

ORDINARY MEETING

OF

REGULATORY PROCESSES COMMITTEE

AGENDA

Time: 9:30am
Date: Wednesday, 16 May 2018
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

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1 Meeting Conduct

1.1 Apologies

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

1.2 Conflict of Interest Declarations

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

1.3 Confirmation of Minutes

The minutes of the meeting held on 18 April 2018 will be put to the Regulatory Processes Committee for confirmation.

1.4 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.

1.5 Public Participation

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

2. General Business

APPOINTMENT OF DISTRICT LICENSING COMMITTEE MEMBERS - RECRUITMENT PROCESS 2018

Purpose

1. This paper:
 - Provides background on the functions of District Licensing Committees (DLC) and the governance options for Council.
 - Presents a timetable and framework for the appointment of DLC Chairpersons and list members when the current terms expire on 31 October 2018.
 - Requests approval to run an Expression of Interest (EOI) process.

Summary

2. DLCs were established in 2013 under the Sale and Supply of Alcohol Act 2012 (SSAA).
3. In November 2013, Council approved the establishment of three DLCs. Council appointed Commissioners to chair the DLCs rather than appoint elected members. Council also appointed a list of committee members. All these appointments expire on 31 October 2018.
4. To ensure Council continues to meet its requirements under the SSAA after 31 October 2018, the appointment (or re-appointment) of chairs and members needs to commence.
5. The Regulatory Processes Committee has the delegation to “*approve Commissioners and list members under the Sale and Supply of Alcohol Act 2012.*”

Recommendation/s

That the Regulatory Processes Committee:

1. Receive the information.
2. Note that Council is required to appoint Chairpersons and members of the District Licensing Committees to be in place for 1 November 2018.
3. Agree to undertake an Expression of Interest process for any suitable candidates.
4. Note that officers will provide recommendations to the Regulatory Processes Committee on 15 August 2018 for approving Commissioners and list members.

Background

6. The three DLCs were appointed by Council effective from 18 December 2013 operating in accordance with the SSAA and with Council’s terms of reference adopted for the Committee.

7. Each DLC comprises a Chairperson and two other members appointed from a Council-approved members' list.
8. The DLC is charged under the SSAA with dealing with alcohol licensing matters for Council.
9. DLCs are quasi-judicial bodies subject to the requirements of the Evidence Act 2006 and have the powers of a Commission of Inquiry.
10. DLCs can be chaired by either an elected member of Council or a Commissioner appointed by Council.
11. Commissioners must be of good standing and have the necessary knowledge, skill and experience relating to DLC matters. List members must have experience relevant to alcohol licensing matters. Local Government New Zealand has issued a clear guide to required competencies (**Attachment 1** refers).
12. The DLCs are chaired by the following Commissioners, all of whom who were appointed for a five-year term until 31 October 2018:
 - Hon Sir Douglas Kidd (DLC Commissioner A)
 - Rex Woodhouse (DLC Commissioner B)
 - Murray Clearwater (DLC Commissioner C).
13. Councillors Andy Foster and Iona Pannett were appointed Deputy Chairs for the 2013/2016 triennium. On 9 November 2016 Council resolved to reappoint Councillor Foster as Deputy Chair and also as a committee list member. All other DLC list members are external appointments and are appointed to 31 October 2018.
14. Since December 2013 the DLCs have received just fewer than 9,000 applications (to March 2018) and have held nearly 200 hearings. This averages at around 2,200 applications per year and 30 to 40 hearings.
15. A workshop for Councillors was held on 1 May 2018 to provide an overview of the issues and options for decision-making.

Discussion

16. Within the SSAA there are four governance models that can be established:
 - a. **Regional Committee**
Councils can establish a joint committee and list with other territorial authorities if they wish (S192 (1b)). The Regional Eastern Bay District Licensing Committee, covering Kawerau, Opotiki and Whakatane councils is an example of this.
 - b. **Councillor Chair**
Council can appoint an elected member as Chair (S189 (2)). Lower Hutt operates on this basis. It has an elected member as Deputy and external appointees on the members list.
 - c. **No Councillor involvement**
Council can appoint a Commissioner (S193) to Chair the DLC and does not have to appoint a deputy (who must be an elected member under S189 (3)). This is the situation in Christchurch.
 - d. **Commissioner Chair and Councillor Involvement**

This is the current situation with Wellington’s DLC. The Chair is a Commissioner appointed by Council and an elected member acts as deputy and is also a list member.

17. The current governance model is seen to work well. It makes decisions effectively, complies with the legislative requirements and has a good reputation nationally.
18. Commissioners and list members can “be reappointed for 1 or more further periods of up to 5 years” (SSAA s189 (3)). All members except one have indicated a willingness to be re-considered. One Commissioner and list member has indicated they only wish to serve a term to 31 March 2021.
19. An Expression of Interest (EOI) process will be undertaken for anyone wishing to be a new Commissioner or a new list member. This will open on 1 June 2018 for four weeks. Calls for expressions will be advertised on the Council’s website and social media channels, and circulated to stakeholders and existing members.
20. The required competencies for members have not changed since 2013 and those existing members who wish to be re-appointed will be assessed against this criteria rather than having to submit a new EOI. An appointment panel consisting of the Manager, Public Health Group, HR Consultant and the Project Manager will assess the EOI applicants and conduct any necessary interviews and due diligence.

Options

21. At the workshop on 1 May 2018, Councillors were presented with a number of options that would inform decisions about the DLC governance arrangements.

Issue/Option	Pros	Cons
Expand the list	<ul style="list-style-type: none"> • Increases available resources • Widen skill set and diversity • Having new members will futureproof the DLC in the long term. 	<ul style="list-style-type: none"> • Widening the pool potentially weakens the link between members and the DLC • Less contact and work per member
Increase Chairs/ Increased number of DLCs	<ul style="list-style-type: none"> • Allows for greater flexibility and diversity • Transition planning for critical role • Capacity restraints of existing Chairs • Greater local knowledge 	<ul style="list-style-type: none"> • Risk of not having enough work to sustain interest • Potentially dilutes existing Chairs’ roles, interest and service level
More Councillor Involvement	<ul style="list-style-type: none"> • Elected representatives have good understanding of communities they serve • Decision-making process is part of local governance • Increases skill set for elected members. 	<ul style="list-style-type: none"> • Quasi-judicial role of DLC requires some training or background support • Potential for perception of bias and conflict risks for elected members • List members must have relevant experience and need to apply for list membership • Time commitment
No Councillor as Deputy Chair	<ul style="list-style-type: none"> • Deputy Chair role is purely to deputise. • Not necessary to have one when have multiple Chairs available 	<ul style="list-style-type: none"> • Weakens the link between the DLC and local governance

A Councillor Chair	<ul style="list-style-type: none"> • Development opportunity for elected members • Provides connection to local governance role of Council 	<ul style="list-style-type: none"> • Potential to politicise the DLCs function and role • 3 year electoral cycle compromises continuity as members are appointed for 5 years • May need to step down prior to elections • Significant time commitment but not always predictable
Regional Collaboration	<ul style="list-style-type: none"> • Allows for resources to be moved to match demand and need • Provides the opportunity to lead best practice on a regional level 	<ul style="list-style-type: none"> • Creates a level of work to collaborate that has not been requested • Largest Council may end up over-resourcing smaller ones • Political risk to decision-making and accountability

22. Feedback was provided that Councillors would like to see a more diverse set of Commissioners if possible and that Councillors wish to ensure there is minimal risk to activity from having a small number of Commissioners. Councillors also endorsed continuing to recruit to the existing governance model.

Next Actions

23. If the Committee agrees to the approach outlined in the paper, an EOI process will take place in June. The selection panel will meet in early July to consider the applications and assess existing members.
24. A report will be presented to the Regulatory Processes Committee on 15 August 2018 for approval. The recommendations from this meeting will go to the August governing body meeting for confirmation.
25. A comprehensive induction and handover process can then take place (if required) during September and October to allow for a smooth transition to 1 November 2018.

Attachments

Attachment 1. Competencies for DLC chairperson and list members. [↓](#)

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Author	Sean Mahoney, Project Manager District Licensing
Authoriser	Helen Jones, Manager Public Health Group David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

The appointment of the DLC is a statutory requirement. It does not trigger any special consultative processes. The EOI process will be advertised widely amongst community stakeholders in a timely manner.

Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

Financial implications

DLC members are only paid when they sit. The remuneration rates are set by the State Services Fees Framework. Alcohol licensing is a user-pays system and the fees are set at a national level.

Policy and legislative implications

Council is required, under the Sale and Supply of Alcohol Act 2012, to have one or more licensing committees to deal with licensing matters for its district. It is also required to appoint a chairperson to its committees and establish and maintain a list of approved persons to sit on these committees. The process outlined in this paper will ensure compliance.

Risks / legal

The risk of not having a functioning committee in place on 1 November 2018 would mean that Council could not take decisions on alcohol licensing. This is being managed by looking to take decisions early and also seeking feedback from existing members about their interest in being reappointed.

Climate Change impact and considerations

There are no known climate change considerations to this decision.

Communications Plan

Council will advertise the EOI process through its website and social media channels. It will distribute an electronic advert to stakeholders and community groups.

Health and Safety Impact considered

Whilst DLC members are not employees of Council they do take the lead role in hearings. Current members have received a Health and Safety induction presentation. The Committee Secretariat ensures a briefing is held at the start of each public hearing. Any new members will receive a briefing as part of their induction program.

Section 4. Competencies, continued

Table 2, continued: Competencies for DLC chairperson/Commissioner and DLC list members		
SUMMARY FOR BOTH CHAIRPERSON/COMMISSIONER (C) & DLC LIST MEMBERS (DLC)		
Competency descriptor	Essential	Desirable
1: Experience relevant to alcohol licensing matters – Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area.		
Knowledge of alcohol licensing	DLC	C
Demonstrate experience of legal and regulatory alcohol environment	C	DLC
Knowledge of the Sale and Supply of Alcohol Act 2012	C	DLC
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm.		
Knowledge of alcohol-related harm and its impact on communities	DLC	C
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates.		
Awareness and understanding of the local alcohol policy (if relevant)	C / DLC	
Understanding of community expectations around licensing	DLC	C
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	C / DLC	
Ability to sort fact from fiction	C / DLC	
Operates independently with little direction	C	DLC
Applies pragmatic decision-making	C / DLC	
Chairperson experience	C	DLC
Balanced assertiveness	C	DLC
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation.		
Understanding and application of the legislation	C / DLC	
Understanding written decisions	C / DLC	
Interpreting case law	C	DLC
Knowledge and understanding of hearings procedure	C	DLC
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong oral and written communication skills	C / DLC	
Knowledge of and ability to operate under rules of confidentiality	C / DLC	
Skills in questioning- ability to drill down to the issue	C / DLC	
Writes clear and well thought-out decisions	C	DLC
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	C / DLC	
Refrains from behaviour that fosters the appearance of conflict of interest	C / DLC	
Applies rules and regulations in a consistent, non-biased manner	C / DLC	

APPROVAL OF A NAME FOR WATERFRONT ACCESS LANE ON WATERLOO QUAY

Purpose

1. This report seeks approval of the name for a waterfront access lane adjacent to Waterloo Quay, shown in green on F Plan 3095A (**Attachment 1** refers).

Summary

2. This is a proposal to name a waterfront access lane adjacent to Waterloo Quay.
3. The report to the Regulatory Processes Committee meeting of 18 April (**Attachment 4** refers) proposed the name *Lady Elizabeth Lane* for the waterfront access lane shown on F Plan 3095. This report currently lies on the table in accordance with Standing Order 3.16.2(d).

