

ORDINARY MEETING

OF

REGULATORY PROCESSES COMMITTEE

AGENDA

Time: 9:30am
Date: Wednesday, 12 September 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 04-803-8334, emailing public.participation@wcc.govt.nz or writing to Democracy 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”
- Suburb boundary amendments

Quorum: 3 members

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1 Meeting Conduct

1.1 Apologies

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

1.2 Conflict of Interest Declarations

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

1.3 Confirmation of Minutes

The minutes of the meeting held on 15 August 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.

The Chairperson shall state to the meeting:

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.

The item may be allowed onto the agenda by resolution of the Regulatory Processes Committee.

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

The Chairperson shall state to the meeting that the item will be discussed, but 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.

Requests for public participation can be sent by email to public.participation@wcc.govt.nz, by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 803 8334, giving the requester's name, phone number and the issue to be raised.

2. General Business

APPROVAL OF NAMES FOR NEW ROADS AND RIGHT-OF-WAYS IN CROFTON DOWNS

Purpose

1. The purpose of this report is to seek approval of names for new roads and rights-of-way in Crofton Downs created as a result of subdivision and shown on F Plan 3101 (**Attachment 1**).

Summary

2. New roads and rights-of-way created as a result of subdivision in Crofton Downs now need to be named.
3. The Ngaio Crofton Downs Residents' Association has indicated a preference for using the names of either native birds or plants in te reo for the new roads and rights-of-way .
4. The developer would prefer to adhere to the current Churchillian theme.

Recommendations

That the Regulatory Processes Committee:

1. Receives the information.
2. Approves the names **Porokaiwhiri Street, Riroriro Close, Ramarama Lane** and **Kareao Way** for the new roads and rights-of-way created as a result of recent subdivision in Crofton Downs, as shown on F Plan 3101.

Background

5. New roads and rights-of-way in Crofton Downs need to be named in accordance with the Council's Road Naming Procedures (August 2002), and the Addressing Standard (AS/NZS 4819:2011) administered by Land Information New Zealand.
6. The Ngaio Crofton Downs Residents' Association has been consulted regarding the naming of roads and rights-of-way in this new subdivision. The Association suggested the names of native flora and fauna be used for these new accessways. They have provided a list of their preferred names.
7. The developer of the subdivision has also been consulted and indicated a preference for continuing the predominant theme in Crofton Downs of road names connected with Sir Winston Churchill.
8. On 14 June 2018 Council adopted Te Tauihu – te reo Māori Policy to recognise the status of te reo Māori as a taonga of iwi Māori and support the revitalisation of the language within Council activities and Wellington City.
9. On 20 June 2018 the Regulatory and Finance Committee voted in favour of naming the first street in this development '**Pihipihi Way**' (Silvereye).

10. When new sections are created, the developer and the new owners of the sections require physical addresses to lodge consents and to enable the installation and connection of utilities. As such new roads and rights-of-way in the development now need to be named.

Discussion

11. The developer of the subdivision, Parklane Infrastruct Limited, originally proposed either family names or names that are associated with the Monopoly game, such as Mayfair, for roads and rights-of-way created as a result of the subdivision. These have been rejected for several reasons; for example according to criteria 4c and 4e of the Council's Road Naming Procedures, the names of living, or recently deceased, people should generally be avoided.
12. Michael Wolff of Morrison Kent, representing Parklane Infrastruct Limited, then indicated that the developer supported using names that follow the Churchillian theme currently used in most of Crofton Downs. This meets the relevant criterion in the Council's Road Naming Procedures of following an existing road-naming theme. Of the 28 roads in Crofton Downs, approximately 20 of them have names that follow a Churchillian theme, being named for an association with Sir Winston Churchill.
13. Canvassing local residents, primarily through the Association's Facebook page, the Ngaio Crofton Downs Residents' Association suggested naming the new roads and rights-of-way after native birds and plants using their te reo names. The Association also provided a list of their preferred names.
14. Using social media – namely the Council's Facebook, Twitter, and Instagram accounts – officers sought to gather the views of residents of Crofton Downs (and the wider Wellington community) who may not necessarily belong to the Ngaio Crofton Downs Residents' Association. The majority of respondents (approximately 75 percent of more than 800 voters) favoured using the names of native fauna and flora. Support for using te reo was mixed, with opinion more-or-less evenly divided between those preferring the use of te reo only and those who preferred a mixture of English and te reo. Naming the new roads and rights-of-way after prominent New Zealand women was suggested as an alternative to the options presented here.
15. Local iwi have previously indicated support for using the names of local birds. Iwi have also suggested using macrons on signage where these are part of the Māori name for a native bird. Tira Poutama, the Council's Iwi Partnerships Team, are comfortable with the names proposed in this report.
16. Rewi Elliot, manager of the Otari Native Botanic Garden and Wilton's Bush reserve, has suggested using the names of native plants, but also supports using the names of New Zealand native birds.
17. The Council's Parks, Sport and Recreation team supports the use of the names of native flora and fauna bird names in this subdivision.
18. Greater Wellington Regional Council has confirmed the names proposed here are available for use in Crofton Downs. As an aside, the bird name **Kea** has also been reserved for use in Wellington City. The Ngaio Crofton Downs Residents' Association felt this name was unsuitable for use in this instance, preferring the names proposed by the Association. The Association feels these names reflect native flora and fauna that might have been found in Crofton Downs in the past.
19. The following information in respect of each name was sourced from the DOC and New Zealand Plant Conservation Network websites <https://www.doc.govt.nz/nature/native->

[animals/birds/forest-and-mountain-birds/](#) and <http://www.nzpcn.org.nz/page.aspx?flora> respectively:

- Porokaiwhiri: a small tree with dark glossy green leaves, simple green flowers and orange fruit. Porokaiwhiri, or pigeonwood, are found in coastal and lowland forest throughout New Zealand.
- Riroriro: the riroriro or grey warbler is a small grey bird. Inhabiting the forest canopy, it contributes to the birdsong heard in New Zealand forests.
- Ramarama: also known as bubble leaf, ramarama are brownish or reddish-green bushy shrubs. It has pairs of rounded oval-shaped leaves that are nearly as wide as they are long. It has white flowers and red to black fruit. Although found in both the North and South Islands, it is more common in the North Island.
- Kareao: kareao are usually found in forests and in karst landscapes throughout New Zealand, but occasionally are also seen on swampy land associated with flax and ferns. It is a woody, evergreen, twining forest liane or woody vine. Flowers are small and green and the red fruit globular in shape.

20. The proposed names are in accord with the Council's Te Taihū – Te Reo Māori Policy.

Recommended Names

21. Council officers recommend the names **Porokaiwhiri Street, Riroriro Close, Ramarama Lane** and **Kareao Way** be approved for the new roads and rights-of-way created as a result of recent subdivision in Crofton Downs, as shown on F Plan 3101. Officers feel these names are the most appropriate based on feedback from those consulted and the Council's Road Naming Procedures.

Attachments

Attachment 1. F Plan 3101  

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

SUPPORTING INFORMATION

Engagement and Consultation

Consultation on this proposal has taken place with the developer, Parklane Infrastruct Limited, and local residents through the Ngaio Crofton Downs Residents' Association, primarily via the Association's Facebook page. Further consultation with the wider Crofton Downs (and Wellington) communities in general has taken place via the Council's social media channels, including the Council's Facebook page and Twitter accounts. Local iwi and Rewi Elliot, the manager of Otari - Wilton's Bush, have been previously consulted with regards to road naming in this subdivision. The Council's Tira Poutama – Iwi Partnerships and Parks Teams have also been consulted.

The Ngaio Crofton Downs Residents' Association do not favour continuing the existing Churchillian theme in the Crofton Downs area. The developer, Parklane Infrastruct Limited, supports continuing this existing theme, while iwi have not commented on this aspect. Iwi support using the names of native birds in te reo.

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

Treaty of Waitangi considerations

Nicky Karu of the Council's Tira Poutama Iwi Partnerships team has previously advised the support of local iwi for using the names of native birds for the new roads and rights-of-way created as a result of this subdivision in Crofton Downs. Iwi support using te reo for the names, including the use of macrons where appropriate. Displaying the image of the bird after which a road or right-of-way is named on signage was suggested by iwi. These latter two suggestions would need to be considered with reference to the New Zealand Transport Authority's Rule for Traffic Control Devices 2004.

Iwi have not commented on continuation of the existing Churchillian theme in the area.

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.

