

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 5.30pm
Date: Wednesday, 25 February 2015
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown

Councillor Ahipene-Mercer
Councillor Coughlan
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Lee
Councillor Lester

Councillor Marsh
Councillor Pannett
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

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

TABLE OF CONTENTS

25 FEBRUARY 2015

| Business | Page No. |
|--|-----------------|
| 1. Meeting Conduct | 5 |
| 1.1 Apologies | 5 |
| 1.2 Announcements by the Mayor | 5 |
| 1.3 APW Awards | 5 |
| 1.4 Conflict of Interest Declarations | 5 |
| 1.5 Confirmation of Minutes | 5 |
| 1.6 Items not on the Agenda | 5 |
| 1.7 Public Participation | 5 |
| 2. Petitions | |
| Nil | |
| 3. General Business | 7 |
| 3.1 Local Government Commission Proposal for Re-organisation - Wellington City Council Submission Presented by Mayor Wade-Brown The report was not available at the time the agenda went to print, and will be circulated separately. | |
| 3.2 Te Awarua o Porirua Whaitua Committee Presented by Councillor Lester | 7 |
| 3.3 Wellington Town Belt Bill Presented by Councillor Ritchie | 19 |
| 3.4 New Zealand Delegation to the United Nations World Conference on Disaster Risk Reduction Presented by Mayor Wade-Brown | 51 |

| | |
|--|-----------|
| 3.5 Trans-Pacific Partnership Agreement | 55 |
| Presented by Councillor Free | |
| 4. Committee Reports | 57 |
| 4.1 Report of the Governance, Finance and Planning Committee Meeting of 17 February 2015 | 57 |
| <i>All attachments relating to this report will be circulated under separate cover.</i> | |
| Civic Precinct, Presented by Mayor Wade-Brown | |
| 30 Year Infrastructure Strategy, Presented by Mayor Wade-Brown | |
| Supporting Information to the Consultation Document: 2015-25 Financial Strategy, Presented by Mayor Wade-Brown | |
| Statements of Service provision: Our ten year plan, Presented by Mayor Wade-Brown | |
| 2015-25 Long Term Plan Other matters, Presented by Mayor Wade-Brown | |
| Supporting Information to the Consultation Document: 2015-25 LTP Financial and Funding Policies, Presented by Mayor Wade-Brown | |
| Supporting information to the Consultation Document: 2015-25 LTP Financial and Funding Statements, Presented by Mayor Wade-Brown | |
| Long Term Plan 2015-2025: Preliminary Consultation Document, Presented by Mayor Wade-Brown | |
| 4.2 Report of the Regulatory Processes Committee Meeting of 12 February 2015 | 61 |
| Proposed Road Stopping - Land Adjacent to 105 Jubilee Road, Khandallah, Presented by Councillor Ahipene-Mercer | 61 |

Questions

5. Public Excluded

Nil

1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of:

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

1.2 Announcements by the Mayor

1.3 APW Awards

1.4 Conflict of Interest Declarations

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

1.5 Confirmation of Minutes

The minutes of the meetings held on 17 December 2014 and 3 February 2015 will be put to the Council for confirmation.

1.6 Items not on the Agenda

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

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

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

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

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

1.7 Public Participation

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

3. General Business

TE AWARUA O PORIRUA WHAITUA COMMITTEE

Purpose

1. This report informs the Council on the Wellington Regional Council's (GWRC) Whaitua process, in particular the Te Awarua-o-Porirua Whaitua committee. The terms of reference, the committee's delegations and Council's appointments to the committee need to be approved by Council.

Summary

2. Whaitua is a Māori term for a designated area. In the Regional Plan GWRC uses the word 'whaitua' to describe a catchment or sub-catchment (zone) managed as an integrated system.
3. GWRC has identified five Whaitua across the region. One falls, in part, within the City's boundary. A Whaitua Committee is being created to manage the area. This will result in a chapter being added to the Regional Plan.
4. Te Awarua o Porirua Whaitua Committee will be responsible for developing a Whaitua Implementation Programme (WIP) that will outline regulatory and non-regulatory proposals for integrated land and water management within the whaitua boundary, including measures to implement the National Policy Statement for Freshwater Management 2014 (NPS-FW). The Te Awarua o Porirua WIP will be added as a chapter in the Regional Natural Resources Plan. This Council would then have to give effect to the WIP through its District Plan which will have the effect on such things as earthworks for urban expansion in northern growth areas.
5. The work of the committee is therefore strategically significant for achieving Wellington's urban growth plans whilst achieving sound environmental outcomes.
6. Terms of reference (attached as Attachment 1), the committee's delegations and appointments to this committee need to be approved by the Council.

Greater Wellington Regional Council has considered the terms of reference and made appointments at its Council meeting in 10 December 2014.