Recommendations

That the Regulatory Processes Committee:

1. Receive the information.
2. Agree to give approval for the name *Lady Elizabeth Lane* to be allocated to the access lane adjacent to Waterloo Quay shown in green on F Plan 3095A.
3. Note that consultation regarding the more significant accessway shown in pink on F Plan 3095A has commenced with iwi in recognition of its significance and in accord with Te Tauihu, Council's draft Te Reo policy.

Background

4. Ongoing development of the waterfront means that existing and new properties located on the wharves need to be assigned unique addresses so that visitors and emergency services can locate them. These unique addresses also allow Council staff to readily identify sites when performing regulatory functions, such as issuing building consents.
5. According to plans for the building currently under construction at 10 Waterloo Quay, to be known as the PwC Centre, tenancies in the building that front onto the waterfront will be accessed from the lane through the area currently and colloquially known as the Kumutoto precinct, shown in green on F Plan 3095A and the subject of this report. This access lane needs to be named in order to assign addresses to these new units.
6. At the Regulatory Processes Committee meeting on 18 April, Councillors expressed a desire to use this opportunity to implement the provisions of Te Tauihu, the draft Te Reo policy. Ensuing discussions led to the identification of a significant opportunity to name the broader waterfront area and other significant areas.
7. A separate report will be prepared recommending a name for the major waterfront promenade, shown in pink on F Plan 3095A. Iwi are being consulted with regards to suggestions for a suitable name, and have asked for more time in order to properly consider an appropriate name for this significant area of the waterfront.

Discussion

8. The waterfront access lane stretching between Waterloo and Customhouse Quays, shown in green on F Plan 3095A, is colloquially known as *Kumutoto Lane* by Wellingtonians. Although the access lane will be mostly used by pedestrians, two-way vehicular traffic along the lane will have access via the Bunny Street entry/exit immediately north of the Waterloo Quay apartments and Whitmore Street gates.
9. According to iwi, “Kumutoto was further inland, from The Terrace to [the] original foreshore (Woodward St area)” (**Attachment 2** refers). Furthermore, there is already a Kumutoto Lane running adjacent to The Terrace and accessed from Boulcott Street. As such, iwi had originally suggested either *Waititi* or *Taimoana* for the lane, noting that submitters were unaware of what had been suggested by each other.
10. During consultation in preparation for the naming report presented to the Regulatory Processes Committee meeting of 18 April, iwi advised that *Waititi* means “probably shining water relating to the glistening of sand on the beach where streams seep out; this was probably Pipitea Beach” and that “it is the name used for the area known as Waititi landing – the triangle reserve by Parliament”. *Taimoana* means “harbour-side...it is a te reo name, not a wahi tūpuna name, and tribally neutral” (**Attachment 2** refers).
11. Dave Houston, the Officer-in-Charge of the Wellington Police Maritime Unit, acting in a personal capacity, proposed the name *Lady Elizabeth Lane* during consultation for the report of 18 April. The Unit, otherwise known as the Wharf Police, has been operating from the area adjacent to the access lane for “the last 100 years”. It is currently housed “in the Old Ferry Building with the police launch, Lady Elizabeth IV, alongside the Service Jetty, which is adjacent [to] the Lane” (**Attachment 3** refers). The significance of the name *Lady Elizabeth Lane* was outlined by Dave Houston thus: “The service has rescued countless lives over the last 76 years around the Wellington region. There has always been a [*sic*] strong support for the service with the capitals [*sic*] citizens raising \$280,000 towards the 2.2 million Lady Elizabeth III when two lives were lost during a training exercise. In 1991 the community held a protest involving several hundred boats on Wellington harbour and further demonstrated by [a] 46,000 signature petition to save Lady Liz when there was a suggestion of losing the service”. The name has a long local association with the area; this is usually seen as a more, rather than less, compelling reason for selecting a name. It is unlikely that there will be many, if any, other opportunities to recognise this significant association.
12. The report to the Regulatory Processes Committee meeting of 18 April (**Attachment 4** refers) proposing the name *Lady Elizabeth Lane* for the waterfront access lane—shown green on F Plan 3095—currently lies on the table in accordance with Standing Order 3.16.2(d).
13. At the Regulatory Processes Committee meeting on 18 April, Councillors expressed a desire to use this opportunity to implement the provisions of Te Tauihu, Council’s draft Te Reo policy. Ensuing discussions led to the identification of a significant opportunity to name the broader waterfront area and other significant areas.
14. Iwi have confirmed that they are unconcerned with regards to the name allocated to the small accessway that is the subject of this report during discussions with council officers, but are excited to have the opportunity to propose a meaningful name with regards to the broader waterfront promenade, shown in pink on F Plan 3095A.
15. Council officers are now consulting on the major stretch of the waterfront promenade, shown in pink on F Plan 3095A. Iwi have advised that they would like to propose a name that properly reflects the significance of that area, together with a korero to support their suggestion. The name *Taimoana* is not seen by iwi as suitable for this part of the waterfront.

16. Officers acknowledge that both *Taimoana Lane* and *Lady Elizabeth Lane* have merit as names for the small access lane shown green on F Plan 3095A. After considering the weighting criterion and score given to each name according to the Council's Road Naming Procedure (**Attachment 5** refers) together with the supporting information for each name and the further feedback from iwi, the name *Lady Elizabeth Lane* is recommended. The name *Taimoana Lane* remains available for use elsewhere in the precinct or at another appropriate location.
17. The proposed name for the major stretch of the waterfront, shown pink on F Plan 3095A, will be the subject of a separate report which will be presented to the next meeting of the Regulatory Processes Committee, on 20 June. Officers anticipate that this latter report will recommend a name proposed by iwi for the major portion of the waterfront promenade in accord with Te Tauihu, hence the extended timeframe to allow iwi to undertake more comprehensive deliberations.

Recommended Name

18. Council officers recommend the name *Lady Elizabeth Lane* be approved for the access lane shown green on F Plan 3095A. Officers feel this name is the most appropriate based on feedback given by those consulted, particularly iwi, and the Council Road Naming Procedures.

Attachments

Attachment 1.	F Plan 3095A ↓	Page 18
Attachment 2.	Iwi Feedback ↓	Page 19
Attachment 3.	Maritime Police Feedback ↓	Page 20
Attachment 4.	Waterfront Access Lane: Report to Regulatory Processes Committee, 18 April 2018 ↓	Page 25
Attachment 5.	Extract, Council Road Naming Procedure ↓	Page 29

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

SUPPORTING INFORMATION

Engagement and Consultation

Consultation on this proposal has taken place with affected businesses, such as the New Zealand Portrait Gallery, located in Shed 11. Other interested parties, including Willis Bond & Co, the developer; Dave Houston of the Wellington Police Maritime Unit; Michael Faherty, Project Director, Waterfront, City Shaper; the TAG (Technical Advisory Group); and Amanda Mulligan of the Council's Heritage Team, City Planning, have been consulted.

Further informal consultation has taken place with retailers fronting onto the major part of the waterfront 'promenade', as it is currently colloquially known, shown green on F Plan 3095A. Most feel that this area should be named; currently, there are issues with regards to deliveries to businesses, for example. The current colloquial use of the term 'promenade' for the area also suggests that is a more suitable term than 'lane' for this area. Officers are concerned that the Australasian Addressing Standard AS/NZS 4819:2011 does not include any name types (such as lane or promenade) in te reo, despite 32 name types available in English. The facility to use a name type in te reo is being questioned by officers with Land Information New Zealand (LINZ).

Proposed names were considered by the TAG group, iwi, and Michael Faherty of City Shaper resulting in the decision to present the two names discussed in more detail here.

Both names have been checked for duplication, similarity and suitability by the Wellington Regional Council.

Treaty of Waitangi considerations

Consultation with iwi has taken place (**Attachment 2** refers). Considering the weight of evidence provided by the Dave Houston (who works for Wellington Police Maritime Unit, but submitting in his personal capacity) in support of the name *Lady Elizabeth Lane*, in this case iwi are unconcerned with the naming of the accessway under discussion here. Iwi have subsequently indicated that they are excited to take the opportunity to propose a suitable name for the major accessway shown pink on F Plan 3095A.

Financial implications

Not applicable.

Policy and legislative implications

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

Delays in naming new roads and accessways as development occurs leads to consequent delays in customers being able to satisfactorily complete new building plans due to the follow-on delay in assigning addresses. This leads to further delays as services are unable to be connected and regulatory processes completed.

Risks / legal

Nil.

Climate Change impact and considerations

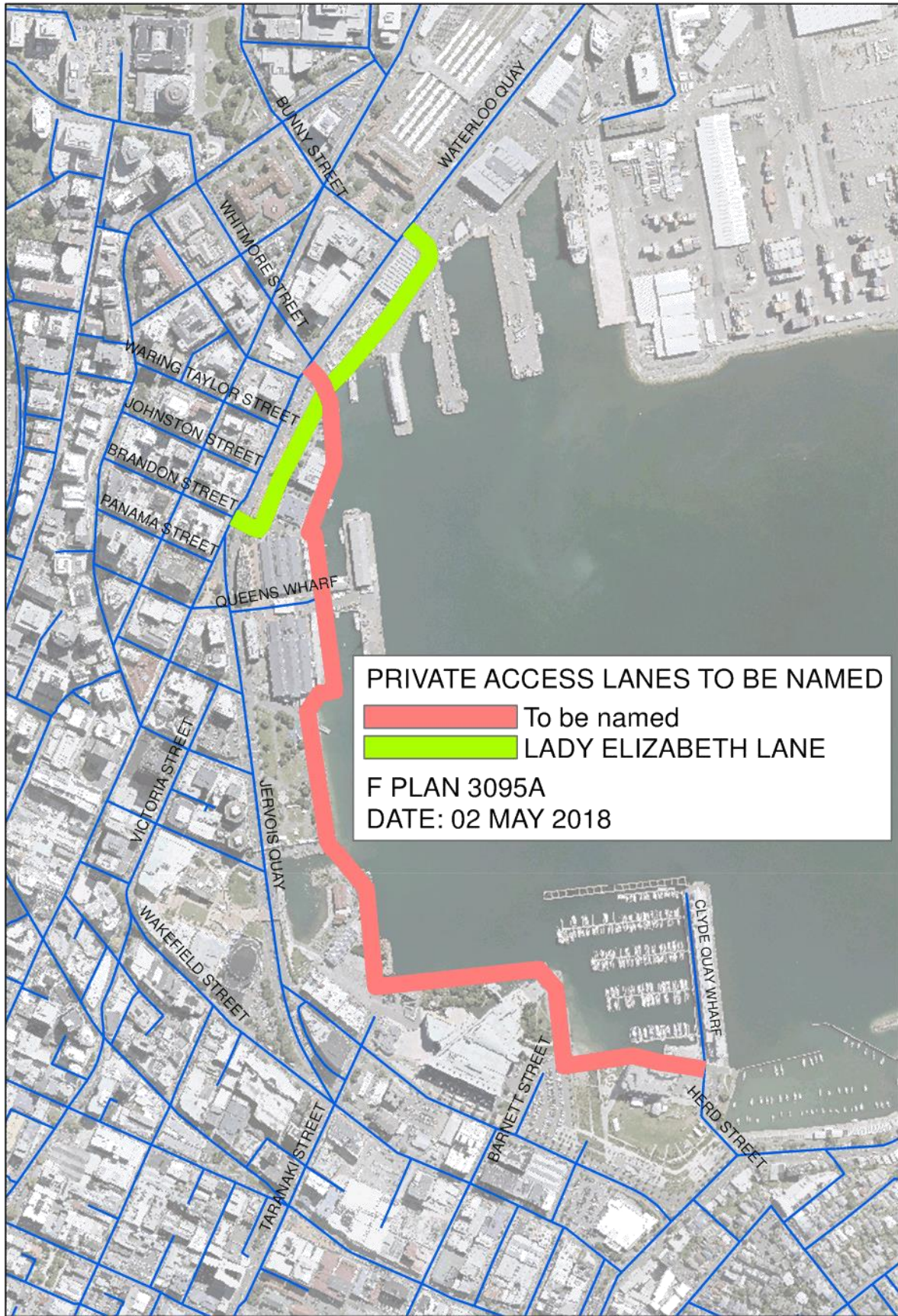
Nil.