The Council's Road Naming Procedures (August 2002), and the Addressing Standard (AS/NZS 4819:2011) administered by Land Information New Zealand, apply.

The proposed names are in line with the Council's Te Tauihu – Te Reo Māori Policy.

Risks / legal

Nil.

Climate Change impact and considerations

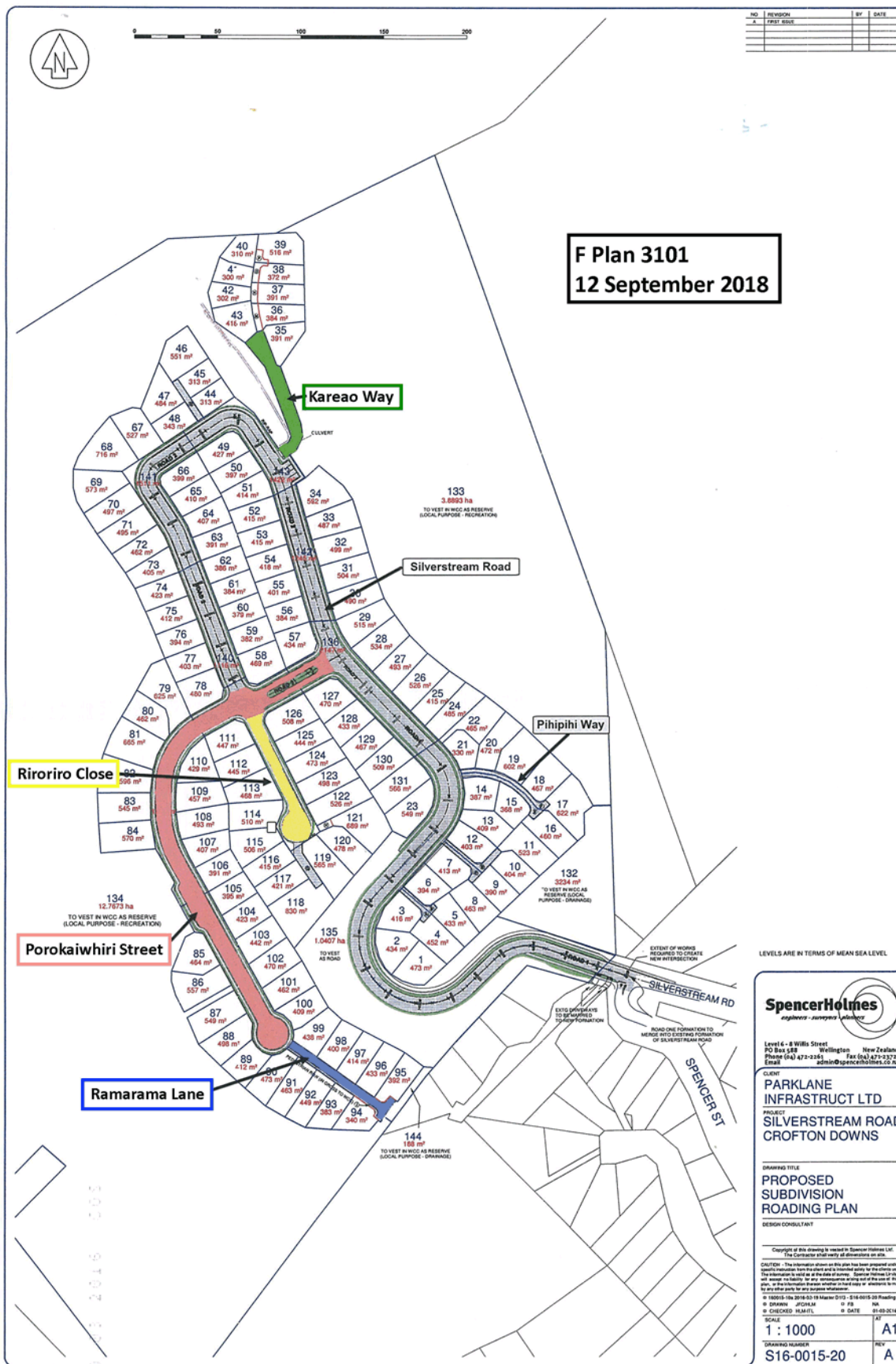
Nil.

Communications Plan

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

Health and Safety Impact considered

Health and safety for the general public and local residents will be facilitated by the naming of these roads; emergency services will be able to readily locate the site of callouts to new properties in this part of Crofton Downs.



ROAD CLOSURE

Purpose

1. This report asks the Regulatory Processes Committee to approve the temporary closure of roads for the following:
 - The Lower Cuba Street Night Market on Saturdays from 13 October 2018 to 12 October 2019 from 3.00pm to 11.30pm.

Summary

2. An application has been made to temporarily close roads for the regular Lower Cuba Street Night Market.
3. Under Schedule 10 of the Local Government Act 1974, the Council is required to approve these closures. Authority to grant these approvals is delegated to the Regulatory Processes Committee.

Recommendation/s

That the Regulatory Processes Committee:

1. Receives the information.
2. Note that recommendations in this report should not be amended without first carrying out further consultation with affected parts and verification from the Council's Traffic Engineer that the amendment is not likely to cause unreasonable impact on traffic.
3. Agree to close the following roads and sections of the roads for the following activity to vehicles and cycles only, subject to the conditions listed in the proposed Temporary Road Closures Impact Report:
 - The Lower Cuba Street Night Market on Saturdays from 13 October 2018 to 12 October 2019, between 3.00pm and 11.30pm.
 - **Manners St** (Taranaki St to Cuba St)
 - **Cuba St** (Manners St to Cuba St).

Background

4. The Council receives numerous requests throughout the year for public roads to be closed for public and private events. Under Schedule 10 of the Local Government Act 1974, the Council is required to approve these closures.
5. The authority to approve request for road closures is made under Schedule 10, clause 11(e), of the Local Government Act 1974 and the Transport (vehicular Traffic Road Closure) Regulations 1965. This authority is delegated to the Regulatory Processes Committee.
6. This report has been prepared in accordance with the procedures that were approved by the Committee on 15 December 2010. In summary, these are:
 - An event organiser applies for a road closure where a proposed event requires one.

- Council officers receive the proposal and assess the merits and need for a road closure.
- If required, the Council advertises its intention to close the road in the public notice column of the local newspaper.
- Together with the event organiser Council officers ensure consultation with affected stakeholders is carried out and a communication plan is formulated.
- Any objections are followed up and resolved as far as practical.
- The event organiser works together with Council officers to modify any plans in response to public submissions and prepares an impact report for the Committee recommending any conditions that should apply to the approval.
- The committee deliberates on the proposed road closure.
- Council officers notify the event organiser of the Committee's decision. If the proposed closure is approved, Council officer ensure the event organisers follow the agreed communication plan including notifying the public, and affected parties.
- The event is also monitored to ensure the traffic management plan is adhered to and any associated conditions are followed to keep the public safe and to avoid any unreasonable impact on traffic.

Discussion

7. Lower Cuba Street Night Market organisers have requested the closure of the following roads to vehicles and cyclists to safely facilitate the Night Market on Saturdays from 13 October 2018 to 12 October 2019 from 3.00pm to 11.30pm:
- Manners Street (Taranaki St to Cuba St)
 - Cuba Street (Manners St to Wakefield St).

The Night Market has been operating successfully for two years and **is** now an established part of Wellington City on a Saturday night. The organisers wish to continue this event but require a road closure to do so. If approval is granted it will ensure the market continues for another year. Approval is conditional on the space being available for other Council promoted events as required.

Public notification, consultation and engagement

8. Members of the public have been advised of the road closure and informed of their right to object:
- A public notice advising that the Council is proposing to consider this closure was Published in the Dominion Post newspaper on Saturday, 26 August 2018.
 - The public were also informed through Social Media on 22 August 2018 via
 - Facebook
 - Twitter
 - Neighbourly

Event organiser along with Council officers will ensure notification is sent to the appropriate residents association if applicable, community groups and local retailers to advise them of the intention to close the road.

Objections

9. No objections have been received

Impact Assessment

10. A temporary traffic management plan will be prepared by a Council approved traffic management company for approval by Council prior to the event.
11. Any objections as a result of the road closure will be dealt with before the event.
12. The proposed closure (when implemented according to the approved temporary traffic management plan) is considered not likely to unreasonably impede traffic. A detailed impact report, including conditions placed on the event organiser, is attached in **Attachment 1**.