Recommendations

That the Council:

1. Receive the information.
2. Note GWRC considered the terms of reference and appointments at their Council meeting on 10 December 2014.
3. Agree the Te Awarua-o-Porirua Whaitua Committee Terms of Reference and the delegations outlined in the terms of reference that are included as appendix one.
4. Nominate and agree to appoint one Wellington City Councillor as the Wellington City appointee to the Te Awarua-o-Porirua Whaitua Committee.
5. Agree in accordance with clause 30(7) Schedule 7 of the Local Government Act, that the Te Awarua-o-Porirua Whaitua Committee is not deemed to be discharged following each triennial election.

Background

7. Whaitua is a Māori term for a designated area. In the Regional Plan GWRC uses the word 'whaitua' to describe a catchment or sub-catchment managed as an integrated system.
8. GWRC is using the whaitua process to 'give effect' to the National Policy Statement for Freshwater Management 2014 (NPS-FW). The NPS-FW took effect on 1 August 2014.
9. The NPS-FW supports improved freshwater management in New Zealand. It does this by directing regional councils to establish objectives for fresh water in their regional plans to meet community and tāngata whenua values, and to take a more integrated approach to managing fresh and coastal water.
10. The Regional Policy Statement notes that effects of activities on land and water accumulate within a river catchment, so integrating the management of resources at a catchment level makes sense.
11. GWRC has divided the region into five whaitua¹ that place different demands on land and water resources. It is intending to enlist the support of local people, by forming advisory groups, to help understand local needs and make recommendations on how they are to be managed. These advisory groups are called whaitua committees.
12. The first whaitua committee established is the Ruamāhanga Whaitua Committee in the Wairarapa. A Te Awarua o Porirua Whaitua Committee is now being established. The Wellington/Hutt Valley Whaitua Committee is scheduled to commence in late 2015. The remainder will be established over the next few years.
13. Membership of the committee will include GWRC's Natural Resource Committee, with an elected representative from each Porirua City Council and Wellington City Council and Ngati Toa Rangatira, and people from the community who have interest in land and water management issues.
14. Officers from the different agencies will have a supporting role of the committee and work together as a project team.
15. The Te Awarua o Porirua Whaitua Committee will be responsible for developing a Whaitua Implementation Programme (WIP) that will outline regulatory and non-regulatory proposals for integrated land and water management within the whaitua boundary, including measures to implement the NPS-FW. The Te Awarua o Porirua WIP will be added as a chapter in the Regional Natural Resources Plan.
16. Each Council would then have to give effect to the WIP through its District Plan and when issuing resource consents and managing their assets. The work of the committee is therefore strategically significant for achieving Wellington's urban growth plans whilst achieving sound environmental outcomes.
17. Community input to setting objectives and improved interagency coordination and collaboration on the WIP are expected to improve the integrated management of land and water activities.

Discussion

Interaction with Council work

18. In the Regional Policy Statement GWRC uses the word 'whaitua' to describe a catchment or sub-catchment managed as an integrated system. This Council has had

¹ Wairarapa Coast, Ruamāhanga Valley, Wellington/Hutt Valley, Porirua Harbour and Kāpiti Coast.

the opportunity to meet with, participate in workshops and make a submission on the development of the Regional Policy Statement and the whitua process. Officers are comfortable with the intent of these documents and see no reason for conflict with the Council's vision, priorities and work programmes.

19. However, there are some considerations that need to be taken into account as the whitua programme commences.
20. Porirua Harbour is currently exposed to a range of man-made impacts that are degrading the environment. Current urbanisation and transport networks are a constant challenge to the use and quality of harbour waters. Planned and potential future development has potential to hasten this degradation.
21. The recently released draft Wellington Urban Growth Plan identifies that Wellington City's population will increase by approximately 50,000 over the next 30 years, resulting in the need for an additional 21,400 residential dwellings by 2043. It is intended to provide for this growth through a range of housing options roughly split between central city intensification, residential infill and greenfield development.
22. 50% of the Wellington region's urban growth by 2030 will be located in the Porirua Stream catchment. All of Wellington City's greenfield development is expected in the Porirua Stream catchment.
23. The city's urban areas are surrounded by the Town Belt and the reserves, rural land and hilltops that form the Outer Green Belt. This natural containment has contributed to the city's compact footprint. Ensuring that these values and planned growth can be continued in an efficient, effective and sustainable way is paramount to the success of the whitua process and ensuring Wellington continues to grow as a world class city.

Current obligations

24. Human and urban activities generate contaminants. Traditional piped stormwater networks efficiently move these contaminants to aquatic receiving environments.
25. WCC supports the creation of the Whitua Committees and their goal to set appropriate and relevant water quality and quantity limits for each catchment. It complements this Council's commitment, especially in the last 20 years, of considerable resources to ensuring appropriate wastewater and stormwater controls are in place to avoid adverse effect on the aquatic environments. We have proactively worked to understand, improve and monitor water quality and its effect on receiving environments, including adopting a water sensitive urban design guide.
26. In March 2011, new 10 year stormwater discharge consents were granted to Council designed to drive longer term improvements in the quality of stormwater discharges to marine waters. Integrated Catchment Management Plans (ICMP) form the basis of this work. A strong emphasis on community liaison also means community groups have had a say in the development of the stage one ICMP.
27. The Whitua programme complements, and has strong links, to the Integrated Catchment Management Plans and Porirua Harbour Strategy work we are involved in. These three streams of work need to pragmatically and prudently balance the protection of the environment and the ongoing operation of assets an urban community comes to rely on. It is important that any actions and limits set by the Whitua Committee are affordable and achievable, and that the implications (such as the cost to the community through rates) for the upgrade of any stormwater systems are clearly understood and are justified.