Communications Plan

There is an extensive notification list which includes Land Information New Zealand and emergency services, such as the Fire Service.

Health and Safety Impact considered

Health and safety for the general public and local residents and businesses will be enhanced by the naming of this lane. Emergency services will be able to locate the site of any emergencies in this area more quickly.



Iwi

Manjeet Kaur

From: Nicky Karu
Sent: Monday, 19 February 2018 12:50 p.m.
To: Manjeet Kaur
Subject: RE: Waterfront

Kia ora Manjeet

I spoke to iwi reps (Tracey Betham, Kirsty Tamanui and Morrie Love) this morning.

They prefer the new name Taimoana for the access lane on the waterfront. This also had the backing of Holden Hohaia – PNBST Trustee.
Kumutoto was further inland from The Terrace to original foreshore (Woodward St area).

Morrie and Holden agree that the waterfront should represent the new foreshore of Wellington city – Taimoana. Please put this name to Councillors.
It is a te reo name not a wāhi tūpuna name and tribally neutral.

The name has been suggested to Ngāti Toa and no response.
I have a meeting with Ngati Toa CEO on Thursday so will ask him to endorse the name Taimoana.

Mauriora

Nicky Karu

Manager Tira Poutama, Iwi Partnerships | Wellington City Council
P +6448038149 | M +64212278149 |
E Nicky.Karu@wcc.govt.nz | W Wellington.govt.nz

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From: Manjeet Kaur
Sent: Wednesday, 14 February 2018 1:04 p.m.
To: Nicky Karu
Subject: RE: Waterfront

Goo Afternoon Nicky

Thanks for your response and providing us the meaning of Taimoana.

Regarding Kumutoto, yes there is a very small access lane off The Terrace. No one is using any addresses off this lane. It can be considered to be renamed if the name Kumutoto is more appropriate to be used for waterfront.

We will appreciate your views.

Kind Regards

Attachment 3**Manjeet Kaur**

From: HOUSTON, David <David.Houston@police.govt.nz>
Sent: Wednesday, 22 November 2017 9:56 a.m.
To: Manjeet Kaur
Subject: RE: Naming of Waterfront Access Lane
Attachments: Wellington Police Maritime Unit Historical overview.doc

Hi Manjeet

My submission for the new name:

Lady Elizabeth Lane

Why

This area has always been the home for the Wellington Police Maritime Unit (Wharf Police) for the last 100yrs. Currently the Maritime base operates in the Old Ferry Building with the police launch Lady Elizabeth IV alongside the Service Jetty, which is adjacent the Lane. The service has rescued countless lives over the last 76 years around the Wellington region. There has always been a strong support for the service with the capitals citizens raising \$280,000 towards the 2.2 million Lady Elizabeth III when two lives were lost during a training exercise. In 1991 the community held a protest involving several hundred boats on Wellington harbour and further demonstrated by 46,000 signature petition to save Lady Liz when there was a suggestion of losing the service.

The Police launch Service started in 1941 with the first boat name being Lady Elizabeth. This name has carried on and will continue to be passed on into the future.

Lady Elizabeth 1941 - 1969

Lady Elizabeth II – 1973 -1986

One life was lost in 1978 during a rescue

Two lives were lost when she capsized during a storm in a training exercise 1986

Lady Elizabeth III 1989 - 2010

Lady Elizabeth IV 2010 - now



*2nd from left Lady Elizabeth and 4th Lady Elizabeth II
Waterloo Wharf*

I have attached a history of the Wharf Police
Thanks

Dave Houston
Officer in Charge
Wellington Police Maritime Unit

From: Manjeet Kaur [mailto:Manjeet.Kaur@wcc.govt.nz]
Sent: Monday, 20 November 2017 3:18 p.m.
To: HOUSTON, David <David.Houston@police.govt.nz>
Subject: Re: Naming of Waterfront Access Lane

Good Afternoon David

We write to invite your suggestions to name Waterfront Access Lane off Waterloo Quay.

Please refer to the attached letter & a copy of plan.

Kind Regards

Manjeet Kaur
Senior Land & Customer Information Advisor
Land, Customer & Property Information
Wellington City Council
Tel: 801 3560

Wellington Police Maritime Unit History

The Wellington Police Maritime Unit dates back to 1841 when police shared accommodation with the post office and a church in a cottage situated not far from the foreshore in Thorndon.

There were 13 men, including four constables detailed as part-time boatmen. They searched departing ships thought to contain "ringbolters"- disillusioned immigrants who stowed away in an attempt to leave without repaying their assisted fares. The police had no boat and relied on an 18 foot open cutter borrowed from the harbourmaster.

In 1867 waterfront police duties ceased. In 1885 the Harbour Board rallied for a renewed police presence and Constable Thomas Oliver was assigned to the waterfront on a part-time basis. Much of his time was spent investigating or preventing the removal of sand from Oriental Bay and Kaiwharawhara. He stayed until 1901 when he was transferred back to the city.

In October 1913, Wellington watersiders went on strike when the Union Steam Ship Company refused to pay travelling time to shipwrights. There was a general waterside strike throughout the country. All ports came to a standstill.

With the outbreak of World War I in 1914 shipping was confined to sailing ships, or slow and cumbersome coal burning ships. The Wellington waterfront expanded to meet increased coastal shipping and the demand for exported materials.

The Harbour Board continued to lobby for fulltime policing. On 23 August 1917, a sergeant and six constables were stationed at the wharf marking the beginning of today's Maritime Unit.

Wellington remained a major port during World War II and by 1941 a police boat was needed to patrol troop ships and installations around the harbour.

That year police acquired two vessels for Wellington and Auckland. The 34 foot pleasure launch Antipodes was stationed at Wellington. She was slow, narrow gutted and at 6 knots, rolled excessively.

Fred Musgrove was building a 38 foot pleasure boat for use in the Marlborough Sounds. It was taken from him under wartime regulations - he was paid the current market price of 2000 pounds. Fred had named his launch Lady Elizabeth - not after Royalty but after his grandmother!

Lady Elizabeth went into service and was crewed by a section of six Police who worked around the clock. She spent her time patrolling troop carriers.

Once, the early shift crew arrived to find her gone. She was found alongside the breastwork at Clyde Quay. A couple of drunken servicemen had taken her for a joyride in Wellington Harbour. They were never caught.

"Lady Liz" had a single engine, no home comforts and no communications. Police ran up a flag at strategic points if she was need for a rescue. The crew either returned at 9 knots to the berth, or if the flag indicated it was really urgent, they got to a phone for further instructions.

Lady Elizabeth was later fitted with up to date wireless and undertook took more rescues.

During the 1951 Waterfront Strike 130 police were based on the Wharf with a small crew on the launch. After the strike the "Lady Liz" and crew continued service but most other staff were transferred.

A new engine was installed but eventually the boat herself began to wear out. After several extensions she failed annual survey for the last time in 1969.

A replacement was sought and Police handed the project to the Ministry of Transport. David Eyres redeveloped the English design of the NPL Series 99 and Lady Elizabeth II was the result in 1973.

She provided a variety of waterborne police services until 2 July 1986. It was a cold, wet and miserable day with a 45 knot southerly and a 15ft swell running in the harbour. It was no day for amateurs but the conditions were far from the worst experienced by the launch base crew.

With more than 1500 operations behind her, many of which were rescues in heavy seas, Lady Elizabeth II with four crew on board headed out on a training run to Pencarrow. Tragically she capsized in huge seas at the entrance to Wellington Harbour.

Beacon Hill radio staff were the first to report the capsize. A rescue operation swung into action with tugs and other vessels heading out into the deteriorating conditions, along with skilled helicopter rescue pilot Peter Button and his son Clive as the winchman.

Two crew members - Jim McLean and Rod Herd - were found clinging to a life ring. In a daring display of flying Peter Button swooped in just above the waves and plucked the pair to safety.

Two lives were lost that day - Glenn Hughes and Phil Ward. The launch herself eventually broke up and sank.

Six days after the tragedy a steering committee was set up with the task of finding a replacement launch. It was difficult. The launch had to be reasonably specialised, capable of working out of Wellington and Cook Strait in harsh conditions, be a rescue boat, a pilot boat, a tug, a dive platform, be shallow drafted, capable of turning in confined moorings and marinas, self righting and able to be worked with a minimum of two crew!

Outside help was sought and registrations of interest advertised internationally. There were 78 replies from New Zealand, Australia, Canada, Japan, Korea, Hong Kong, Norway, Holland, England, Scotland, Israel, USA, Germany and Singapore.

Runabouts, gunboats (complete with machine gun) lifeboats, 30m ships, inflatables, boats not yet designed, second hand pleasure launches and Riviera style 'gin palaces' were all offered.

Sergeant Wayne Wilkey, officer in charge of the launch base, and consultant Terry Arthurs studied rescue services, designers and boatyards in Canada, England, Scotland, Norway, Holland, Hong Kong and Singapore. A Norwegian design looked promising and negotiations started on 1 July 1987. This proposal fell over and on 31 August 1987 John HARRY, a consulting Naval Architect and Registered Engineer, was contracted. He was trained in the United Kingdom, had designed fibreglass mine sweepers and was on the design team for the Polaris Submarine Project.

John initially tried to modify the Norwegian boat into something that would suit Police but in December 1987 revisited the sea-keeping and general characteristics offered in the former Lady Elizabeth II. She had been a successful boat but was not a self righter. He studied the basic hull and underwater lines and five weeks later came up with a design. The boat, self-righting from 180 degrees, fitted the design brief. John had completed 572 drawings of which only 35 made up the final package.

The fit out was still a consideration, along with funding. Wellingtonians had contributed \$280,000 towards the cost of a replacement vessel. On 13 June 1988 Cabinet approved the calling for tenders and a month later boatbuilders and suppliers were asked to register their interest. Contractors within New Zealand and off shore responded. After a process of elimination, five New Zealand boatbuilders were invited to submit a tender.

The \$2.1 million contract was awarded to Dickson Boatbuilders Ltd, Nelson, on 14 October 1988. Lady Elizabeth III was launched on 8 November 1989 and delivered to Wellington to begin operational duty on 22 December 1989.

Lady Elizabeth III conducted numerous missions and was later decommissioned in 2010

Lady Elizabeth IV was built in Wanganui by Q West and was launched in 15 September 2010 and is still operating today

REGULATORY PROCESSES COMMITTEE
18 APRIL 2018

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APPROVAL OF A NAME FOR WATERFRONT ACCESS LANE ON WATERLOO QUAY

Purpose

1. The purpose of this report is to seek approval of the name for a waterfront access lane adjacent to Waterloo Quay, shown on F Plan 3095 (**Attachment 1** refers).