Options

13. If the Regulatory Committee chooses to decline the road closure application then the event organisers will be advised.

Next Actions

14. If the proposed road closures are approved, the event organisers will issue further public notices advising of the approved closure, implement the approved traffic management plan, run the event and clean the site. Council officers will monitor the impact of the closure and debrief with the organisers following the conclusion of the event.

Attachments

Attachment 1. Night Market [↓](#) 

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Author	Maria Taumaa, Street Activities Coordinator
Authoriser	Stephen Harte, Implementation Manager, Network Improvements David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

Affected stakeholders will be notified by way of letter drop, social media, advertising. Council's intention to consider the proposed temporary road closures was notified through an advertisement in the Dominion Post and via social media. This advertisement invited the public to make submissions on the proposed road closures. Affected stakeholders will be notified by way of letter drop, social media, and advertising prior to the event.

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

The City Events team has assessed the proposed event with regard to their contribution towards Council's strategies and policies. The proposed event supports the Council's strategy of being the "Events Capital" and will contribute to the economic success of the city.

Treaty of Waitangi considerations

There are no Treaty of Waitangi implications.

Financial implications

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

Policy and legislative implications

A Council Traffic Engineer has assessed the proposed closures with regard to the expected impact on traffic. This information is part of the impact report (Attachment 1)

Risks / legal

Nil

Climate Change impact and considerations

N/A

Communications Plan

Resident and Retailers affected by the Road Closure will be notified by letter drop or contacted by event organisers.

Event organisers will contact resident's associations, community groups and local businesses to advise them of the proposed closure and address any issues raised.

Event organisers will also consult with the following government agencies and associated organisations:

New Zealand Police

Fire and Emergency New Zealand

Wellington Free Ambulance

Public Transport Operators

Relevant Council Business Units e.g. Roding, Communications, Wreda

Health and Safety Impact considered

Health and safety is covered by the event management plan submitted to Council for approval prior to the event. This is assessed together with the traffic management plan for road closures.

REGULATORY PROCESSES COMMITTEE

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PROPOSED TEMPORARY ROAD CLOSURE – IMPACT REPORT

WELLINGTON NIGHT MARKET
*SATURDAY 13 OCTOBER 2018 TO 12 OCTOBER 2019***1. Description of Event**

The Coolest Street in Wellington, in the Coolest Capital of the World.

This event has been running for the last 24 months and has received a lot of support from residents, retailers and members of the public. The organisers would be like to extend the Wellington Night Markets success through to 2019.

It is a popular place where people can come every week, to find something new, to try something different to eat, to shop, to play and enjoy.

Generally businesses and residents support the ongoing operation of a night market.

The proposed road closure is for **Manners Street** (between Taranaki Street and Cuba Street except buses)

Cuba Street (between Manners Street and Wakefield Street)

Saturday's only 13 October 2018 to 12 October 2019 from 3pm to 11.30pm excluding setup and breakdown

Road closure notification boards will be placed at each end of the closure at least one week prior to the event.

The event will be managed by a qualified temporary traffic management company. Pedestrians access will not be restricted and emergency services will have immediate access to the area if required.

2. Events Directorate Support

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

3. Proposal Notice and Consultation

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

Dominion Post Saturday 25 August 2018.

Social Media: Facebook

Twitter

Neighbourly 22/8/2018

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

4. Objections

There have been NO objections to this closure request.

5. Traffic Impact Assessment

Prior Closures

Lower Cuba Street has been closed each Saturday from 3pm to 11.30pm for the past two years to accommodate the Night Market. This has caused little disruption to the traffic and buses. Lower Cuba Street, at its inception, was designed as a place for events, street markets and the like. Lower Cuba Street is not regarded as an important link in the city's roading network and merely provides access to local parking and servicing. In this regard Lower Cuba Street can be closed more frequently than is anticipated by clause 11(e), section 10 of the LGA 1974. So using clause 11(d) of this section we are recommending that traffic be diverted from Lower Cuba Street and Manners Street (between Taranaki and Cuba Street) on Saturdays for the next year. With exception being buses and authorised business owners.

In giving approval to the Night Market we are not excluding events like Cuba Dupa, Jazz Festival, Film Festival or any other proposed event which take priority if they require use of the street.

Traffic Impact

In the opinion of Stephen Harte Implementation Manager, Network Improvements, acting as the Council's Traffic Engineer, the proposed closure, if implemented according to an approved traffic management plan, is not likely to impede traffic unreasonably subject to the conditions listed below. However, the Council reserves the right to modify this opinion at any time. If, in the opinion of the Council, the closure may or does impede traffic unreasonably, any approval granted by the Regulatory Processes Committee may be revoked and the event organiser may be required to open the road at the direction of a suitably qualified Council officer in charge of traffic.

Conditions:


- The road closures will start at 3pm and finish at 11.30pm each Saturday. The event organiser is to obtain Council approval on the details of a traffic management plan prior to the event.
- The detour route is to be clearly signed during road closures.
- Only authorised vehicles will be allowed within the road closure area, travelling at no more than Walking speed (3km/h) to ensure public safety is not compromised.
- The event organiser will publicise the event via media releases, letter drops and advanced signage to notify the public of the road closures. The event organiser is responsible for the ongoing maintenance of the temporary traffic management plan during the road closures.
- The event organiser is to ensure buses are able to enter Manners St during the road closure timeframe.
- The event organiser is responsible for maintaining public safety within the road closure area.
- The event organiser is to consult and gain approval from the emergency services on the road closure and provide access for emergency vehicles.
- The event organiser is to ensure that the traffic management company adheres to the approved traffic management plan.

Signed 

Stephen Harte
Implementation Manager, Network Improvements

6. Attachments

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

Prepared By: 
Maria Taumaa
Street Activities Coordinator



Proposal to Close Roads

The Regulatory Processes Committee will meet on Wednesday 12 September 2018 to consider the following temporary road closures for events.

The Wellington Night Market

Saturdays Only 13 October 2018 to 12 October 2019

- 3pm to 11.30pm

Road Closure Manners Street (Taranaki Street to Cuba Street)

Cuba Street (Manners Street to Wakefield Street)

Saturday's Only with the exception of Buses

Any person objecting to a proposed road closure must contact the City Council in writing before 4pm, Friday 7 September 2018. Please send correspondence to Maria Taumaa at mailing address below, by fax 801 3009 or by email maria.taumaa@wcc.govt.nz

Wellington City Council

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

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The Dominion Post. Saturday, August 25, 2018 page C17

<http://www.pressreader.com/wcl.idm.oclc.org/new-zealand/the-dominion-post/201808...> 29/08/2018

NEW LEASE FOR WILTON BOWLING CLUB UNDER THE RESERVES ACT 1977

Purpose

1. This report asks the Regulatory Processes Committee to approve a new ground lease for the Wilton Bowling Club, an existing tenant, under the Reserves Act 1977.

Summary

2. The *Leases Policy for Community and Recreation Groups* (**Attachment 1** refers) sets out the Council's role in granting leases on Council-owned land and/or buildings.
3. The Wilton Bowling Club has a current ground lease which expires in September 2022. The Club have applied for a new lease early because they would like security of tenure to enable them to continue amalgamation talks with the Karori and Khandallah Bowling Clubs.
4. The Regulatory Processes Committee approved a 10+10 year lease for the Club on 24 May 2017 (**Attachment 2** refers) subject to the public notification process.
5. Objections were received from three groups and Officers worked with the groups and the Club over a period of about six months to negotiate lease terms that all groups were content with. The public notification process is detailed below.
6. The amended proposed lease terms and conditions set out in this paper are recommended based on the outcome of public consultation and Officers' assessment of the Club using the seven Assessment Criteria as defined in the *Leases Policy*.

Recommendation/s

That the Regulatory Processes Committee:

1. Receives the information.
2. Agrees to grant a new ground lease for a 10 year term under the Reserves Act 1977 to the Wilton Bowling Club for an area of 8853.3m² contained within:
 - Pt Lot 2 DP 20266 CFR WN42D/163 (Recreation Reserve by Gaz 1992 p 3549)
 - Pt Sec 1 Kaiwharawhara District CFR WN158/218 (Recreation Reserve by Gaz 1992 p 2529)
 - Pt Sec 1 Kaiwharawhara District CFR WN 567/266 (Recreation Reserve by Gaz 1992 p 2529)
3. Notes that the Committee has previously approved a 10+10 year lease for the Club in May 2017, subject to public notification. Objections were received from three groups and Officers have worked with the objectors and the Club to negotiate lease terms the Club and Objectors were content with.