28. The Council has to balance a number of community expectations. To adapt the drainage infrastructure to eliminate and/or treat all discharges would cost hundreds of millions of dollars. The Council could not justify or gain public backing to spend such amounts on localised activities, when other tasks (flood protection, water supply security, emergency management, public transport provision) with wider community benefits have been given higher priority.
29. What we have is a balance that the Whaitua Committee and the Council can work with, whilst meeting legislative requirements, responding to increasing community expectations, as well as addressing environmental and financial challenges.
30. Officers of the Councils along with Wellington Water are working together to identify how the conditions of the stormwater discharge consents, the Porirua Harbour Strategy and the whaitua process will work together without duplicating time, money and resources.

Authorising the Committee

31. The Local Government Act 2002 (Schedule 7 Clause 30) enables Council to establish a governance structure of committees, subcommittees, joint committees or other subordinate decision-making bodies that will assist the Council to effectively perform and fulfil its responsibilities over the triennium.
32. The terms of reference (appendix one) for the whaitua committee have been agreed with the key stakeholders. Now this Council needs to approve the terms of reference and make the appointments following the process the terms of reference prescribes.
33. GWRC has agreed the terms of reference and made its appointments at their meeting 10 December 2014.

Administering the Committee

34. While GWRC will provide the administrative and servicing support for the whaitua committee, governance costs associated with establishing and running the committee will be covered by each agency within their respective existing governance programmes.
35. To assist with the smooth functioning of this committee across triennial elections, it is recommended that Council resolves that the Te Awarua o Porirua Whaitua committee is not discharged at the end of each triennium. The partners to the whaitua committee would however each make new appointments to the committee at the start of each triennium.

Next Actions

36. Agree the Te Awarua-o-Porirua Whaitua Committee Terms of Reference and the delegations outlined in the terms of reference that are included as appendix one.
37. Appoint one Wellington City Councillor, as the Wellington City appointee to the Te Awarua-o-Porirua Whaitua Committee.

Conclusions

38. It is proposed to establish a new Te Awarua o Porirua Whaitua Committee with recognised statutory interests in the Porirua Harbour and its catchment.
39. The Whaitua Committee will be responsible for developing a WIP that will outline regulatory and non-regulatory proposals for integrated land and water management within the whaitua boundary. The Te Awarua o Porirua WIP will be added as a

chapter in the Regional Natural Resources Plan. This Council would then have to give effect to the WIP through its District Plan and when issuing resource consents and managing our assets.

40. The work of the committee is therefore strategically significant for achieving Wellington's urban growth plans whilst achieving sound environmental outcomes.

Attachments

Attachment 1. Porirua Whaitua Committee Terms of Reference

Page 13

| | |
|------------|-------------------------------------|
| Author | Nicci Wood, Senior Policy Advisor |
| Authoriser | Anthony Wilson, Chief Asset Officer |

SUPPORTING INFORMATION

Consultation and Engagement

Councillors and officers at GWRC have consulted with the councillors and officers at Wellington City and Porirua City Councils and the Te Runanga O Toa Rangatira on the establishment and intent of the Te Awarua o Porirua Whaitua committee. The committee's proposed Terms of Reference are supported by all parties.

Treaty of Waitangi considerations

The Te Runanga O Toa Rangatira is represented on the Te Awarua o Porirua Whaitua committee.

Financial implications

There are no or very minor financial implications associated with this paper in the short term, however the outcome of the work could have significant medium and long term impacts as the balance between environmental outcomes and investment requirements are determined.

Policy and legislative implications

This report is consistent with policy, and works to enact national and local legislation.

Risks / legal

The biggest risk is that the WIP will be unaffordable. This is balanced by representation on the committee from Porirua city, community and tangata whenua representatives.

Climate Change impact and considerations

One of the issues that the Whaitua Committee will have to consider is how climate change will impact on water quality.

Communications Plan

No plan required.



Te Awarua o Porirua Whaitua (catchment) Committee – Terms of Reference

'Whaitua' is a traditional Te Reo Māori term for a designated area.

The Regional Plan utilises the word 'whaitua' to describe a catchment or sub-catchment (zone) managed as an integrated system.