Summary

2. This is a proposal to name a waterfront access lane adjacent to Waterloo Quay.

Recommendations

That the Regulatory Processes Committee:

1. Receive the information.
2. Agree to give approval for the name *Lady Elizabeth Lane* to be allocated to the access lane adjacent to Waterloo Quay, shown on F Plan 3095.

Background

3. Ongoing development of the waterfront means that existing and new properties located on the wharves need to be assigned unique addresses so that visitors and emergency services can locate them.
4. According to plans for the building currently under construction at 10 Waterloo Quay, to be known as the PwC Centre, tenancies in the building that front onto the waterfront will be accessed from the lane through the area known as the Kumutoto precinct.

Discussion

5. The waterfront access lane stretching between Waterloo and Customhouse Quays, shown on F Plan 3095, has been colloquially known as *Kumutoto Lane*. Although the access lane will be mostly used by pedestrians, vehicular traffic along the lane will be two-way, with access to the lane being via the Bunny Street entry/exit immediately north of the Waterloo Quay apartments and Whitmore Street gates.
6. According to iwi, "Kumutoto was further inland, from The Terrace to [the] original foreshore (Woodward St area)" (**Attachment 2** refers). Furthermore, there is already a Kumutoto Lane running adjacent to The Terrace and accessed from Boulcott Street. Iwi have suggested either *Waititi* or *Taimoana* for the lane.
7. Iwi have advised that: *Waititi* means "probably shining water relating to the glistening of sand on the beach where streams seep out; this was probably Pipitea Beach" and that "it is the name used for the area known as Waititi landing – the triangle reserve by Parliament" (**Attachment 2** refers). *Taimoana* means "harbour-side...it is a te reo name, not a wahi tūpuna name, and tribally neutral".
8. Dave Houston, the Officer in Charge of the Wellington Police Maritime Unit, has suggested the name *Lady Elizabeth Lane*. The unit, otherwise known as the Wharf Police, has been operating from the area adjacent to the access lane for the "last 100 years". It is currently housed "in the Old Ferry Building with the police launch, Lady

REGULATORY PROCESSES COMMITTEE

18 APRIL 2018

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Elizabeth IV, alongside the Service Jetty, which is adjacent [to] the Lane" (**Attachment 3** refers). The name has a long and significant association to the area; this is normally a reason for selecting a name.

9. Other names suggested by those consulted (**Attachment 4** refers) and subsequently considered by the Council's Technical Advisory Group, Michael Faherty of City Shaper, and Council officers were (in no particular order):
 - a. Taonga Lane;
 - b. The People's Way / Tangata Ara;
 - c. Kanohi Lane;
 - d. Reclamation;
 - e. Glasgow, Kings, Wool or Railway; and
 - f. Lion Foundry.
10. The Council Road Naming Procedures (August 2002) suggest ways to make decisions when more than one name is a strong contender (**Attachment 5** refers). Whilst not covering every scenario, the procedures provide weightings that can be applied in instances such as that presented here. Application of the weighting index gives the name *Lady Elizabeth Lane* a score of '2'. This score would be higher if the name is also regarded as being culturally significant. The name *Taimoana Lane* is supported by iwi, giving it a '3', largely due to recognition of its cultural significance despite this name not being historically associated with this site.
11. Nicky Karu of the Council's Tira Poutama Iwi Partnerships team has advised that she feels iwi would accept the name *Lady Elizabeth Lane* in recognition of the strength of the argument for this name.
12. Officers acknowledge that both names - *Taimoana Lane* and *Lady Elizabeth Lane* - have merit. After considering the weighting criterion and score given to each name, along with the supporting information for each name, the name *Lady Elizabeth Lane* is preferred by officers. Nevertheless, officers feel that *Taimoana Lane* would be an excellent name for a lane on the waterfront and will, therefore, investigate this option.

Recommended Name

13. Council officers recommend the name *Lady Elizabeth Lane* be approved for the access lane shown on F Plan 3095. Officers feel this name is the most appropriate based on feedback given by those consulted and the Council Road Naming Procedures.

Attachments

- Attachment 1. F P Lan 3095
- Attachment 2. Iwi Feedback
- Attachment 3. Maritime Police Feedback
- Attachment 4. Other Feedback
- Attachment 5. Extract, Council Road Naming Procedure

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

REGULATORY PROCESSES COMMITTEE
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	David Chick, Chief City Planner
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REGULATORY PROCESSES COMMITTEE

18 APRIL 2018

Absolutely Positively
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Me Heke Ki Pōneke**SUPPORTING INFORMATION****Engagement and Consultation**

Consultation on this proposal has taken place with affected businesses, such as the New Zealand Portrait Gallery, located in Shed 11. Other interested parties, including Willis Bond & Co, the developer, Dave Houston of the Wellington Police Maritime Unit, Michael Faherty, Project Director, Waterfront, City Shaper, the TAG (Technical Advisory Group), and Amanda Mulligan of the Council's Heritage Team, City Planning, have been consulted.

Proposed names were further considered by the TAG group, iwi, and Michael Faherty of City Shaper to come up with the final two names presented here.

Both names have been checked for duplication, similarity and suitability by the Wellington Regional Council.

Treaty of Waitangi considerations

Consultation with iwi has taken place. Nicky Karu of the Council's Tira Poutama Iwi Partnerships team initially advised that their preferred name is *Taimoana Lane*, as it is a "te reo name, not a wāhi tūpuna name, and tribally neutral" (**Attachment 2** refers). Considering the weight of evidence provided by the Wellington Police Maritime Unit in support of the name *Lady Elizabeth Lane*, however, she feels that in this case iwi would endorse the latter.

Financial implications

Not applicable.

Policy and legislative implications

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

Risks / legal

Nil.

Climate Change impact and considerations

Nil.

Communications Plan

There is an extensive notification list which includes Land Information New Zealand and emergency services, such as the Fire Service.

Health and Safety Impact considered

Health and safety for the general public and local residents and businesses will be enhanced by the naming of this lane since emergency services will be able to better locate the site of any emergencies in this area.

Attachment 5

Revised Road Naming
Procedures



August 2002

Revised Road Naming Procedures

3. APPROVAL CRITERIA

All recommended road names must meet the following approval criteria:

1. The name is not considered to be in poor taste or likely to cause offence.
2. The name is not difficult to pronounce and/or cannot be misheard or misread to be the same as a current road name in Wellington city.
3. The name is not already being used elsewhere in the city; for example, for a road, park or suburb. However, if a park has the same name and it adjoins the road, then the name may be used.
4. The name has significant local content or meaning. The name should reflect one of the following:

A. Traditional or Appropriate Maori Name

The traditional Maori name in an area that is recognised, or believed to be, a Maori heritage precinct, site or track, by the Council's manawhenua partners.

B. An Established Theme

If a naming "theme" is already established in a suburb, the names for that suburb should remain consistent with the theme.

C. Historical Person or Event

The name of a notable person or event from early history should ideally have a local association with the area. At the very least, the name should have a Wellington association. For example, they could be settlers or early notable people or events. Naming after persons living or recently deceased should generally be avoided.

D. Significant feature

It is appropriate to name a road after a significant feature in the area (for example, geographical feature, landscape, flora, or fauna). Naming after features which do not exist in the area should be avoided (for example, naming after native trees or plants that are not evident in the area, or views that cannot be identified).

E. Personal name (surname) for special service

This can be for conservation, sport, community service or other sphere of activity with local association which can be duly recognised. Naming after persons living or recently deceased should generally be avoided.

F. Published name in any work

If the area has a local/popular use name that has been used in a published work and the work is considered as authoritative by Council, then that name may be appropriate for the road. However, the name will not be considered to be official by virtue of it being published.

G. Cultural Significance other than Maori

If the area is significant to a culture other than Maori, written evidence of the significance must be provided.

Revised Road Naming Procedures

4. WEIGHTING THE NAMES

4.1 Areas of Significance to Maori and Thematic names

As outlined in sections 5.1.2 and 5.1.3 of these procedures, two main considerations for naming are:

- whether or not the area surrounding the road is recognised as a Maori heritage precinct, site or track (criterion A on the previous page), or
- if the new road is placed within an area with a predominant naming theme (criterion B on the previous page).

Should either of these considerations apply, the recommended name will usually be the one that is respectively either chosen by the manawhenua or is the best fit with the theme.

Where both of these considerations apply, City Information will use the weighted criteria below to provide a recommendation to the Chair of the Regulatory Committee and the local ward Councillor for decision. If the two Councillors are unable to decide which name would be most appropriate, a report may be forwarded to the Regulatory Committee for the committee to make the final decision.

4.2 Other Roads

When more than one name is suggested for a road, and the road does not fit into either criterion A or B, then City Information will compare the names against each other using the weighting framework in the below table. The weighting reflects the relative importance of the criteria and enables names to be ranked in order of merit, with the highest scored being the highest ranked.

Table 1: Weighting of Criteria

Criterion	Weighting
C. Historical Person or Event *	Medium 2
D. Significant feature	Medium 2
E. Personal name (surname) for special service *	Low 1
F. Published name in any work	Low 1
G. Cultural Significance	High 3
Score	

*Note that there may be more than one name suggested. If so the officer responsible will need to make an assessment on the relative merits of each name under the same criterion with regard to the following:

- extent of local knowledge about person or event
- contribution to area of interest.

DECISION ON OBJECTIONS TO THE PROPOSED ROAD STOPPING AND DISPOSAL OF LEGAL ROAD LAND ADJOINING 400 MIDDLETON ROAD, GLENSIDE

Purpose

1. This report:
 - Summarises and responds to key points raised in the oral submissions; and
 - Seeks the Committee's recommendation to Council that objections to the proposal to stop and sell 1,695m² of legal road in Rowells Road, Glenside (the Land), to be amalgamated with 400 Middleton Road, not be upheld.

Summary

2. On 26 April 2017 Council agreed to initiate a road stopping process of the Land. (Refer **Attachment 1** for Regulatory Processes Committee report and Council minutes.)
3. Public notification was carried out in October and November 2017. Three written objections were received. One objector, Heritage New Zealand, subsequently withdrew its objection after officers confirmed that the Land would be amalgamated with 400 Middleton Road.
4. The written submissions from the remaining two objectors, Felicity Wong (on behalf of Historic Places Wellington Society Inc.) and Claire Bibby (as an individual) were referred to relevant Council business units for comment. (Refer **Attachment 2** for the initial written submissions and Council business unit responses.)
5. The two objectors did not accept Council officers' responses to their written objections and made oral submissions to the Committee at their meeting held on 18 April 2018. Oral submissions in support of the road stopping proposal were made by one of the applicants (Donna Sherlock) and by Glenside residents Andrea Wilson and Jan Voss. This report summarises and responds to key points raised in the oral submissions.
6. Officers are recommending that objections to the proposal to stop 1,695m² of legal road in Rowells Road adjoining 400 Middleton Road not be upheld.

Recommendation/s

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to Council that it:
 - a. Does not uphold two objections to the proposal to stop 1,695m² of legal road in Rowells Road adjoining 400 Middleton Road, Glenside (the Land).
 - b. Delegates to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.