Background

7. Wilton Bowling Club (WBC) has owned and occupied the building on Council-owned land at 122 Wilton Road, Wilton since 1965.
8. The land is contained within the following:

- Pt Lot 2 DP 20266 CFR WN42D/163 (Recreation Reserve by Gaz 1992 p 3549)
 - Pt Sec 1 Kaiwharawhara District CFR WN158/218 (Recreation Reserve by Gaz 1992 p 2529)
 - Pt Sec 1 Kaiwharawhara District CFR WN 567/266 (Recreation Reserve by Gaz 1992 p 2529)
9. There is a current lease in place to WBC for an area of 10,039m² and the annual lease fee is \$ 4,020.40. This lease commenced on 1 October 2002 and was for a term of 10+10 years. The final expiry is 29 September 2022.
 10. The WBC has applied for a new lease early to pursue amalgamation talks with the Khandallah and Karori Bowling Clubs. Because both clubs own their land and buildings, they need confidence around tenure before committing to amalgamation, and selling their land and buildings.
 11. WBC applied for a new lease in 2017 and a paper was presented to the Regulatory Processes Committee on 24 May 2017. A new ground lease for a term of 10 + 10 years was approved, subject to public notification.
 12. Objections were received from three groups: Wilton Residents' Association, Otari Wilton Environment and Heritage Society (OWEHPS) and the Otari-Wilton Bush Trust (OWBT). Officers worked with the Club and the Objectors to negotiate terms and conditions that all groups were content with.
 13. The Club was asked to submit updated information from last year and this was re-assessed using the Lease Decision-making Matrix encompassing the seven Assessment Criteria as defined in the *Leases Policy for Community and Recreation Groups*.
 14. Based on the objections and Officers' assessment of the Club, it is proposed that WBC is granted a new ground lease for 10 years without a right of renewal. As well, Officers recommend that Special Provisions (as outlined below) are incorporated into the Lease.
 15. The area has been revised as it was previously inaccurate; it has reduced from 10,039m² to 8853.3m² (as per **Attachment 3**).
 16. The proposed rent has been recalculated to reflect the new reduced leased area to \$3,788.66 + GST per annum, which is consistent with the Leases Policy.

Discussion

Public notification process and outcome

17. Public notification and iwi consultation was carried out between August and September 2017 in accordance with sections 119 and 120 of the Reserves Act 1977. Objections were received from three community groups: Wilton Residents' Association, Otari Wilton Environment and Heritage Society (OWEHPS) and the Otari-Wilton Bush Trust (OWBT).
18. Officers met with all three groups on 15 March 2018 to further understand their concerns.
19. The Wilton Residents' Association and OWEHPS submitted a joint objection and their concerns were:
 - The Club would re-litigate their 2005 proposal to build a 1,330m² (8m height) indoor facility.

- Safety around the potential increase in cars exiting from the WBC carpark (especially right turns on to Wilton Road) if amalgamation and, therefore, increased membership is achieved.
 - Parking is a major problem at Otari, and Objectors noted that the Club has many parks, which could be used as overflow parking if road safety concerns were attended to.
 - The proposed tenure of 10+10 years was acceptable, provided the Club's membership remained sustainable and bowling the primary activity; they did not want the Club morphing into another sport – any alternative use should be for Otari Wilton Bush.
 - If the bottom North-end Bowling Green stopped being used, the groups wanted it returned to Otari.
 - They requested that WCC check in with the Club more regularly regarding sustainability.
20. The concerns highlighted by the third group, OWBT were:
- Whether the information provided in the paper presented to the Regulatory Committee in May 2017 was adequate to enable the Committee to make an informed decision. Specifically the group felt the Committee did not have enough information about:
 - the Officers' assessment of the Club against the seven criteria in the Leases Policy; the potential effects of the proposed amalgamation; and how the lease relates to the Council's Landscape Development Plan (2010).
 - How thorough the public notification process was. OWBT were involved in the drafting of the current lease and knew it was due to expire in 2022, so were surprised when one of their members, by chance, saw the lease proposal advertisement in the Dominion Post.
 - The OWBT also cited concern around the safety of cars making right turns out of the WBC carpark.
 - The lack of parking at Otari, and, like the other Objectors, noted that the Club's carparks could be used as overflow parking if road safety concerns were addressed.
 - The proposed tenure of 10+10 years was unacceptable because of the potential lost opportunity. The group would instead support a 5+5 year lease to give Council the opportunity to explore the possible developments provided for in the Landscape Development Plan (2010) and the Botanic Gardens of Wellington Management Plan (2014) including a new entrance way, parking, joint use of their facilities, potential for café and a flat space for the Otari nursery.
 - They wanted to ensure that Council work with the Club on an ongoing basis to ensure the amalgamation went ahead, and the Club remained sustainable.
21. Officers then met with the WBC representatives on 10 April to discuss the concerns Objectors had raised:
- The Club have encouraged contact between the two entities, for example when there is an event on at Otari they've offered car parking facilities. The Club are happy to continue working with Otari and the groups to explore further opportunities for sharing facilities.
 - The WBC would like to work with the Council to address traffic safety concerns.
 - The Club confirmed they have no plans to re-visit the covered greens proposal.

- The WBC is committed to continue amalgamation talks with Khandallah and Karori, once they have security of tenure.
 - The Club are proactively working with their communities to increase membership through various channels, such as Mates in Bowls and local schools.
22. On the basis of the objections and concerns around the Club's future sustainability, Officers advised the Club that a 10 year lease (with no right of renewal) will be recommended with provisions for sharing of facilities and parking. As well as annual reviews by Council Officers to support sustainability and explore sharing opportunities. The Club agreed to these terms.
23. Accordingly, the Wilton Residents Association and Otari Wilton Environment and Heritage Society were satisfied with the Club's amended lease terms and did not want to take their objection any further.
24. The Otari-Wilton Bush Trust (OWBT) requested a meeting with the Club to further discuss concerns. Officers facilitated a meeting with the OWBT and the Club on 26 June and the following was agreed:
- Otari will erect a sign onsite from 1 April to end of August indicating the Bowling Club has overflow car parking available.
 - During summertime the parking can be shared by arrangement. The Club indicated there would only be 6 or 7 weekends during the summer where the car park would not be available due to large scale bowling competitions. The Club will advise Otari staff of these dates ahead of the season.
 - The Club would like to work with the Council and community groups to explore opportunities to provide facilities, such as catering and access to Bowling Club for Otari visitors.
25. Officers have carried out a road assessment and have recommended minor changes to improve sight lines, such as signage and pruning vegetation. The Club will work with the Council to make these improvements.
26. The assessment of the Lease application from the Club was carried out using the Lease Decision-making Matrix. The following are areas where Officers will continue to work with the Club:
- **Membership sustainability:** At present the Club has 82 full playing members, 80 casual members and approximately 500 people who have played bowls casually throughout the year. While the 2008 Bowls Wellington report investigating sustainability of Wellington bowling clubs cites 187 as a sustainable membership, the Club's membership has remained steady over the last five years. As well, they are proactively working to increase their membership with initiatives such as the amalgamation with Khandallah and Karori, and the Mates in Bowls tournaments.
 - **Maintenance:** The Club has spent \$142,000 on maintenance of greens and buildings in the last three years and have submitted a ten year maintenance plan which Officers will support the Club to achieve.
 - **Financial sustainability:** The Club has a current book value of \$276,795, but had a \$12,000 loss in the year end 30 April 2018. The Club's trading income over the bar was \$106,706 and the gross profit was \$50,625. This represents 40% of the total income coming from the bar, whereas income from membership subs represents 11%. Officers will continue to work with the Club to explore more sustainable sources of income which are consistent with Council's strategic direction to promote healthy lifestyles.

27. On the basis of the agreed arrangements between the OWBT, the Council and the Club, the following terms have been proposed:




- 10 year term, with no right of renewal.
- Club to share parking and facilities with Otari (as specified above).
- The area has been revised as it was previously inaccurate; it has reduced from 10,039m² to 8853.3m².
- The proposed rent is \$3,788.66 + GST.
- Council Officers will work with the Club annually to support sustainability, explore opportunities for sharing facilities with Otari and to ensure club is being well utilised.

Next Actions

28. If the recommendations in this report are accepted the following will occur:

- Negotiate and sign the Wilton Bowling Club lease documentation.