1. Purpose and function

The purpose of Te Awarua o Porirua Whaitua Committee is to facilitate community and stakeholder engagement in the development of a Whaitua Implementation Programme (WIP). A WIP is a non-statutory report to Council which will contain recommendations for specific plan provisions and work programmes for the integrated management of land and water resources within the whaitua boundary. The WIP may contain both regulatory and non-regulatory proposals.

Te Awarua o Porirua Whaitua Committee will operate in partnership with mana whenua and develop recommendations guided by the five principles created as part of the Regional Plan Review process:

- Ki uta ki tai – interconnectedness
- Wairuatanga – identity
- Kaitiakitanga – guardianship
- To matou whakapono – judgement based on knowledge
- Mahitahi – partnership (co-operative)

2. Status of Te Awarua o Porirua Whaitua Committee

Te Awarua o Porirua Whaitua Committee is an advisory body established by Council. The Committee is not a subordinate decision-making body of Council and is not a committee under the Local Government Act 2002.

3. Specific responsibilities

1. Te Awarua o Porirua Whaitua Committee is responsible for developing a Whaitua Implementation Programme (WIP) that will outline regulatory and non-regulatory proposals for integrated land and water management within the whaitua boundary, including measures to implement the National Policy Statement for Freshwater Management 2014.
2. It is expected that the WIP will be developed within 24-36 months of Te Awarua o Porirua Whaitua Committee's establishment.
3. The WIP development will include:

- a. An assessment of region wide objectives contained in the draft/proposed or operative regional plan, as they relate to the whaitua
 - b. Consideration of the Porirua Harbour and Catchment Strategy and Action Plan
 - c. Implementation of the Porirua Harbour Strategy and Action Plan where this is appropriate to include in the regional plan
 - d. Specific whaitua objectives for water quality and quantity outcomes
 - e. Discharge limits, including for sediment, nutrients and other contaminants if appropriate, including setting timeframes and priorities, and management methods, to achieve freshwater and coastal objectives, including objectives in the Porirua Harbour Strategy and Action Plan
 - f. Identification of mana whenua values and interests in the harbour and fresh water, and how these might be reflected in the regional plan
 - g. An assessment of, and recommendations to alter, existing water allocation limits, to achieve identified objectives for the whaitua
 - h. Programmes or activities that will support or contribute to the achievement of the established objectives for water quality and quantity outcomes, including such tools as environmental accords and post-settlement arrangements and,
 - i. Opportunities for the active integration of existing programmes and plans to achieve the objectives and targets for water quality and quantity outcomes.
4. In developing the WIP the following matters will also be considered:
- a. Identification of the land and water issues, challenges, and opportunities for the whaitua
 - b. Identification of a vision of the future of land and water management for the whaitua
 - c. The management of stormwater and wastewater infrastructure
 - d. The management of sediment inputs into the harbour
 - e. Interactions between groundwater and surface water, fresh water, land use and coastal environments
5. In developing objectives, limits, management methods and activity programmes the members of Te Awarua o Porirua Whaitua Committee must work within the ambit of the following:
- a. The Resource Management Act 1991

- b. The New Zealand Coastal Policy Statement 2010
 - c. The National Policy Statement for Freshwater 2014
 - d. The Regional Policy Statement 2010
 - e. The NES for Drinking Water Standards 2007
 - f. The Soil Conservation and Rivers Control Act 1941
 - g. Any other document referred to the Whaitua Committee by Te Upoko Taiao – Natural Resource Management Committee, Porirua Harbour and Catchment Joint Committee or the General Manager, Environment Management.
 - h. Treaty of Waitangi settlements
6. Te Awarua o Porirua Whaitua Committee shall recommend to Council that regulatory proposals within the WIP be referred to Te Upoko Taiao – Natural Resource Management Committee for incorporation into the Regional Plan through a plan change process.
 7. Te Awarua o Porirua Whaitua Committee shall recommend to Council that the non-regulatory proposals within the WIP will be further developed within Greater Wellington and in conjunction with relevant external organisations.
 8. Te Awarua o Porirua Whaitua Committee shall recommend new non-regulatory initiatives to be considered by the Porirua Harbour and Catchment Joint Committee for inclusion in the Porirua Harbour Strategy and Action Plan

4. Council consideration of regulatory proposals in the WIP

If the Council is not prepared to accept any specific elements of the regulatory proposals within the WIP, those specific elements will be referred back to Te Awarua o Porirua Whaitua Committee for further consideration.

5. Te Awarua o Porirua Whaitua Committee membership and operation

5.1 Te Awarua o Porirua Whaitua Committee membership

Te Awarua o Porirua Whaitua Committee will be appointed by Council and will have the following membership:

1. One elected and one appointed member of Te Upoko Taiao – Natural Resource Management Committee representing the interest of Greater Wellington Regional Council and acting as a voice of Te Upoko Taiao – Natural Resource Management Committee. One or both of these members may also be a representative on the Porirua Harbour and Catchment Joint Committee or otherwise ensure ongoing liaison with that committee

2. One member nominated from Te Runanga o Toa Rangatira representing the interests of mana whenua
3. One member nominated by each Territorial Authority operating within the whitua boundary; Porirua City Council and Wellington City Council, who shall be an elected member of that territorial authority. These members may also be a representative on the Porirua Harbour and Catchment Joint Committee or otherwise ensure ongoing liaison with that committee
4. Up to 7 members from the community with a range of backgrounds and interests related to land and water management within the community. Council may approve additional members if it determines their necessity to ensure appropriate balance.