Background

7. It was agreed at the meeting of the Regulatory Processes Committee (the Committee) on 12 April 2017 and at Council on 26 April 2017 to proceed with the proposal to stop and sell 1,695m² of legal road in Rowells Road, Glenside (the Land), to be amalgamated with 400 Middleton Road. (**Attachment 1** refers.)
8. Public notification on the proposed road stopping was undertaken during October and November 2017. (**Supporting Information** refers.)
9. By the close of the public notification period three written submissions objecting to the proposal had been received from:
 - Claire Bibby (as an individual)
 - Felicity Wong on behalf of Historic Places Wellington (HPW)
 - Finbar Kiddle on behalf of Heritage New Zealand
10. Heritage New Zealand subsequently withdrew their submission after officers confirmed that if the road stopping proposal was successful the Land would be amalgamated with 400 Middleton Road.
11. The remaining two objectors did not accept officers' responses to their objections and made oral submissions in support of their objections at the Committee meeting on 18 April 2018. The applicant and two other Glenside residents also made oral submissions to the Committee in support of the proposal.
12. Prior to oral submissions being heard on 18 April 2018, officers met with the objectors and applicant on-site on 16 March 2018 and 11 April 2018, with Councillors attending the second meeting.
13. The only legal access to 400 Middleton Road is via Rowells Road and it is situated at the very end of the road, where the applicants have a gate on their legal boundary. Nott House is located well within the private land of 400 Middleton Road and was built in the mid-1800s. It has a heritage classification under Council's operative District Plan.

Discussion

14. The five oral submissions made to the Committee on 18 April 2018 were led by the applicant, followed by HPW and Claire Bibby in objection, and then Andrea Wilson and Jan Voss in support. The following sections summarise the key points made by submitters and provide officers' responses to these points.

Oral submission from the applicant at 400 Middleton Road

15. The applicant confirmed their commitment to the road stopping process and has incurred expenditure of \$13,000 to date. They have also had to pay for the past repairs of vandalism damage to Nott House by unauthorised access to their private property. The Land is treated as a private driveway for them to access their property. This 'out of sight' dead end of Rowells Road attracts illegal dumping and this would be alleviated by stopping of the Land and transfer into their 400 Middleton Road title. The applicants have a CCTV camera at the turning area (which would become the new road end) and that would help to deter illegal activities and improve traffic safety.
16. The history and heritage significance of the area is not disputed. When road stopping applications are received they must be considered on the basis of the applicant's property's current situation, how the road stopping proposal would affect it, and any neighbours/public interest.

Oral submissions against the road stopping

17. In its oral submission HPW stated that Rowells Road was established for railway purposes. This is not the case.
18. The 1934 survey record of DP 19422 states that Rowells Road was taken from Railway land to be proclaimed as legal road. This DP set out Rowells Road and was needed to provide legal access to the privately owned properties along Rowells Road (including KiwiRail) which were otherwise severed by the 1930s "Tawa rail deviation". There is no later road legalisation and nor is any required. Rowells Road is the only legal access for 400 Middleton Road and 5 other properties in Rowells Road. A handout including this DP was provided to Committee members by HPW and has been circulated as part of the minutes of the meeting.

History and protection of Nott House

19. Objectors are concerned that access to, and protection of Nott House would be negatively affected if the road stopping proposal was successful.
20. Nott House is located on private land and there is no existing legal public access to Nott House over private land. (Refer also to officers' comments in **Attachment 2.**)
21. The history and heritage significance of the area and Nott House is acknowledged but this is an entirely separate issue to the road stopping being proposed, and is properly covered by the District Plan. Road stopping applications are considered on Council's operational requirements for the road, and any public need for the road. In this case Rowells Road is a dead end road finishing at 400 Middleton Road, and the road end falls quite steeply down to the adjoining railway land making physical access to the railway impractical.

KiwiRail

22. KiwiRail is the only other property owner directly adjoining the Land, and it was consulted with early in the road stopping process. It does not need the Land to access their rail corridor (this is physically impractical) and it has at least two other points of access from Rowells Road.

End of Rowells Road considered 'private driveway'

23. Following the 11 April 2018 site meeting one objector emailed officers stating they thought Council's driveway policy didn't apply to upkeep of formed legal road (or footpath) such as the Rowells Road end, which meant that Council was incorrectly treating the subject land as "Private Driveway". Related to this point objectors have requested a 'No Turning beyond this point' sign previously installed and subsequently removed be reinstated.
24. Officers in the Transport unit responded stating, "Council has not maintained this pavement on public road land beyond the turning area at the end of Rowells Road. It was probably formed and maintained by agreement between previous owners of the property, where there is now a gate, and New Zealand Rail. It is regarded as a private driveway on Council road land."
25. Officers are comfortable that the "Private Driveway" sign currently in place is appropriate.
26. If the road stopping is successful, then a gate would be installed at the end of the turning area ensuring safe traffic turning without the need for any sign.

Encroachment proposal

27. At the 16 March 2018 site meeting HPW suggested that the gate could be installed halfway between its present location and the natural turning area in Rowells Road by encroachment licence. This was raised again in the oral submission of Claire Bibby. A gate in this position would be visible from the natural turnaround area.
28. The applicants do not agree with this encroachment proposal given the road stopping costs they have already incurred to date and their preference for security of ownership, rather than a licence that can be revoked with one month's written notice. An encroachment licence would also mean they would incur an annual licence fee.
29. Officers do not support an encroachment licence as the section of Rowells Road from the natural turning area to 400 Middleton Road serves only 400 Middleton Road, so has little public benefit. Locating the gate by the power pole suggested would mean that cars could still drive up to the gate and would need to reverse back to the turning area. A gate at the last turning area would prevent the need to reverse out and ensure the turning area is used.
30. All other Rowells Road residents were consulted about the road stopping, advised of the public notice, and have made no comment.

Public heritage walk/precinct

31. Objectors believe there is opportunity for a public heritage walk/precinct to be created in the area, and that would be negatively affected if the road stopping proposal was successful.
32. When asked by Committee members, objectors could not clarify exactly where a public heritage walk/precinct could be positioned and had not given it much thought.
33. Officers note that to create a public heritage walk/precinct in this area it would have to be over either legal road land, railway corridor, or private land. Access rights to Nott House would have to be negotiated with Kiwi Rail and/or 400 Middleton Road and the road stopping would not change this requirement.
34. Current access to Nott House is over private land and this would remain the same irrespective of the road stopping. A public heritage walk could still be negotiated in the future. (Refer also to officers' comments in **Attachment 2**.)
35. There is no provision in Council's Long-Term Plan for the suggested heritage trails.

Applicants' development plans

36. Objectors have indicated they do not object to the applicants' subdivision/development plans, but want Council to deal with that and the road stopping in a comprehensive manner.
37. The applicants' plan to develop both of their existing properties. They do not need to purchase any road land to subdivide and redevelop their properties and have been pursuing resource consent for that for some time. The road stopping and resource consent processes are separate from each other.

Oral submissions in support of road stopping

38. The oral submissions in support made by Andrea Wilson and Jan Voss focused on the current public safety issues with cars reaching the end of Rowells Road and having to reverse (to the last available turning area) to turn around. They also mentioned the ongoing problem with safety and security of Nott House, and illegal rubbish being dumped in Rowells Road, particularly where it is less visible at the current road end.

39. The section of Rowells Road (proposed to be stopped) from the natural turning area to 400 Middleton Road boundary gate has low visibility from surrounding neighbours and very infrequent passing traffic, meaning it is easy for rubbish to be dumped without being noticed.
40. Being able to install a gate to 400 Middleton Road at the natural turning area would assist with both safe vehicle manoeuvres, rubbish issues and make it more difficult for vandalism of Nott House.
41. The applicants have a CCTV located at the natural turning area due to ongoing problems in the area. Having a gate installed here at the new proposed boundary would discourage illegal dumping and unauthorised access to Nott House for the purpose of damage or vandalism.

Conclusion

42. The Transport Network team have confirmed there is no operational requirement for the Land and utility providers have no objections to the proposal as their conditions would also be met. No public access requirement has been established as this last section of Rowells Road finished at a dead end at the applicant's property 400 Middleton Road and is treated by Council as a private driveway to be maintained by the owner using it. Heritage NZ have supported Council on that point by withdrawing their written submission upon learning the Land would be amalgamated with 400 Middleton Road.
43. Stopping of the Land and placement of a gate at the new boundary will:
 - Ensure that the last available vehicle turning area in Rowells Road is used and improve traffic safety in Rowells Road.
 - Further discourage would-be vandals and illegal dumping with the presence of CCTV at the turning area.
 - Prevent any inadvertent roadside mowing or tree trimming maintenance by Council.
 - Have no impact on KiwiRail's ability to access its main trunk railway line.
44. For the reasons detailed in this report officers believe that the road stopping proposal should proceed, and not be replaced by an encroachment licence.
45. Officers therefore recommend that objections to the road stopping proposal for road land in Rowells Road, adjoining 400 Middleton Road not be upheld (i.e. rejected).
46. If Councillors support the road stopping proposal proceeding, officers believe it would be inappropriate to impose any conditions relating to Nott House. This would be a matter for the District Plan and the private owners of 400 Middleton Road now and in the future.

Options

47. The Committee has three options:
 - a. Agree not to uphold objections, or impose any conditions.
 - b. Agree to uphold objections and retain the Land as legal road. Officers note Council could incur future retention costs.
 - c. An alternative proposal has been suggested that the applicants enter into an encroachment licence to relocate their gate, to improve safety issues. Officers believe the applicants would simply abandon their road stopping application, and

retain the status quo. This also does not address the fact that the Land is not required for Council's operational requirements.

48. As above, the recommended option is **Option A**.

Next actions

49. The Committee will consider the submissions and officers' responses, and will make a recommendation to Council on whether or not to uphold the objections.
50. If the objections are not upheld and the road stopping proposal proceeds, and if any of the objectors still wish to pursue their objection, then the road stopping proposal and the objection(s) will be referred to the Environment Court for a decision.
51. If the Committee's decision is to uphold any objection, and the full Council agrees, then the road stopping proposal is effectively ended and the Land will not be stopped and sold.

Attachments

- Attachment 1. 2017 Report and Minutes [↓](#) Page 40
- Attachment 2. Written submissions and officers response [↓](#) Page 49

Author	Paul Davidson, Property Advisor
Authoriser	David Chick, Chief City Planner Steve Spence, Chief Advisor, Transport and Infrastructure

SUPPORTING INFORMATION

Engagement and Consultation

Public notification for the road stopping proposal was undertaken during October and November 2017.

- Letters were sent to owners and occupiers of properties situated immediately near the road stopping site, including KiwiRail, and the local residents association.
- Public notices were placed in the Dominion Post on 4 and 18 October 2017. Signage was placed on the Land, and at the Rowells Road / Middleton Road intersection.
- Information was also available from Council's website, the Central Library and Service Centre at 101 Wakefield Street.
- Site meetings were held on 16 March 2018 and 11 April 2018.

Treaty of Waitangi considerations

No iwi consultation specific to the road stopping proposal was undertaken. The land is not located in a Māori precinct, or other area identified as significant to Māori. The land is not being disposed on the open market, and will not become a standalone allotment (amalgamation is proposed).

Financial implications

Council does not maintain this short length of road; it is maintained by the resident. Council does have responsibility to administer and control its use for which there are minor costs.

Policy and legislative implications

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

Risks / legal

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

Climate Change impact and considerations

There are no climate change implications for this road stopping.

Communications Plan

Officers will keep all parties fully informed.

Health and Safety Impact considered

If this road stopping proposal is successful, the owners of 400 Middleton Road plan to reposition a gate to the natural turnaround area in Rowells Road. This would prevent unauthorised access and current dangerous traffic manoeuvres.

REGULATORY PROCESSES COMMITTEE
12 APRIL 2017Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

**PROPOSED ROAD STOPPING - LAND ADJOINING 400
MIDDLETON ROAD, GLENSIDE**

Purpose

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

Summary

2. The owner of 400 Middleton Road, Glenside, has applied to purchase the Land.
3. The Land contains formed carriageway being located at the end of Rowells Road, which is a 'no exit' street.
4. Utility providers and relevant Council internal business units have been consulted. All support the proposal subject to standard conditions (where applicable).
5. Initial consultation letters have been sent to five adjacent neighbours of the road stopping, with none opposing the proposal.
6. If the Council approves officers' recommendation then public notification will commence. Neighbours and any other member of the public will then have the opportunity to make a submission.

Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Recommends to the Council that it:
 - a) Declares that approximately 1,650m² (subject to survey) of unformed legal road land in Rowells Road, Glenside, shown outlined red on Attachment 1 (the Land), and adjoining 400 Middleton Road (Part Section 29 – 30 Porirua District CFR WN526/164) is not required for a public work and is surplus to Council's requirements.
 - b) Agrees to stop the legal road and dispose of the Land.
 - c) Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.
3. Notes that if objections are received to the road stopping, and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee for consideration.

Background

7. The Land is basically 'L' shaped, being occupied by formed carriageway, vegetation and trees (Refer to Attachment 2 for views of the Land at street level).

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

Discussion

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

Options

20. The alternative to undertaking the road stopping is to retain the Land as legal road. In the long term this will incur maintenance and retention costs on land that Council no longer requires.

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Next Actions

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

Attachments

Attachment 1. Aerial

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Attachment 2. Views of the Land at street level

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

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SUPPORTING INFORMATION

Consultation and Engagement

Community

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

Utility Provider and Council Business Units

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

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

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

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

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

Treaty of Waitangi considerations

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

Financial implications

There are no significant financial considerations related to this recommendation. Any costs associated with the disposal of the Land are borne by the applicant or subtracted from sale proceeds per the 2011 cost sharing initiative.

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

Policy and legislative implications

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

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

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

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

Climate Change impact and considerations

There are no climate change implications for this road stopping.

Communications Plan

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

Health and Safety Impact considered

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

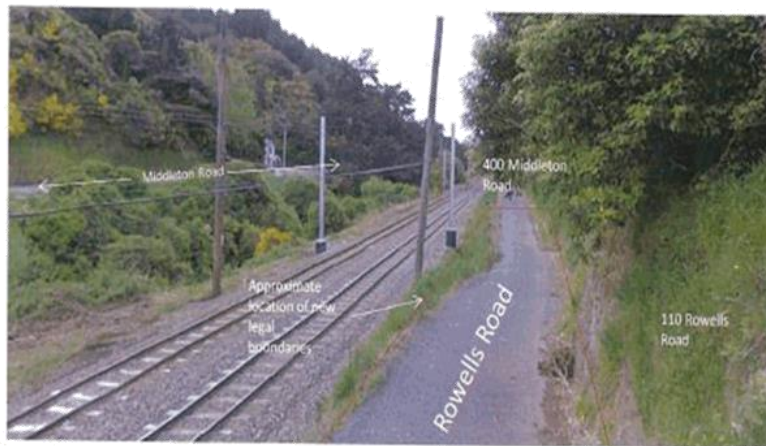
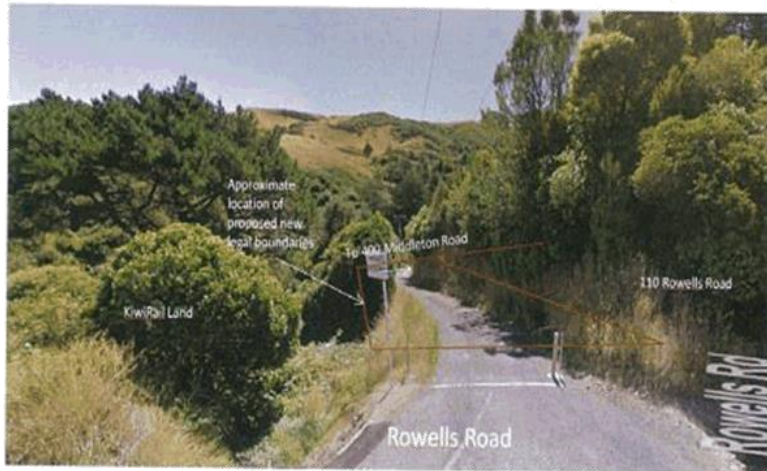
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Attachment 1



Attachment 2



COUNCIL
26 APRIL 2017

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ORDINARY MEETING
OF
WELLINGTON CITY COUNCIL
MINUTES

Time: 9:30 am
Date: Wednesday, 26 April 2017
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

PRESENT

Mayor Lester
Councillor Calvert
Councillor Calvi-Freeman
Councillor Dawson
Councillor Day
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Gilbert
Councillor Lee
Councillor Marsh
Councillor Pannett
Councillor Sparrow
Councillor Woolf
Councillor Young

COUNCIL
26 APRIL 2017Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke**3.2 Report of the Regulatory Processes Committee Meeting of 12 April 2017
Proposed Road Stopping - Land Adjoining 400 Middleton Road, Glenside**

Moved Councillor Sparrow, seconded Councillor Dawson

Resolved

That the Council:

1. Agree to:
 - a. Declare that approximately 1,650m² (subject to survey) of unformed legal road land in Rowells Road, Glenside, (shown outlined in red on Attachment 1 of the Officer's report) (the Land), and adjoining 400 Middleton Road (Part Section 29 – 30 Porirua District CFR WN526/164) is not required for a public work and is surplus to Council's requirements.
 - b. Stop the legal road and dispose of the Land.
 - c. Delegate the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

A division was called for, voting on which was as follows:

For:**Against:**

Mayor Lester
 Councillor Calvert
 Councillor Calvi-Freeman
 Councillor Dawson
 Councillor Day
 Councillor Eagle
 Councillor Foster
 Councillor Free
 Councillor Gilbert
 Councillor Lee
 Councillor Marsh
 Councillor Pannett
 Councillor Sparrow
 Councillor Woolf
 Councillor Young

Majority Vote: 15:0

Carried

Objector – Claire Bibby – 1 Westchester Drive, Glenside	Council business unit response
<p>1. The road access has significant importance for access to the house and surrounding landscape, which has a Wellington City Council District Plan heritage designation listing.</p>	<p>Property Services</p> <p>If the road stopping proposal is successful the Rowells Road access to 400 Middleton Road will remain, albeit in an altered location.</p> <p>If the road stopping proposal is successful the applicants intend to relocate their gate to the new legal frontage, that being the last point in Rowells Road where cars are able to turn around.</p>
<p>2. The loss of the first legal access to 400 Middleton Road (a bridge across the stream from Middleton Road) resulted in this Rowells Road access.</p>	<p>Property Services</p> <p>As was noted in the submission from Heritage New Zealand the bridge access was demolished when the Tawa Rail Deviation came through the area in the late 1920s to mid 1930s, and alternative access was provided via Rowells Road.</p> <p>Heritage New Zealand subsequently withdrew their submission after officers confirmed if the road stopping proposal was successful the subject road land would be amalgamated with 400 Middleton Road.</p>
<p>3. The access is significant as second legal access (a footbridge) from Middleton Road was removed by railways c2009 at considerable upset to Mr Dorset. The footbridge provided a very useful access for a loop track for runners and walkers and enabled people a short-cut or quicker access to the house. Losing this third legal access is incomprehensible.</p>	<p>Property Services</p> <p>The footbridge was removed due to its poor condition, and the safety risk of access to a private property by crossing the railway line.</p> <p>Any historical public access over 400 Middleton Road would have been with the consent of the owner of the property at the time. There is no public right of way easement registered on the title.</p> <p>The road stopping proposal will not result in a loss of road access to 400 Middleton Road from Rowells Road.</p>
<p>4. The house is significant as an iconic and significant feature of our community and the relationship of the road to the community and to the house will be important to its future use. This is not the right time to stop the road or change its designation.</p>	<p>Heritage Team (Campbell Robinson)</p> <p>We acknowledge the comments regarding Nott House and its historic values. Protections of the structure itself under the District Plan remain unfettered by this proposal. Ultimately the road stopping in isolation does not prevent that from happening.</p> <p>We note that access to the existing structure is already compromised. We note that after the road stopping the property would continue to have a formed and legally viable access point to</p>

	<p>ensure access to the structure is maintained in some form. The landowner would be responsible for maintaining this accessway.</p> <p>Property Services The applicant recently advised that they are letting Nott House be used by an artist for a studio, and it is possible to access it in a 2WD vehicle.</p>
<p>5. Mr David Mitchell, Senior Spatial Planning Advisor, of Wellington City Council has recently indicated a structure plan planning process for future development on the western side of Middleton Road. This plan is likely to be extended to the eastern side of Middleton road. This road stopping proposal pre-empts an integrated Council and community planning approach for the area.</p>	<p>District Plan team (David Mitchell) The District Plan team is undertaking a structure plan process for the land referred to as Upper Stebbings Valley and Marshall Ridge. This land is to the west of Middleton Road. The land to the east of Middleton Road is still being investigated for inclusion in this process.</p> <p>The road stopping proposal adds a minor amount of land to the overall site of 400 Middleton Road and formalises the function of a public road acting as a private driveway. At this stage, it is considered this land would have a very limited impact on any future plans for the area.</p>
<p>6. People have approached me who are distressed about the deterioration of this historic house and associated landscape and the loss of road access. One family have copied me into their e-mails to Council about this, including their communication with the planning team and the Mayor, which is not reflected in the Council report.</p>	<p>Property Services The condition of Nott House is a separate matter to the proposed road stopping, which would not result in a loss of road access to 400 Middleton Road from Rowells Road.</p> <p>In October 2016 officers sent letters to all other property owners in Rowells Road advising a road stopping application had been lodged, and to expect to receive further correspondence when formal public notification was carried out.</p> <p>Prior to preparing the report for the Regulatory Processes Committee meeting of 12 April 2017, officers managing the road stopping application had not received any responses. Any enquiries received after 12 April 2017 related to the road stopping were referred to Property Services. Enquirers were advised that formal public notification had yet to be carried out.</p>
<p>7. Council planners/regulatory staff should be working toward achieving the intent of the District Plan. i.e. Encouraging the owner to put effort into protecting the house which is recognised by this Council as having significant heritage values including high visibility value,</p>	<p>Property Services The road stopping proposal is unrelated to Nott House's condition or heritage status. Council planners and Heritage team have already commented confirming that the legal access to 400 Middleton Road would not be compromised by the road stopping proposal.</p>

<p>instead of getting side-tracked into issues of security which cannot be resolved through a road stopping, and which will result in the Fire Service emergency access to the railway line and the house being further reduced, as the owners intention is to prevent vehicular access.</p>	<p>The applicant’s owners could progress their plans to develop their 400 Middleton Road existing property without purchasing any adjoining road land. They applied to purchase the road land as the safety and security issues they currently deal with are significant enough to justify the road stopping process costs and time to complete that process.</p> <p>If the road stopping proposal is successful the applicant’s intend to relocate their gate to the new legal frontage. The existing gate was installed after consultation with KiwiRail and Council following problems with vehicles illegally/informally driving onto 400 Middleton Road to turn around as the end of Rowells Road is narrow and it is difficult to reverse. Once on 400 Middleton Road vehicles had become stuck on or near the railway lines, or sometimes continued onto the private property for other illegal reasons, including damaging Nott House.</p> <p>In regards to emergency services other than the distance between the existing and proposed new gate positions which is approximately 85 metres, nothing else in regards to current access would change.</p>
<p>8. The road stopping is inherently wrong in that it could result in the house being landlocked and not able to be accessed from its own title.</p>	<p>Property Services If the road stopping proposal is successful it would not result in Nott House being landlocked.</p> <p>At present 400 Middleton Road has frontage to legal road 20m wide. If the road stopping proposal is successful frontage to legal road remains at that width, albeit in a different position.</p>
<p>9. The owner of the property has submitted a sub-division proposal before the Council, which retains the road access to the house, which makes this road stopping proposal at odds with the owners future intent for the land.</p>	<p>Property Services The road stopping proposal does not remove road access to 400 Middleton Road. The property owners subdivision plans are a separate matter for Council’s regulatory team who have already commented.</p> <p>The applicants could progress their plans to develop 400 Middleton Road and 110 Rowells Road now without purchasing any adjoining road land. But by not stopping the subject road land that would be detrimental to traffic safety/lack of turning as previously stated.</p>
<p>10. If the current owner can’t afford to or does</p>	<p>Property Services</p>