Attachments

Attachment 1.	Leases Policy for Community and Recreation Groups 2013 ↓	Page 29
Attachment 2.	 Wilton Bowling Club Committee Report 24 May 2017 ↓ 	Page 45
Attachment 3.	Wilton Bowling Club leased area 2018 ↓ 	Page 49

Authors	Kristine Ford, Community Recreation Leases Lead Kobie Cadle, Community Recreation Leases Advisor
Authoriser	Barbara McKerrow, Chief Operating Officer Paul Andrews, Manager Parks, Sport and Recreation

SUPPORTING INFORMATION

Engagement and Consultation

The public notification and iwi consultation was carried out between August and September 2017 in accordance with sections 119 and 120 of the Reserves Act 1977. Objections were received from three community groups: Wilton Residents' Association, Otari Wilton Environment and Heritage Society (OWEHPS) and the Otari-Wilton Bush Trust (OWBT).

Officers worked with the three groups and the Club to negotiate lease terms that all parties were content with.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

There are no significant financial considerations.

Policy and legislative implications

The proposal is consistent with relevant Council Policy – the *Leases Policy for Community and Recreation Groups* and the *Botanical Gardens Management Plan (2014)*.

Risks / legal

The proposal is subject to the provisions in the Reserves Act 1977.

Climate Change impact and considerations

There are no climate change impacts and considerations.

Communications Plan

Not applicable.

Health and Safety Impact considered

The road safety assessment has been carried out at the site and there are minor recommendations by Officers that will be implemented with the Club.

The lease work is entirely administrative and is a normal function of Council Officers.



Contents

1. Introduction
2. Policy objectives
3. Scope of policy
4. Guiding principles
5. Leasing process
6. Public notification
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8. Primary terms and conditions of lease
 - 8.1 Rental determination
 - 8.2 Maintenance fee for premises leases
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 - 8.12 External signage
 - 8.13 Fees and charges

Definitions

1. Introduction

The Council plays a central role in promoting healthy lifestyles and building strong communities. This role includes providing recreational and sporting opportunities as well as facilitating community networks.

The Council leases land and/or buildings at a subsidised rental to a wide range of community and recreation groups (groups). As Council-owned land and buildings are a limited resource, the Council needs to allocate this resource in a way that maximises the use of its assets and responds to changing demands.

The Leases Policy for Community and Recreation Groups (policy) sets out the Council's role in leasing land and/or buildings to groups and provides guidance on:

- granting leases of land and/or buildings to community and recreation groups
- managing leases relating to the groups
- the standard to which land and/or buildings will be maintained to ensure appropriate asset management.

2. Policy objectives

The objectives of this policy are to:

- ensure maximum community benefit is derived from Council-owned land and buildings
- strengthen participation and engagement in community and recreational activities
- ensure leases are managed fairly, processes are transparent and Council officers (officers) have the flexibility to respond to community needs.

3. Scope of policy

This policy applies to all community and recreation groups which lease Council-owned land and/or buildings. The provisions of this policy will be applied to existing leases where they allow or where aspects of the existing leases are silent or ambiguous.

The policy does not apply to:

- community centres and halls
- early childhood centres
- recreation centres.

4. Guiding principles

The following set of principles will govern the Council's response to groups when granting and managing leases:

1. The Council will support groups whose activities contribute to the Council's priorities and long-term community outcomes. This support is primarily in the provision of subsidised access to Council owned-land and/or buildings.
2. The relationship between the Council and groups will be collaborative.
 - There will be open communication between the Council and groups.
 - Both parties will work collectively in a transparent manner to achieve the Council's social and recreational outcomes.
 - The Council will treat all groups fairly. This will be done by equally distributing support and resources and consistently applying rental fees and charges.
3. Land and buildings will be responsibly managed.
 - All buildings, whether owned by the Council or the group will be maintained to the standard required under the lease, for their economic life.
 - Groups will be encouraged to adopt a sportsville or amalgamation model to effectively utilise land and/or buildings if they wish to do so, or if the Council believes it would be beneficial. The Council may encourage groups to adopt this model if they are facing financial hardship, have a declining membership or if utilisation of land and/or buildings is low or a similar activity is provided nearby by other groups.
 - The terms and conditions within leases will be consistently applied.
4. A flexible approach will be taken when responding to changing community and recreational activities and levels of demand.

5. Leasing process

A group can apply for a ground or premises lease. A ground lease is applicable where the Council owns the land and the group owns the building. A premises lease is applicable where the Council owns the land and building.

On occasions, it may be more suitable to grant a licence. For example, licences may be appropriate due to the nature of the activities proposed, or where the land classification does not allow for exclusive use. In these instances the leasing process (section 5) and assessment criteria (section 7) will be applied.

Management plans and Council strategies will be used by officers to ascertain what activity or structure can be permitted on an area of land. Where there is

no management plan, the proposed activity will be tested against the purpose for which the land is held and/or classified.

In the Council's capacity as administrator and trustee of reserve land, it has the responsibility to ensure the land is managed in accordance with the Reserves Act 1977 (Reserves Act). If an activity is not anticipated in a management plan or sits outside of the Council's delegations under the Reserves Act, final consent from the Department of Conservation will be required.

All non-reserve land that is held by the Council for public amenity or open space purposes will be treated in accordance with this policy. This will ensure consistency in decision making and public scrutiny.

When an application for a new ground or premises lease is made by a group, officers will undertake the following process:

1. Officers will discuss the leasing process with the group and assess whether granting a lease can be considered or is appropriate.
2. If granting a lease can be considered, or is appropriate, the group will be asked to make a formal application.
3. Officers will assess the application using the assessment criteria outlined in section 7 of the policy.
4. If the application meets the assessment criteria, officers will consult with iwi.
5. Officers will prepare a committee or subcommittee report to seek approval to grant a lease, subject to public notification and obtaining approvals required by any relevant legislation. Public notification will be required for reserve land and land managed as reserve. Refer to section 6 for further information on the public notification process.
6. Any sustained objections received through the public notification process will be presented to a committee or subcommittee to consider, if necessary.
7. If no objections are sustained and all approvals required are obtained, a lease will be prepared and executed.

6. Public notification

The Reserves Act contains exceptions to the public notification requirements set out in sections 119 and 120 of the Reserves Act. The exception applies if the proposed lease conforms with the approved management plan for the reserve, or if the proposed lease is subject to a resource consent that was notified under section 93(2) of the Resource Management Act 1991.

In the interests of transparency, all proposed leases of reserve and non-reserve land will be publicly notified in accordance with the process set out in sections 119 and 120 of the Reserves Act.

Land that is managed as reserve but is not classified as such will also be publicly notified. Although the public notification process will not be undertaken in accordance with the Reserves Act, the Council will follow the process outlined in the Reserves Act.

7. Assessment criteria

The assessment criteria will be applied when assessing:

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

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

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

2. The group must be an incorporated society or trust
--

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

3. The group must be sustainable in terms of membership and/or users of the service for the term of the lease
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Key questions: Is there evidence that the group's membership numbers and trends justify and necessitate the proposal? Is there an open membership policy? Does the application support a sportsville or amalgamation model?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Primary terms and conditions of lease

The lease is a legally binding document which records the obligations of the Council and lessee in relation to the land and/or buildings leased. The primary terms and conditions of the lease are outlined below.

8.1 Rental determination

The rental for ground and premises leases will be calculated using a 'sliding scale' based on a square metre rate, as shown in the table below:

Area	Rental rate/m ²
≤ 250	\$1.60
251 – 500	\$1.20
501 – 1000	\$0.60
1001 – 2500	\$0.48
2501 – 5000	\$0.40
5001 – 7500	\$0.32
≥ 7501	\$0.20

For example, the rental for 500m² of land would be calculated at \$1.60 for the first 250m² and \$1.20 for the remaining 250m². This equates to a rental of \$700 per annum plus GST or \$1.40 per square metre overall.

The rental model provides for equitable rentals between lessees and provides a rental subsidy of 86.67%.

Rent reviews will be applied to all new leases and existing leases where the lease provisions allow. Triennial rent reviews will be undertaken in accordance with the percentage change in the Consumer Price Index (CPI) and a market-based review will be undertaken every third review (ie every nine years) by an independent registered valuer.

Where existing lease provisions allow for the rental model to be adopted, rental increases greater than \$500 per annum will be phased in over a period of three years (ie a one third increase each year).

A rental reduction may be considered where the leased area is open to the public for use when not in use by the lessee.

8.2 Maintenance fee for premises leases

A maintenance fee is applied to each premises lease to help cover Council costs relating to scheduled maintenance, reactive maintenance, and exterior renewals.