In determining the composition of the community members of Te Awarua o Porirua Whitua Committee, consideration shall be given to balancing the following land and water management interests and values:

- Indigenous biodiversity/environmental values
- Tangata whenua values
- Recreational values
- Wider economic development interests
- Urban ratepayer interests
- Urban Maori interests
- General community interests
- Incorporating existing structures/programmes and how they will be represented.
- Regional infrastructure interests

To be eligible to be considered for appointment to Te Awarua o Porirua Whitua Committee, a community nominee must either live in, or be able to demonstrate a close connection with, the whitua.

Each community member must also reflect the interests of a wider group within the community and have the skills, experience and knowledge to relay information between Te Awarua o Porirua Whitua Committee and different sectors within the community.

5.2 Chairperson

The Chairperson position is to be determined by the full Te Awarua o Porirua Whitua Committee when all members have been appointed. The Chairperson position must be filled by a member of Te Awarua o Porirua Whitua Committee.

5.3 Quorum

A majority of the membership of Te Awarua o Porirua Whitua Committee shall be present to form a quorum.

5.4 Alternate members

No alternates/proxies shall take the place of Te Awarua o Porirua Whaitua Committee members.

5.5 Committee meetings and workshops

Te Awarua o Porirua Whaitua Committee will meet at least 4 times per annum (once a quarter) and with workshops and additional meetings as required.

Meetings will be advertised and will be open to the public.

5.6 Consensus

Te Awarua o Porirua Whaitua Committee will decide upon the recommendations proposed within their WIP by consensus.

6. Remuneration

Each council shall be responsible for remunerating its representative on Te Awarua o Porirua Whaitua Committee for the cost of that person's participation on the Committee.

All other members of Te Awarua o Porirua Whaitua Committee will be eligible to receive standard mileage allowances or reimbursement of travel expenses as determined by Council and shall be eligible to receive the following honorarium:

- Appointed members \$5,000 per annum
- Chairperson \$8,000 per annum

7. Duration of Te Awarua o Porirua Whaitua Committee

Te Awarua o Porirua Whaitua Committee shall exist for the duration of the development and completion of a WIP (Whaitua Implementation Programme) document, and shall cease to exist when Council has made decisions on regulatory proposals within the WIP.

WELLINGTON TOWN BELT BILL

Purpose

1. To approve minor amendments to the Wellington Town Belt Bill approved by the Council on the 30 September 2014 following a review by the Office of the Clerk of the House of Representatives.

Summary

2. The Wellington Town Belt Bill was approved by the Council on 30 September 2014. Following approval the Bill was forwarded to the Office of the Clerk of the House of Representatives to ensure it complied with Parliament's standing orders.
3. The Office has advised Council officers that three changes to the Bill are desirable:
 - Include a paragraph at the end of the Preamble addressing why the objects of the Bill can only be achieved by legislation.
 - Divide the Bill into parts (rather than simply a sequence of clauses).
 - A change to the way the Bill amends and repeals existing legislation.
4. The Parliamentary Counsel's Office (**PCO**) has also undertaken a further review of the Bill and recommended some changes. Given the PCO's role in the Parliamentary process and its ability to recommend changes to the Bill (i.e. its recommended changes are highly likely to occur regardless) it is more efficient to make them now.

Recommendations

That the Council:

1. Receive the information.
2. Approve the changes set out in Attachment 1 to the version of the Wellington Town Belt Bill that was approved by the Council on 30 September 2014.
3. Delegate to the Chief Executive authority to prepare and finalise an Explanatory Note to accompany the Bill.
4. Instruct officers to take all necessary steps to promote the following legislative changes by way of an annual Statutes Amendment Bill:
 - a. Amend section 4 of the Wellington City Reserves Act 1871 by omitting the words "Providing that one half of the moneys derived from such lands shall be devoted to the ornamentation and utilisation of the land referred to in the Schedules to this Act and no other purposes. Provided also that the other half of such moneys shall be devoted to the construction and maintenance of roads upon the town belt described in Schedule 1 of this Act connecting the streets of the said city with the country roads and to no other purpose".
 - b. Repeal the Wellington City Reserves Act 1872 and section 37 of the Reserves and other Lands Disposal Act 1938 (1938 No 19).

Background

5. The Wellington Town Belt Bill was approved by the Council on 30 September 2014. Following approval the Council consulted informally with the Office of the Clerk of the House of Representatives to obtain advice on progressing the Bill and ensure it would

be regarded as complying with Parliament's Standing Orders prior to beginning the formal Parliamentary process.