<p>not have the ability to restore the house themselves, then they need to be willing to make it available to a suitable party who has an interest in trying to do this, for example, by not stopping the road, and working with Council to sub-divide and sell the house and parcel of associated land with existing road access and heritage landscape values.</p>	<p>The road stopping proposal is unrelated to Nott House's condition or heritage status, the stopped road land would be amalgamated with and held on the same title as the house.</p>
<p>11. 400 Middleton Road is one of four heritage buildings listed on the District Plan in the Middleton Road corridor. However there are other historic properties and heritage sites in the corridor. I recently organised the Open Day for the official opening of the Halfway House at 246 Middleton Road at which 331 people recorded their attendance. People travelled from as far as Australia, Palmerston North and Masteton. They recorded the top reason for attending was because of a love of heritage and old houses and local history.</p>	<p>Property Services The road stopping proposal is unrelated to Nott House's condition or heritage status.</p>
<p>12. There is an economy around heritage sites and local history that Council has not tapped into, which 400 Middleton Road lends itself towards and is part of the future of the Glenside corridor. This is not the time to stop the road.</p>	<p>Property Services The road stopping proposal is unrelated to Nott House's condition or heritage status, and has no impact on access to Nott House.</p>
<p>13. There are opportunities for a public heritage walkway adjacent to railway, in which case stopping the road access would impact on this.</p> <p>My thinking is (and this is supported by some others in the community) that the old track beside the railway line between the historic Greer House aka Clarence Farm and the Nott House (aka Ivy Bank Farm) could be obtained for public access through a variety of means whether it be reserve contribution or other.</p> <p>I understand there is talk of moving the Nott house south and back into a better position, which means that there is the option of the frontage becoming part of the walking access. The owner will tell you there is no track however that is because she doesn't understand that it is overgrown with lack of maintenance and railways damaged it during an upgrade. I have</p>	<p>Heritage Team (Campbell Robinson) The proposal is not supported by any business case or any sort of analysis and therefore any comment from heritage is premature. A heritage walk in the Glenside area is not currently part of the heritage work programme.</p> <p>City Design-Network Improvement (Paul Barker) Currently there are no plans within to create a transport connection through the eastern side of the rail corrido along Middletown Road.</p> <p>Funding for walking connections would not receive transport agency subsidy. Local funding for walking connections is limited and focused on making small residential connections in our existing footpath network.</p> <p>There is considerable funding to develop a cycle network, and the connection between Tawa and</p>

<p>walked along it and shifted sheep on it. The track passes through a very historic site of Dr Curl's land (in fact, half the Nott House is Dr Curl's house which was dragged along the track so the two could be joined) and WWII Anti-tank trap remnants.</p> <p>The other consideration is that the owners of Greer House have the oldest flour mill in Wellington on their property and probably the only surviving one and they want to restore it, possibly move it to a better site on their land. I think there are a whole lot of opportunities here about public access and private access that are not being considered carefully, and should be, otherwise the applicant for the road stopping is going to prevent future opportunities. My reasoning, which David Mitchell is open to, is that the Eastern side of Middleton Road should also be a structure plan, so that the owners can have their sub-divisions without destroying the heritage sites.</p> <p>What I am suggesting, is that there could be a very sound heritage walk from the Halfway House, along Rowells Road, and the proposed public walkway, to Willowbank Reserve. There's masses of heritage in this narrow corridor. I've only touched on it.</p> <p>I think the best way to do this is a drive , from the Halfway House to the end of Rowells Road, then along Middleton Road, showing the proposed walk and the sites, and then onto Greer House property (I can ask the owners) to look at the exit option on the other side.</p> <p>This has significant potential for WCC and Northern Suburbs, and could be part of the Te Araroa trail offshoot, which has potential for Nott House as accommodation destination. This is much better investment of time and energy, instead of connecting the Ohariu/Best ridgeline which is never going to be built on anyway.</p>	<p>Johnsonville through this corridor has been identified as an area of severance that requires connecting.</p> <p>We have undertaken some high level scoping of widening the existing carriageway to better cater for bikes (and pedestrians) but before any serious investigation we would be expected to undertake a full business case approach which would include looking at all options in the corridor including any options that may be available on the eastern side of the rail corridor.</p> <p>From a preliminary look at the proposed road stopping I do not believe that this would compromise any future development of a walking and/or cycling transport connection in this corridor. If we were to provide any facility in the area we would require access over significant parts of private land and/or kiwirail land.</p> <p>District Plan team (David Mitchell) We are not currently in a position to state if the walk should exist, or if the idea was to progress, how this particular road stopping would impact it, other than to say it would decrease the amount of public land it would have to traverse on.</p> <p>Parks, Sport and Recreation (Joel de Boer) I have checked our Open Space Access Plan – Council's management plan for planning tracks and trails in our city's open spaces and reserves.</p> <p>We have a proposed track identified from Willowbank Park heading south between the railway tracks (NIMTL) and Willowbank Road and Middleton Road. This would be an extension of the Ara Tawa pathway. The Ara shared path network connects Porirua Railway station to Willowbank Park. The continuation of this would then link Porirua, Tawa and Glenside.</p> <p>In this area (Sector 1 - Spicer and Tawa west) we are also planning to connect Redwood Bush and Spicer Forest area through Stebbings Valley to strengthen the Outer Green Belt concept area and help re-route the Te Araroa Trail, that currently runs along Ohario Valley Road, over rural landscape opposed to the road.</p>
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	<p>Other proposed tracks in the area (on the other side of the NIMTL) including linking Granda North to Belmont Gully (eg Jamaica Drive to Mark Avenue).</p> <p>At this stage we have no plans to develop a track along the motorway side of the NIMTL north of Glenside. One of the main constraints would be acquiring access over private land.</p> <p>Property Services If the road stopping proposal is successful it does not impact on any future opportunities for Council to consider a public heritage walk being created. It would result in 400 Middleton Road's frontage to Rowells Road being in a different position which would enable the applicants to reposition their gate. This would alleviate public safety and security issues due to cars not currently being able to turn around at the end of Rowells Road as it is narrow, and it then being difficult to reverse.</p>
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Objector – Felicity Wong for Historic Places Wellington Inc Society	Council business unit response
1. Felicity Wong for Historic Places Wellington Inc Soc (HPW). 21 Hay St Oriental Bay Wellington 6011, Tel 0212410441, Submission on Proposed Road Stoppage 400 Middleton Rd Glenside.	Property Services Noted
Historic Heritage Values	
2. Located at 400 Middleton Rd is an historic house known as “Nott House”. Built in 1860, it is one of the oldest surviving buildings in Wellington. Nott House is recognised by WCC as such and listed in the District Plan, together with its historic milk stand. Among the many listed buildings in Wellington only five are older than Nott House (among them, Nairn St Cottage which is only two years older than Nott House). Nott House was listed by Heritage New Zealand but is now subject to the “deficient registration” process.	Property Services The road stopping proposal is unrelated to Nott House’s condition or heritage status.
3. Furthermore Nott House is one of the few remaining old houses located on Middleton Road, which was formerly the old Porirua Road- the main thoroughfare between Wellington and Porirua. The area now known as Glenside used to be called ‘The Half Way’ because of its mid-point location between Wellington and Porirua. It got the name Glenside in 1928. It was an area of 100 acre rural sections in the original New Zealand Company survey of Wellington.	Property Services Refer response to Point 2.
4. William Nott and his family arrived in Wellington in 1842 and he bought this property in 1860. The Notts sold the farm in 1919 after two members of their family died during the 1918 influenza epidemic. David and Priscilla Rowell bought the farm, known as Ivy Bank farm. Access to the farm was across a bridge off the Porirua Road and the farm got its name from ivy growing over the bridge. When the Tawa Rail deviation came through the area in the late 1920s/mid 1930s the bridge access was demolished and alternative access provided via Rowell’s Road. The Rowell family sold the farm in 1947 to H E Dorset. Russell Murray, Wellington conservation architect, noted that a footbridge was constructed over the railway line to allow the Rowell family to carry their cans of cream and milk to a milk stand on the road.	Property Services Noted
5. The woolshed at the property was later used for a variety of purposes- including as New Zealand’s only Borafume (used in timber preservation) factory between 1959 and 1988. It	Property Services Noted

has since been demolished.	
6. After Max Dorset's death in 2011, the property was purchased in 2013 by its current owners. They are Donna Sherlock and Tim Growcott, (or entities associated with them), who also own the neighbouring property at 110 Powells Road.	Property Services Noted
7. Nott House is a beloved heritage feature for commuters on the Waikanae/Tawa/Wellington railway line. Recently HPW partnered with Heritage NZ and WCC to organise a very successful "Wellington Heritage Week". Thousands of Visitors joined in successful activities, including visiting heritage properties, demonstrating the interest residents have in historic heritage.	Property Services Noted
8. HPW recommends that WCC Heritage staff be consulted about the heritage implications of the proposed road stoppage. Historic heritage values and impacts on them of the application must be fully considered.	Heritage Team (Campbell Robinson) We acknowledge the comments regarding Nott House and its historic values. Protections of the structure itself under the District Plan remain unfettered by this proposal. Ultimately the road stopping in isolation does not prevent that from happening.
Roading	
9. The original purpose of Rowells Road including the portion now proposed for stoppage was to provide access to Nott House, then owned by the Rowell family.	Property Services The road stopping proposal does not result in any loss of access to 400 Middleton Road from Rowells Road. Nott House is located on the land held on title CFR 526/164, i.e. 400 Middleton Road. This property will still have access to Rowells Road if the road stopping is successful.
10. HPW acknowledges that the remoteness of Nott House being at the very end of Rowells Road has contributed to it remaining in an "original state". HPW also acknowledges problems with the current public road end of Rowells Rd, including undesirable activities (including deaths), public risk from the unfenced railway line, and difficult security for the owners of vacant Nott House. HPW is aware of the unapproved security fence currently in place across the public road. Although this clearly helps with safety and security it is not currently authorised. HPW recognises the positive efforts made by the owner to protect access but does not support the Council "off-loading" it's responsibility to maintain appropriate and safe public access to Nott House.	Heritage Team (Campbell Robinson) We acknowledge the comments regarding Nott House and its historic values. Protections of the structure itself under the District Plan remain unfettered by this proposal. Ultimately the road stopping in isolation does not prevent that from happening. We note that access to the existing structure is already compromised. We note that after the road stopping the property would continue to have a formed and legally viable access point to ensure access to the structure is maintained in some form. The landowner would be responsible for maintaining this accessway. Property Services The section of Rowells Road proposed to be stopped provides access to only one property,