Maintenance fees are calculated on a proportional basis for all premises leases and are calculated as follows:

Step 1: total maintenance costs ÷ total area of buildings leased in the premises lease portfolio = m^2

Step 2: individual leased area × $\$m^2 \times 20\%$, 50% or 100% = maintenance fee

The maintenance fee will be charged on an annual basis and is CPI adjusted.

For the first year of this policy, the Council will recover 20% of the maintenance fee as calculated using the formula above. In years two to four, the Council will recover 50% of the fee and from year five onwards, lessees will be responsible for 100% of the maintenance fee.

Lessees will be advised every year in writing of the annual maintenance fee and works to be undertaken by the Council.

In some cases a reduction in rental or the maintenance fee may be considered where a community or recreation group is facing demonstrated financial hardship. In these circumstances all community and recreation groups will be considered on a case-by-case basis and any reductions will be negotiated with individual groups.

8.3 Tenure framework

The standard tenure for leases relating to reserve or fee simple land is 10 years plus a 10-year right of renewal.

A shorter tenure may be granted in the following instances:

- declining trends in an activity
- alternative use of the land and/or buildings is anticipated by the Council
- life expectancy of the building is less than the standard tenure applicable
- the group does not have an existing relationship with the Council or is not a known entity to the Council
- a shorter tenure is required by a management plan
- the group requests a shorter tenure.

A longer tenure may be granted if groups amalgamate, share facilities or where a significant investment has been or is going to be made which results in land and/or buildings being utilised to their fullest extent practicable.

8.4 Reporting requirements

The Council is interested in the ongoing performance of its lessees so that it can monitor the achievement of the strategic objectives set for the city, as well as ensure lessees meet the assessment criteria (section 7) throughout the tenure of their lease. All lessees are required to fulfil their reporting requirements on an annual basis. Reporting requirements may be tailored to a particular lessee and will generally include:

- membership numbers and usage rates
- community events undertaken from the leased land and/or building
- hireage of land and/or buildings
- financial information
- works the lessee has undertaken on its building in accordance with the scheduled maintenance plan.

8.5 Allocation of responsibilities between the Council and lessee

Where the lessee owns a building situated on Council-owned land, the lessee is responsible for:

- legal obligations associated with the building (for example, building and contents insurance, building warrant of fitness)
- legal obligations associated with the activities of the lessee
- all interior maintenance (including but not exclusive to plumbing and painting) and exterior maintenance
- all surface and subsurface structures which includes but is not limited to, pipes and drains to the point of connection to the mains network, whether that connection is located inside or outside the leased area
- rubbish control and grounds maintenance of the leased area
- keeping the premises properly secured at all times
- fencing
- outgoings including but not exclusive to water, electricity, gas, telephone
- payment of rent
- payment of rates if applicable.

The Council is responsible for:

- monitoring compliance with lease provisions.

Where the Council owns the building and the land, the lessee is responsible for:

- legal obligations associated with the activities of the lessee

- all interior maintenance (including but not exclusive to plumbing, painting)
- all surface and subsurface structures which includes but is not limited to, pipes and drains to the point of connection to the mains network, whether that connection is located inside or outside the leased area
- rubbish control and grounds maintenance of the leased area
- keeping the premises properly secured at all times
- fencing
- outgoings including but not exclusive to water, electricity, gas, telephone
- payment of rent
- payment of annual maintenance fee
- payment of rates if applicable.

The Council is responsible for:

- legal obligations associated with the building (building insurance, building warrant of fitness)
- exterior maintenance
- monitoring compliance with lease provisions.

Where ownership of a building is shared between the lessee and the Council, maintenance obligations will be determined on a case-by-case basis and will be specified in the lease.

8.6 Accessways and paths

- Where the lessee has exclusive use of an accessway or path, the lessee is responsible for its maintenance.
- Where an accessway or path is shared between lessees, the responsibility for maintenance will be appropriately shared between the lessees.
- Where an accessway or path is shared between the public and a lessee, and the public specifically needs to use the accessway path, the maintenance costs will be shared between the lessee and the Council as specified in the lease.

8.7 Insurance

Where a lessee owns a building, structure or has significant equipment on Council-owned land, the lessee must hold full replacement insurance cover.

If a lessee has significant issues with meeting their insurance obligations, the Council will work with the lessee to resolve the issues and in exceptional circumstances, will assess whether full replacement insurance is required.

Buildings owned by the Council will be insured for full replacement value.

If a building owned by the Council is partially or totally destroyed, the Council has the absolute discretion to decide whether the building will be rebuilt. If a decision is made to not rebuild, the lease will be terminated immediately.

All lessees must hold public liability insurance to the value specified in the lease.

8.8 Commercial activities

The Reserves Act allows commercial activities on recreation reserve provided that the activity is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.

Groups which wish to carry out commercial activities within an area leased under this policy must first seek approval from the Council. Any approval to carry out such an activity will only be permitted to the extent that:

- the commercial activity is ancillary to the group's primary community or recreational activity
- any excess funds generated by the group are in the first instance applied to any maintenance obligations the group has under the lease and then to the group's community or recreational activity.

8.9 Subleasing

Lessees may not transfer, sublet, or dispose of their interest in a lease without prior written approval from the Council.

Subleasing will only be considered where the sublessee and its activities comply with the policy, applicable legislative requirements and management plans. If the land is classified as reserve, the sublessee's activities must enhance the primary purpose of the land.

If a lessee is given approval to enter into a sublease, the lessee will be responsible for:

- preparing the sublease and associated costs
- obtaining committee or subcommittee approval of the sublease agreement
- recovery of all fees and charges associated with the sublease
- providing the Council with an executed copy of the sublease agreement.

Any application for a sublease proposing to undertake a commercial activity on Council-owned land and/or buildings will be required to meet the criteria in section 8.8 (commercial activities).

8.10 Additions and alterations of any building or improvement

Where a lessee wishes to erect any new building or improvement or alter, reinstate or extend any existing building or improvement, landowner approval must be obtained from officers whether the building or improvement is Council-owned or not. Landowner approval must be obtained prior to seeking any approval from the Council in its regulatory capacity.

All additions and alterations require landowner approval from the Council.

Approval for significant additions or alterations (for example, building a deck, removing a wall, extending the building footprint) will be assessed in accordance with the assessment criteria (section 7).

Committee or subcommittee approval will be required if any proposed additions or alterations result in an extension of the leased area and a new lease or variation to the existing lease will be required.

Lessees proposing to make additions or alterations to any building or improvement will need to contact the Council in its regulatory capacity to ensure their proposal complies with the Building Act 2004 and the Resource Management Act 1991.

8.11 Ownership of buildings and/or structures on expiry or early termination of leases

Where a lease is near expiry, has expired or is terminated by either party, and it has been decided that a new lease will not be granted to the existing lessee, any buildings or structures owned by the lessee:

- may be removed by the lessee
- may revert to Council ownership, if the Council wishes to accept ownership
- may be transferred to another community or recreation group.

Where the building and/or structures are in a poor condition, the lessee will be responsible for removing the building and/or structures at their expense.

No compensation will be paid to a lessee where a lessee's building reverts to Council ownership.

Any assignment is subject to the new group going through the leasing process (section 5) and meeting the assessment criteria (section 7).

Any lessee wishing to sell their building to another community or recreation group will need to:

- ensure the building has been maintained in accordance with the requirements of the lease

- seek confirmation from the Council that the proposed purchaser would be granted a lease under this policy
- maintain its status as an incorporated society or trust throughout the sale process
- apply any sale proceeds to the lessee's community or recreational activity, or in the event that the group ceases to operate then the proceeds must be transferred to the Council.

Any group that has ceased, or intends to cease, operating as an incorporated society or trust cannot sell or transfer its building – in this instance, the building will revert to Council ownership without compensation payable.

Where existing lessees or new groups decide to amalgamate and operate from an existing or new building, landowner approval for amalgamation may be contingent on any surplus buildings being removed or demolished.

Where buildings become unoccupied, officers may decide not to advertise them to the community as being available if there is limited demand or if the building requires significant capital investment.

8.12 External signage

Lessees are required to obtain landowner approval from the Council for any signs they wish to erect on the land and/or building. In respect of this:

- all signs must comply with the relevant legislative requirements, District Plan and management plans
- one sign may be erected showing the name of the lessee, any logo associated with the lessee, the use of the land and or/building and contact details
- the design and appearance of signs must not detract from the amenity of the area
- temporary signs relating to special events are permitted with prior written approval from the Council.