6. Officers and their legal counsel from DLA Phillips Fox met with Tim Workman, Manager House Services, Office of the Clerk of the House of Representatives on Thursday 15 January 2015. Mr Workman outlined some issues that, in his opinion, could usefully be addressed before the Bill was formally entered into the Parliamentary process. These are outlined in an email sent by Mr Workman (Attachment 2). This outlines three changes to the Bill approved by the Council on 30 September 2014 that would be desirable. These are:
 - Include a paragraph at the end of the Preamble addressing that the objects of the Bill can only be achieved by legislation.
 - Divide the Bill into parts (rather than simply a sequence of clauses).
 - The Wellington City Reserves Act 1871, Wellington City Reserves Act 1872 and the Reserves and other Lands Disposal Act 1938 (1938 No 19) are Public Acts. The Bill as adopted by the Council proposes amending and repealing and/or part of these Acts respectively. Arguably it would be contrary to Parliamentary convention for a local bill to do this. While this point is uncertain, changing this part of the Bill would eliminate the risk of procedural difficulties and/or delays in Parliament
7. In addition Mr Workman outlines how land schedules need to be dealt with and approved (Attachment 2, point 3) and confirms that clause 23 dealing with application of the Public Works Act 1981 is admissible in a local bill (Attachment 2, point 5).

Discussion

8. The three proposed amendments to the Bill are as follows:
 - To explicitly address that the objectives of the Bill can only be achieved through legislation. It is proposed to add a new clause 13 to the Preamble. This confirms that legislation is required to achieve the objectives of the Bill rather than some other non-legislative method. This is a minor "best practice" change that does not alter the Bill in a substantive way.
 - To divide the Bill into parts. The Bill consists of 31 clauses. By dividing these into parts the Bill's passage through the House will be made easier. This is because it will be able to be debated in parts rather than clause by clause.
 - The amendment of the Wellington City Reserves Act 1871 (Schedule 7) and the repeal of the Wellington City Reserves Act 1872 (Schedule 8) and section 37 of the Reserves and other Lands Disposal Act 1938 (1938 No 19) are removed from the Bill. By Parliamentary convention a local bill generally cannot amend a Public Act in a substantive way. This is to safeguard a local bill making changes to legislation of general application that deals with public policy. While it is uncertain whether the Speaker would ultimately regard the amendment and repeal of these Acts as being contrary to the convention, removing these sections eliminates the risk of an adverse ruling. While the repeal and amendment of these pieces of legislation are not substantive, it will ultimately be tidier and desirable for the changes to occur. It is proposed that the Council approach the Ministry of Justice to have the proposed changes included in an annual Statutes Amendment Bill.
9. Part of the engagement with the Office of the Clerk extended to seeking a further review of the Bill by PCO. While the Council's representatives have been engaged with PCO throughout the drafting process, PCO's involvement has always (and necessarily) been informal and its views potentially subject to change. Having the PCO's continued endorsement of the drafting is very desirable given that its functions include "to

examine all local Bills ... and to report to the Attorney-General on the effect of Bills examined". Upon PCO's further review it has suggested some drafting amendments to the Bill. If these are not made it is very likely that the PCO will recommend them to Select Committee (being a forum in which the Council has limited control).

10. The changes to the Bill are outlined as track changes in Attachment 1.
11. Upon introduction to Parliament all bills are accompanied by an "explanatory note". This is simply a summary of the Bill's contents. It is not a substantive document and will not form part of the legislation ultimately passed by the House. It is proposed that authority to finalise an appropriate explanatory note be delegated to the Chief Executive so that it can be prepared by officers in consultation with the Clerk.

Next Actions

12. Once the Bill is in its final form and any plans of land parcels are in a form that complies with Standing Orders, the Council must give 10 working days' notice of its intention to promote the Bill. This involves advertising the Bill in public newspapers, on the Council website and notifying local MPs, government departments, previous submitters and so on.
13. All relevant documents (including certification of the public notice) are then forwarded to the Clerk of the House.
14. Council officers seek to have the amendment of the Wellington City Reserves Act 1871 (Schedule 7) and the repeal of the Wellington City Reserves Act 1872 (Schedule 8) and section 37 of the Reserves and other Lands Disposal Act 1938 (1938 No 19) added to an annual Statutes Amendment Bill.

Attachments

| | | |
|---------------|--|---------|
| Attachment 1. | Wellington Town Belt Bill with amendments | Page 23 |
| Attachment 2. | Email from Tim Workman, Manager of the House | Page 48 |

| | |
|------------|---|
| Author | Michael Oates, Open Space and Recreation Planning Manager |
| Authoriser | Greg Orchard, Chief Operating Officer |

Item 3.3

SUPPORTING INFORMATION

Consultation and Engagement

Not applicable

Treaty of Waitangi considerations

Not applicable

Financial implications

None

Policy and legislative implications

None. Minor amendment to existing policy decision.

