachment 1.	Aerial of Land Exchange area 130 Glenmore Street	Page 35
Attachment 2.	Views at street level	Page 36
Attachment 3.	Location Plan	Page 37

Author	John Vriens, Senior Property Advisor
Authoriser	Tracy Morrah, Property Services Manager David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

Community

Initial consultation has been undertaken with the neighbours opposite the land proposed to be stopped and they have advised they have no concerns.

Utility Provider and Council Business Units

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

Treaty of Waitangi considerations

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

Financial implications

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

Policy and legislative implications

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

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

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

Risks / legal

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

Climate Change impact and considerations

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

Communications Plan

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

Health and Safety Impact considered

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

Attachment 1 road stopping land exchange plan – 130 Glenmore Street