Additional signs may be erected where required to give effect to the approved use of the land but prior written approval must be obtained from the Council.

In general, commercial advertising is prohibited in leased areas. However, existing and future sponsorship advertising relating to the activity shall be permitted where the wording is only readable from within the leased area or the area relating to where the associated activity is held.

8.13 Fees and charges

All groups are liable for all legal costs and expenses relating to the preparation of a new lease, renewal or any variation and any other associated costs, including but not exclusive to advertising, surveying and obtaining resource consent.

Definitions

Applicant: A community or recreation group applying to the Council for a lease of Council-owned land and/or buildings.

Expired lease: The end of the initial term and any renewal terms, if applicable.

Exterior renewals: A programme to replace or renew assets before they wear out, for example, painting (renewal), reroofing (replacing).

Governance: The process by which the governance, board, or trustees set and monitor strategic direction and priorities; set policies and management performance expectations; and monitor and evaluate organisational achievements.

Ground lease: A lease granted where the Council owns the land, and any buildings on the land are owned by the community or recreation group.

Initial term: The first term provided for in a lease.

Landowner approval: Written approval from Council officers.

Lessee: A community or recreation group to which a lease is made.

Management: Management has the responsibility of implementing policies and strategic direction developed and put in place by the governance, board or trustees as well as managing day-to-day operations of the community or recreation groups as set by the governance, board or trustees.

New lease: A lease granted to a community or recreation group that has not previously held a lease with the Council or a lease granted to an existing community or recreation group that has an expired lease.

Premises lease: A lease granted where the Council owns the land and buildings.

Reactive maintenance: Repairing an asset, for example, repairing a boiler, and removing graffiti.

Renewal term: The further term(s) provided for in a lease.

Scheduled maintenance: Systematic programme to maintain the functionality of assets, for example, building compliance obligations (building warrant of fitness), and electrical checks.

Sponsor: An organisation or person who has specifically provided funding for the activities of the community or recreational group. For example, funding competitions, and team uniforms.

Sportsville model: A model where sports clubs form partnerships or collaborate with other clubs. The sportsville concept can involve sports clubs sharing ideas, resources, knowledge and skills. In some cases sports clubs will share buildings or amalgamate. The model aims to foster a sustainable future for sports clubs.

Sustained objections: An objection which Council officers have been unable to resolve and/or where the objector wishes to be heard by a committee or subcommittee.

REGULATORY PROCESSES COMMITTEE
24 MAY 2017

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

NEW LEASE: RESERVES ACT 1977 - WILTON BOWLING CLUB
(EXISTING TENANT)

Item 2.4

Purpose

1. To recommend that the Committee approves a new ground lease Wilton Bowling Club (existing tenant).

Summary

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

Recommendations

That the Regulatory Processes Committee:

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

Background

5. Since 1965 Wilton Bowling Club (WBC) has owned and occupied the building on Council-owned land at 122 Wilton Road, Wilton.
6. The land is contained within the following:
 - Pt Lot 2 DP 20266 CFR WN42D/163
 - Pt Sec 1 Kaiwharawhara District CFR WN158/218, and
 - Pt Sec 1 Kaiwharawhara District Gaz 1992 p 2529
7. There is a current lease in place to WBC for an area of 9,192sqm. This is due to expire on 29 September 2022.
8. WBC is in the midst of negotiating an amalgamation with Khandallah and Karori Bowling Clubs. The plan would be for the groups to amalgamate membership and activities on the Council-owned WBC site.
9. Khandallah and Karori Bowling Clubs own their own land and buildings. In order for the other groups to sell their land and invest into the WBC, they need (among other things) confidence around tenure.

Item 2.4

REGULATORY PROCESSES COMMITTEE
24 MAY 2017

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

10. For this reason, WBC has requested that Council provides a new ten-year lease with a 10 year renewal. With this longer tenure, WBC will be in a better position to negotiate and agree the bowling club amalgamation.
11. The amalgamation of these groups is in line with Council's goal of better utilisation of existing lease areas. WBC continues to satisfy the criteria required under Section 7 of the *Leases Policy for Community and Recreation Groups*.
12. It is proposed that WBC is granted a new ground lease for a term of 10 years + 10 years for the purposes of the bowling club and associated activities.
13. The proposed rent per annum is \$4,175.16 + GST, consistent with the *Leases Policy for Community and Recreation Groups*.

Next Actions

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

Attachments

Attachment 1. Wilton Bowling Club Lay out

Page 36

Author	Tracy Morrah, Property Services Manager
Authoriser	Paul Andrews, Manager Parks, Sport and Recreation Barbara McKerrow, Chief Operating Officer

REGULATORY PROCESSES COMMITTEE
24 MAY 2017

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Wellington City Council
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SUPPORTING INFORMATION

Engagement and Consultation

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

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations

Financial implications

There are no significant financial implications

Policy and legislative implications

The proposals are consistent with relevant Council policies – as outlined in the paper.

Risks / legal

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

Climate Change impact and considerations

There are no climate change impacts and considerations.

Communications Plan

Not applicable.

Health and Safety Impact considered

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

Item 2.4

Item 2.4 Attachment 1



Wilton Bowling Club Incorporated,
0477-WILTO - 9192.1sq m

Wilton Bowling Club
 Property boundaries: 20m contours over trees, red line address & fire points sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy: 10.0m in urban areas, 10.00m in rural areas. Census data sourced from Statistics NZ. Photos are sourced from NZ Post.
 Assets, landmarks, water and drainage information shown is approximate and must not be used for detailed engineering design.
 Other data has been compiled from a variety of sources and its accuracy may vary but is generally +/- 1m.

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

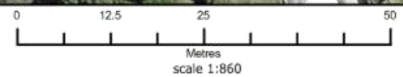
ORIGINAL MAP SIZE: A4
AUTHOR: SPES62
DATE: 8/11/2013
REFERENCE:





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Wilton Bowling Club



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

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ORIGINAL MAP SIZE: A4
AUTHOR: presto2j
DATE: 28/08/2018

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Wellington City Council**
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ANNUAL S10A DOG REPORT

Purpose

1. This report asks the Regulatory Processes Committee to adopt the annual Dog Control Report for the period 1 July 2017 to 30 June 2018.

Summary

2. This is an annual report which territorial authorities are required to complete under the Dog Control Act 1996.

Recommendation/s

That the Regulatory Processes Committee:

1. Receives the information.
2. Agrees the contents of the report (**Attachment 1** refers).
3. Adopts the report.

Background

3. Section 10A of the Dog Control Act 1996 states that –
 - (1) A territorial authority must, in respect of each financial year, report on the administration of-
 - (a) Its dog control policy adopted under section 10; and
 - (b) Its dog control practices
 - (2) The report must include, in respect of each financial year, information relating to –
 - (a) The number of dogs registered in the territorial authority
 - (b) The number of probationary owners and disqualified owners in the territorial authority district;
 - (c) The number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made
 - (d) The number of dogs in the territorial authority district classified as menacing under s33A or s33C and the relevant provision under which the classification is made
 - (e) The number of infringement notices issued by the territorial authority
 - (f) The number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints.

Discussion

4. Adopting the report is a statutory requirement.

Options

5. There are no options for this report.

Next Actions

6. Once adopted, this report will be advertised as set out in the supporting information (Communications Plan)

Attachments

Attachment 1. Annual Dog Control Report 2017-18 [↓](#) 

Page 54

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

SUPPORTING INFORMATION

Engagement and Consultation

This is a historical report on the activities of the territorial authority as required by the Dog Control Act 1996. Consultation and engagement is not necessary.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations relating to this report.

Financial implications

There are no financial implications arising from this report.

Policy and legislative implications

There are no policy or legislative considerations.

Risks / legal

Not relevant.

Climate Change impact and considerations

Not relevant.

Communications Plan

S10A(3) of the Dog Control Act states that the territorial authority must give public notice of the report –

- (a) By means of a notice published in-
 - (1) 1 or more daily newspapers circulating in the territorial authority district; or
 - (2) 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
- (b) By any means that the territorial authority thinks desirable in the circumstances;
- (c) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government at the Department for Internal Affairs.

Once adopted, notice of the report will be published in the Dominion Post and a copy published on Wellington City Council's website. A copy will also be sent to the Department of Internal Affairs as specified above.

Health and Safety Impact considered

Not relevant.