Risks / legal

Legal advice received

Climate Change impact and considerations

None

Communications Plan

N/A

Grant Robertson

Wellington Town Belt Bill

Local Bill

Contents

| | Page |
|---|------|
| Preamble | 2 |
| 1 Title | 4 |
| 2 Commencement | 4 |
| <u>Part 1</u> | |
| <u>Preliminary provisions</u> | |
| <i>Purpose and principles</i> | |
| 3 Purpose | 4 |
| 4 Principles | 4 |
| <i>Interpretation and application</i> | |
| 5 Interpretation | 5 |
| 6 Meaning of Wellington Town Belt | 6 |
| <u>Part 2</u> | |
| <u>Status and management of the Wellington Town Belt</u> | |
| <i>Status</i> | |
| 7 Name | 6 |
| 8 Legal status | 6 |
| 9 Public access | 6 |
| <i>Management plan</i> | |
| 10 Management plan | 6 |
| 11 Contents of management plan | 7 |
| <i>Powers</i> | |
| 12 Powers of the Council | 7 |
| 13 Restrictions on the Council's powers | 7 |
| 14 Delegation of the Council's powers | 8 |
| 15 Consultation | 8 |
| <i>Uses</i> | |
| 16 Leases | 9 |
| 17 Licences | 9 |
| 18 Business activities | 9 |

1718497 1

Wellington Town Belt Bill

| | | |
|----|--|----|
| | <i>Special areas</i> | |
| 19 | Application to the Chest Hospital and Wellington Zoo | 9 |
| | <i>Public services</i> | |
| 20 | Public services | 10 |
| | <u>Part 3</u> | |
| | <u>Additions to, or removals of parts of, the Wellington Town Belt</u> | |
| | <i>Land</i> | |
| 21 | Adding land to the Wellington Town Belt | 10 |
| 22 | No removal of land from the Wellington Town Belt | 10 |
| 23 | Application of the Public Works Act 1981 | 10 |
| 24 | Wellington Town Belt not reserve or road | 11 |
| 25 | Application to the Wellington Botanic Garden | 12 |
| | <u>Part 4</u> | |
| | <u>Miscellaneous provisions</u> | |
| | <i>Miscellaneous provisions</i> | |
| 26 | Existing rights not affected | 12 |
| 27 | Land not to be part of the Wellington Town Belt | 12 |
| 28 | Entry of the Wellington Town Belt in registers | 13 |
| 29 | Transitional provisions | 13 |
| 30 | <u>Part revocation of Order in Council</u> <u>Consequential amendments</u> | 14 |
| 31 | Repeals | 14 |
| | Schedule 1 | |
| | Town Belt Deed | |
| | Schedule 2 | |
| | Land to be part of the Wellington Town Belt on this Act coming into force | |
| | Schedule 3 | |
| | Land not to be Wellington Town Belt on this Act coming into force – road | |
| | Schedule 4 | |
| | Land not to be Wellington Town Belt on this Act coming into force – local purpose reserve | |
| | Schedule 5 | |
| | Land not to be Wellington Town Belt on this Act coming into force – general | |
| | Schedule 6 | |
| | Wellington Botanic Garden land | |
| | <u>Schedule 7</u> | |

Wellington Town Belt Bill

Consequential amendments

Schedule 78

Enactments repealed

Preamble

(1) Whakatauki:

"Tumutumu pareā, rākau pareā, whānui te ara ki a Tāne"

"Ward off post and weapon, so that the expansive path of mankind is opened up"

This was uttered by Te Wharepouri Te Kakapi-o-te-Rangi during the arrival of the colonial ships within the Wellington harbour, and upon the Petone foreshore during the 1830s. Te Wharepouri saw the benefits of building positive relationships with the colonial settlers and working together towards common goals and initiatives. Hence, the focus of this proverb is about the journey of life, overcoming obstacles and issues, and focusing on the main tasks at hand.

(2) The New Zealand Company was a private land settlement company formed in London in May 1839, which planned to establish a settlement at Wellington harbour. The Company's representatives arrived at Wellington harbour in September 1839.

(3) At the time of the New Zealand Company's arrival, the iwi groups with *take raupatu* over all of the lands within the Wellington harbour and its environs were Te Ātiawa, Ngāti Ruanui, Taranaki, Ngāti Tama (together, Taranaki Whānui ki Te Upoko o Te Ika) and Ngāti Toa Rangatira. These iwi each had their own *ahi kā* over particular areas as follows:

- (a) Te Ātiawa at Te Whanganui ā Tara and parts of the south-west coast;
- (b) Taranaki and Ngāti Ruanui at Te Aro;
- (c) Ngāti Tama at Kaiwharawhara and environs, and parts of the south-west coast; and
- (d) Ngāti Toa Rangatira at parts of the south-west coast.