	<p>i.e. 400 Middleton Road. As such Council’s Transport Planning unit see no need to retain and maintain for public road what is effectively a driveway to one privately owned property.</p> <p>Any historical public access over 400 Middleton Road to reach Nott House would have been with the consent of the owner of the property at the time. There is no public right of way easement or interest registered on the title.</p> <p>The applicants have applied to purchase road land because the safety and security issues they deal with are significant enough to justify the road stopping process costs and time to complete the process. The applicants currently have a gate on their properties legal frontage to Rowells Road. If the road stopping proposal is successful they intend to relocate it to the new legal frontage, being the last part of Rowells Road where cars are able to practically turn around.</p> <p>It is assumed the ‘unapproved security fence’ reference means the existing gate installed on 400 Middleton Road’s legal frontage to Rowells Road, and the start of its own private driveway. The applicants are within their rights to have a gate on their legal frontage. It was installed after consultation with KiwiRail and Council following problems with vehicles illegally/informally driving onto 400 Middleton Road to turn around, as the end of Rowells Road is narrow and it is difficult to reverse. Once on 400 Middleton Road vehicles had become stuck on or near the railway lines, or sometimes continued onto the private property for other illegal reasons, including damaging Nott House.</p> <p>In regards to public access there is no right of way easement or interest registered on 400 Middleton Road’s title to provide for public access over that property.</p> <p>Council is not offloading any public responsibility through the road stopping process relating to access. The road stopping will provide improved traffic safety by improved turning ability and further discourage anti-social behaviour.</p>
<p>Demolition by Neglect Risk</p>	
<p>11. HPW supports the owner/s of Nott House (the Applicant) protecting and preserving Nott</p>	<p>Property Services Refer response to Point 2.</p>

House. The current state however is of severe dilapidation.	
12. In 2013 the WCC approved funding of \$30,000 public funds for its structural stabilisation/repair. Despite time extensions the funding was not uplifted by the owners. HPW is not aware of any stabilisation or structural work having been done since it's purchase in 2013, despite security measures having been taken in its vicinity.	Property Services Refer response to Point 2.
13. There is an urgent need for stabilisation work on Nott House. Historic Places Wellington is very concerned about the precarious state of the structure. Nott House has a rich and colourful history but appears in some danger of collapse and accordingly, of demolition by neglect.	Property Services Refer response to Point 2.
Landlocked	
14. We believe it is critical to maintain public access to the Nott House property (400 Middleton Road) so as to retain options and flexibility for its preservation and restoration. The historic heritage values would be impacted by approval of road stoppage or development and must be considered. HPW advocates for the road to be maintained as a public road and for WCC, the owners and Tranzrail to jointly consult about resolving the long standing issues noted above in a formally approved way.	Property Services Public access to Nott House is not compromised by the proposed road stopping as there are no existing public access rights over the property now.
15. In the event however that the road stoppage is approved HPW advocates for the land to be amalgamated into the title of 400 Middleton Rd only. Nott House would otherwise become "landlocked" e.g. if the area of the proposed road stoppage was amalgamated into the title of 110 Rowells Rd, or otherwise disposed of. HPW is concerned that a legal easement may not in the event be created in favour of 400 Middleton Rd, given the joint ownership of the two neighbouring properties and the development and subdivision plans. Any such lack of direct access could make restoration less feasible.	Property Services The road stopping proposal would not result in Nott House being landlocked. Heritage New Zealand lodged a submission opposing the road stopping. They subsequently withdrew it after officers confirmed if the road stopping proposal was successful the subject road land would be amalgamated with 400 Middleton Road.
16. It should also be a condition of any road stoppage, or other development and subdivision that Nott House be stabilised, further deterioration prevented and the structure restored.	Property Services The road stopping proposal is unrelated to Nott House's condition or heritage status. Therefore it would be an inappropriate requirement to impose any condition relating to the house as part of the road stopping process.
17. Repair and restoration would provide a lasting solution to the risks of undesirable activity.	Property Services Refer response to Point 2.

Open Space Designation	
<p>18. There is clear potential for development and subdivision of either or both the properties at 400 Middleton Rd and 110 Rowells Rd. HPW is generally aware of the current owners' interest in subdivision and development of their property.</p>	<p>Property Services The applicants intend to redevelop their 400 Middleton Road and 110 Rowells Road properties, and are currently going the subdivision application process. They could progress their developments plans without purchasing any adjoining road land. The applicants want to purchase road land to improve the safety and security issues they deal with by installing their gate closer to where cars can turn around in Rowells Road.</p>
<p>19. The area of road proposed for stoppage could potentially be used either as access for development and subdivision of 400 Middleton Rd or of 110 Rowells Road.</p>	<p>Property Services The proposal is that the area of road land proposed to be stopped will be amalgamated with 400 Middleton Road's title. It will not result in a loss of access to 400 Middleton Road from Rowells Road.</p> <p>The applicants could progress their plans to develop 400 Middleton Road and 110 Rowells Road without purchasing any adjoining road land. They have applied to purchase road land to improve the safety and security issues relating to car turning.</p> <p>Future development of either property including any proposed new access is not a consideration of the road stopping proposal, but appropriately considered in the building and resource consent processes.</p>
<p>20. HPW is concerned that the proposed road stoppage (and subsequent change to rural land designation) is likely to be the first step in an eventual development and subdivision process involving the area around Nott House.</p>	<p>Property Services Future development is not contingent on the proposed road stopping and will proceed regardless of it.</p>
Landscape, Recreation, Biodiversity Values	
<p>21. Road stoppage and the subsequent elimination of the current "open space" designation of half of that area, would affect landscape/recreation values and biodiversity values of the area. The open space designation of the areas adjoining Porirua Stream and the railway on Middleton Road, (including the proposed road stoppage area), is recognised in WCC reserves policy and planning documents as having important biodiversity and recreation value. We do not support the proposal by WCC that if the road is stopped a plan change be made to change the current designation from open space to rural land, particularly in light of</p>	<p>Property Services The subject road land is not currently zoned Open Space, as Road land does not have any zoning. When road land is stopped it takes on the zoning of the immediately adjoining land. In cases like the 400 Middleton Road road stopping proposal where there is different zoning on either side it could take on both zonings with a zone boundary running down the centre of the former road. As was stated in Council report dated 12 April 2017 the District Plan team advised that would it not be helpful or suitable to split the zoning as it could have an effect on the amalgamated lot.</p>

the development interests of the current owners.	While there is Open Space B land to the west of the road land proposed to be stopped, it is designated railway corridor.
Process Concerns	
22. HPW is concerned that the proposed road stoppage (and subsequent change to rural land designation) is not taking account of its strong historic heritage values. This process is likely to be the first step in the development and subdivision process involving the area around Nott House which is unlikely to involve opportunity for public consideration of those values.	<p>Property Services The road stopping proposal is unrelated to Nott House's condition or heritage status.</p> <p>The applicants could progress their plans to develop 400 Middleton Road and 110 Rowells Road without purchasing any adjoining road land. They have applied to purchase road land because the safety and security issues are significant enough to justify the road stopping process costs and time to achieve being able to install their gate closer to where cars can turn around in Rowells Road.</p>
23. HPW is concerned about the process by which public "open space" can be disposed of and later become subject to development. The potential value for development or subdivision of the road stopped (a substantial area of 1695m ²) could be much greater than the value at which the road stoppage land is disposed of under the current process.	<p>Property Services Refer to response to Point 21.</p> <p>The value of the road land being stopped is assessed by an independent registered valuer. They take into account whether there is any betterment to the existing adjoining property from having the stopped road land amalgamated with it, including any future development or subdivision potential.</p>
24. HPW believes any value transfer from public road to private rural land for subdivision should be recognised by Council obtaining the 'quid pro quo' of agreement of the Applicant to the timely stabilisation and restoration of Nott House.	<p>Property Services Refer to comments from Council's Heritage team in the response to Point 10.</p> <p>The proposed road stopping is not related to the condition or heritage status of Nott House. Accordingly the proposal to impose a condition as part of the road stopping process that there be agreement with the applicant relating to the stabilisation and restoration of Nott House is not justifiable.</p> <p>Council's key decision when considering any road stopping proposal is whether the subject land is needed to be retained for its own future operational requirements. At present the subject road land is effectively the driveway to one privately owned property.</p>
25. Accordingly HPW recommends that stabilisation and restoration of Nott House be secured as a condition of road stoppage and any future development.	<p>Property Services For the same reasons as the response to Point 24 it would not be appropriate to impose any condition relating to the house as part of the road stopping process.</p>

	Future development of the applicant’s property is appropriately considered in the resource and building consent processes, not the road stopping process.
Holistic Consideration	
26. In conclusion HPW opposes road stoppage in order for a holistic view of the protection and preservation of the historic heritage, landscape, recreation and biodiversity values of Nott House at 400 Middleton Rd, and its approach road (currently in public ownership), to be taken.	Property Services Refer to response for Point 2.
27. A wider conservation plan should be required from the Applicant in advance of any road stoppage approval. Otherwise a piecemeal approach is being taken with a failure to properly consider historic heritage values and preservation options.	Property Services Refer to response for Point 24.
28. Our primary concern is the protection and restoration of Nott House. We support any endeavours of the owners of Nott House (and 110 Rowells Rd) and any support Council can give them in that regard. We are concerned about the current situation of “benign neglect” of the structure itself.	Property Services Refer to response for Point 2.
29. Given the extremely high heritage value of Nott House, as the sixth oldest structure in Wellington, it’s heritage preservation, and that of the associated buildings and public access way, must be of primary consideration.	Property Services Refer to response for Point 2.

Objector – Finbar Kiddle for Heritage New Zealand	Council business unit response
1. Heritage New Zealand Pouhere Taonga ('Heritage New Zealand') is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead heritage agency.	Submission withdrawn
2. Thank you for the opportunity to comment on the proposed road stopping at 400 Middleton Road, Glenside. The property at 400 Middleton Road is home to Nott House. Nott House is currently proposed for entry on the New Zealand Heritage List / Rārangi Kōrero as a Category 2 Historic Place.	Submission withdrawn
3. Heritage New Zealand is neutral with regards to the proposal, but wishes to make apparent to the Wellington City Council the heritage value of Nott House, the potential adverse effects of the proposal, and potential solutions to these effects.	Submission withdrawn
4. Nott House is significant as one of the few remaining old houses located on Middleton Road, which was formally the Old Porirua Road – the main thoroughfare between Wellington and Porirua. William Nott and his family arrived in Wellington in 1842 and he bought his property in 1860. The Notts sold the farm in 1919 after two members of their family died during the 1918 influenza epidemic. The cottage is a two storeyed gabled cottage with a corrugated iron roof and a mix of timber weatherboards and vertical corrugated iron cladding. It has two dormer windows in the attic floor above the verandah and timber fretwork below the verandah. It remains a largely original example of a colonial house, with the main alterations being in the lean-to area at the back. It is one of the few old houses remaining in Glenside. Nott House has historical significance as a relatively rare survivor of a colonial farm cottage in the Wellington area. Attachment 1 contains more detail on the building's heritage value.	Submission withdrawn

<p>5. Heritage New Zealand acknowledges the benefits of the proposed road stopping, as the current road layout is sub-optimal in terms of turning space and adversely affects the usability of 400 Middleton Road. However, the proposal has the potential to adversely affect Nott House by cutting off access to a legal road, now or in the future. This would severely limit the usability of the house and could lead to deterioration.</p>	<p>Submission withdrawn</p>
<p>6. Heritage New Zealand supports the statement in paragraph 9 of the Regulatory Processes Committee Report that unless the land is amalgamated with 400 Middleton Road, a right of way easement in favour of 400 Middleton Road would be required. This would ensure access to Nott House if a future sale of the land resulted in the parcels being in different ownership.</p>	<p>Submission withdrawn</p>