Annual Dog Control Report 2017-18

1. Introduction

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

S10A of the Act requires the Council to report annually to the Secretary of Local Government on its Dog Control Policy and practices.

This report fulfils this statutory requirement for the dog registration year: 1st July 2017 to 30 June 2018.

2. The Council's Dog Control Policy and Practises

2.1 Policy Objectives

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

The objectives of the policy are to:

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

A review of the current Policy was undertaken during 2015/16. The Council adopted the finalised Dog Policy on 17th August 2016 and also set areas where dogs can exercise off-leash.

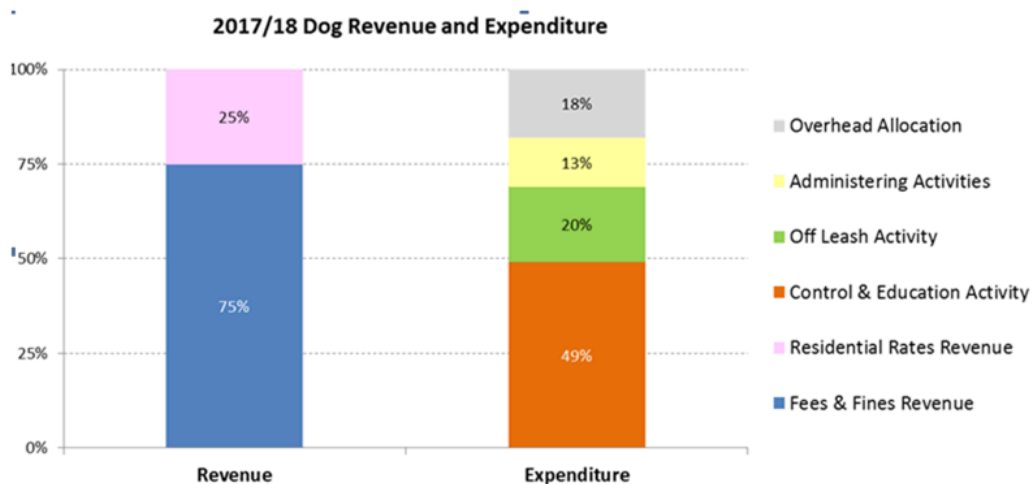
3. Fees

Dog registration fees, fines and impound fees contribute approximately 75% to the cost of dog control in Wellington City. The Council also operates a responsible dog owner scheme which provides a discounted rate for dog owners who meet the relevant criteria. Dog registration fees are set by council resolution and were not increased during this year.

Fees are used for:

- Dog control activities including law enforcement, patrols and complaint investigation.
- Education programmes for schools, community groups and businesses.
- Signs and promotion of the Council’s animal bylaw and dog policy.
- Providing shelter facilities.
- Running the dog registration programme – this includes forms, printing, tags, maintaining the national dog database and related promotional material.

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



Key Achievements

The Wellington City Council contracts its animal management functions to Hutt City Council and has a team of animal control officers based at the Wellington Animal Centre at Moa Point.

There have been many advantages to council in having this contract with Hutt City Animal Services as we have been able to participate in the community engagement programmes that have been successfully run by Hutt City for many years now.

Key achievements

The animal services team have officers assigned to wards in the city which allows for the officers to get to know their area and interact with dog owners and the general public.

By having the local knowledge of each ward area, the officers are able to respond to complaints and requests for service in a timely way.

Community engagement

The community engagement programmes that have been organised by our animal services team this past year have received positive feedback and a strong following on social media with dog owners and others acknowledging support and appreciation for the team getting out into the communities.

Over the past year we have increased our involvement in community Christmas parades, dog clubs and fundraising events. We have participated in local community fairs with booths promoting on the spot microchipping and information about owning a dog in Wellington. Animal Control Officers also ran pop-up dog registration sites at popular dog exercise areas. We have also provided dog training advice as well as guidance on behavioural issues.

A number of councils from around the country have recently contacted our animal management team to review our community engagement programmes which we have been running for some 7 years. The benefits of working closely with our dog owning community has realised definite advantages in reducing repeat complaints regarding uncontrolled dogs.

Training

The team has continued with our dog awareness programmes by speaking to groups that interact with dogs on a daily basis such as meter readers, nursing staff and council officers. Many of these organisations have now incorporated this training

into their health and safety programmes for their employees. Earlier this year Animal Services staff participated in behavioural training with the internationally acclaimed dog trainer Mark Vette who worked with our teams to bring them up to date with the latest training techniques. We have used this this knowledge when dealing with dog owners, particularly those who have been experiencing behavioural problems with their dogs.

Rehoming

We have continued with our very popular dog rehoming programme shared with Hutt City and enjoy high levels of interest on Facebook with this programme, resulting in dogs being rehomed all over New Zealand.

Complaints

There has been serious concern in recent months over uncontrolled dogs that have mauled penguins in various areas of the city. As a consequence extra patrolling has been carried out in those areas with a focus on identifying owners who do not have proper control of their dogs.

Complaints have also been received from dog owners who have experienced attacks from uncontrolled dogs in reserve areas of the city, and patrolling of these areas is also undertaken with more signage being put in place to remind dog owners of their responsibilities.

We remain committed to working with our dog owners in our protected wildlife areas with the focus on ensuring that dogs are under control, are not left to attack wildlife or become a nuisance to other users of these areas.

Neutering menacing dogs

In 2016 the Department for Internal Affairs launched a nationwide campaign for the neutering of menacing dogs. In January 2017 we were successful in obtaining a DIA grant to fund the neutering of all dogs in Wellington classified as menacing. Under the Act, a dog may be classified as menacing if it belongs to a breed or type listed in the Act, or if the local authority considers the dog poses a threat to people or animals on the basis of its behaviour.

We have been working alongside our SPCA partners to contact the owners of menacing dogs and arrange for neutering to take place.

During this year 2dogs were neutered under this initiative. All were classified as menacing due to breed.

4. Dog Control Statistics

Dogs registered for the 2017/18 year: 11615

Previous years:

Year:	2016/17	2015/16	2014/15	2013/14
Number:	11398	11039	10716	10480

4.1 Dangerous and menacing dogs

Number of dogs that have been classified as **dangerous** this year (S31 Dog Control Act 1996):

Category	2017/18	2016/17	Previous years		
			2015/16	2014/15	2013/14
Dangerous by owner conviction S31(1)(a)	0	1	0	8	1
Dangerous by sworn evidence S31(1)(b)	1	6	5	0	1
Dangerous by owner admitting in writing S31(1)(c)	0	0	0	2	2
Total dangerous dogs	1	7	5	10	4

Number of dogs that have been classified as **menacing** this year (S 33A and S33C):

Category	2017/18	2016/17	Previous years		
			2015/16	2014/15	2013/14
Menacing by behaviour S33A(1)(b)(i)	7	4	14	7	11
Menacing by breed characteristics SS33A(1)(b)(ii)	0	16	23	7	5
Menacing by schedule 4 breed S33C(1)	12	19	36	28	32
Total menacing dogs	19	46	73	42	48

4.2 Number of infringement notices issued:

We issued **110** infringement notices.

Previous years:

- 2016/17 117
- 2015/16: 125
- 2014/15: 169
- 2013/14: 150

4.2 Probationary owners and disqualified owners:

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

4.3 Number of dog owners prosecuted by Wellington city Council:

We did not undertake any prosecutions during this period

4.4 Dog related complaints: Response to service requests:

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

Urgent dog complaints responded within 1 hour – 93% (the target is 100%)

The 100% target was not achieved due to our complaint logging system not relaying some complaint details through to the animal control officers – this is an intermittent issue which is being investigated. Additionally, some complaints were emailed to inboxes that are only monitored during office hours – we have now amended information on our website encouraging people to contact the Council by phone for after-hours complaints.

Category	Previous years				
	2017/18	2016/17	2015/16	2014/15	2013/14
Attacks on people	48	39	51	39	52
Attacks on animals	80	68	73	66	96
Barking dogs	651	627	809	593	867
Uncontrolled dogs	805	775	785	735	976
Miscellaneous	783	796	1020	937	1135
Total number of dog related complaints	2367	2305	2738	2370	3126

For this reporting year, miscellaneous complaints can be broken down into the following categories:

	2017/18	2016/17
Challenging (dog may be on a lead but moves towards person/animal)	106	95
Education (giving advice to owner)	5	14
Fouling	32	50
Relinquishing a dog (handing dog over)	7	1
Stray pickups	632	633
Concerns for welfare	1	3
Total	783	796