(4) The New Zealand Company's initial settlement plan provided for the original Town Belt, being public reserves of 1,562 acres (approximately 632 hectares) around the proposed town of Port Nicholson (now Wellington City), that would separate it from the Company's rural district. These reserves included the land that is now the Wellington Botanic Garden. The instructions from the Company's secretary, John Ward, to its surveyor, William Mein Smith, included that this land be "public property on condition that no buildings be ever erected upon it".

(5) On 16 October 1841, the Governor of New Zealand notified that the reserves provided for in the Company's plans were "reserved by the Crown for Public Purposes". This was done without consulting or, at that time, compensating the relevant iwi groups.

(6) On 3 June 1861, the Crown conveyed some of the original Town Belt to the Superintendent of the Province of Wellington "in trust for the purposes of Public Utility to the Town of Wellington and its inhabitants".

(7) The Wellington City Reserves Act 1871 instructed the Superintendent to convey some of the original Town Belt to the Council's predecessor (being the Corporation of the City of Wellington, described as the "Mayor, Councillors and Citizens of the City of Wellington") upon trust for "purposes of public utility to the City of Wellington and its inhabitants". The Superintendent carried out this instruction in 1873 by executing the Town Belt Deed, which conveyed three parcels of land on trust to the Council's predecessor. The three parcels were the land known as the "Town Belt", "Canal Reserve" and "Basin Reserve".

1718497_1

3

Wellington Town Belt Bill

- (8) The "Town Belt" parcel and the "Canal Reserve" parcel were conveyed to the Council's predecessor upon trust "to be for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington".
- (9) The "Basin Reserve" parcel was subsequently resettled on the Council's predecessor by deed dated 17 October 1884 as a separate trust, and the Town Belt Deed has no further application to it.
- (10) The report of the Waitangi Tribunal *Te Whanganui ā Tara me ōna Takiwā: Report on the Wellington District* (Wai 145, 2003) concluded that breaches of the Treaty of Waitangi by the Crown had occurred, including in relation to the Crown's acquisition of lands within the Wellington harbour and its environs. The historical claims of Taranaki Whānui ki Te Upoko o Te Ika were settled on 19 August 2008 and the historical claims of Ngati Toa Rangatira were settled on 7 December 2012.
- (11) As well as the significance of some of the land to mana whenua, the concept of the original Town Belt and having open green space around the central city are important to the inhabitants of Wellington generally. Over time, many people and community groups have cared for the Wellington Town Belt and worked to recover parts of the original Town Belt not vested in the Council.
- (12) There is some uncertainty about the legal status of the Wellington Town Belt, the extent to which the Wellington Town Belt is protected for future generations, and the Council's powers to protect, manage and enhance the Wellington Town Belt. This Act will provide certainty by:
- (a) becoming the principal source of the Council's powers for protecting, managing and enhancing the Wellington Town Belt; and
 - (b) providing a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt; and
 - (c) providing a mechanism for land to become part of the Wellington Town Belt.
- (13) The objects of this Act cannot be attained otherwise than by legislation.

The Parliament of New Zealand therefore enacts as follows:

- 1 **Title**
This Act is the Wellington Town Belt Act ~~2014~~2015.
- 2 **Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Purpose and principles

- 3 **Purpose**
The purpose of this Act is to—
- (a) provide a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt on behalf of the inhabitants of the city of Wellington; and
 - (b) impose on the Council responsibilities, and provide the Council with powers, to protect, manage, and enhance the Wellington Town Belt; and

Wellington Town Belt Bill

- (c) recognise the history of the original Town Belt and its significance to mana whenua and the inhabitants of Wellington.

4 **Principles**

- (1) In performing its role ~~under this Act~~ as trustee ~~and manager~~ of the Wellington Town Belt, the Council must—

- (a) recognise and provide for the protection and enhancement of the Wellington Town Belt for future generations; and

- (b) have particular regard to the following principles:

- (i) the Wellington Town Belt should be managed in partnership with mana whenua:
- (ii) the landscape character of the Wellington Town Belt should be protected and enhanced, including by recognising that it was the New Zealand Company's intention that the original Town Belt not be built on:
- (iii) the Wellington Town Belt should support healthy indigenous ecosystems:
- (iv) the Wellington Town Belt should be accessible and for all to enjoy:
- (v) the Wellington Town Belt should be available for a wide range of recreational activities:
- (vi) community participation in the management of the Wellington Town Belt should be encouraged and supported:
- (vii) the historic and cultural heritage of the Wellington Town Belt should be recognised and protected.

- (2) The principles in paragraph (1)(b) must be considered together and the order in which the principles are set out is not to be taken as specifying any order of importance or priority.

Interpretation and application

5 **Interpretation**

In this Act, unless the context otherwise requires,—

business activity means an undertaking carried on for pecuniary gain or reward

Chest Hospital means the land described as the Chest Hospital in the management plan under section 11(3)

Council means the Wellington City Council

original Town Belt means the land provided for as a public reserve around the proposed town of Port Nicholson in the New Zealand Company's plan of 14 August 1840

public services means, irrespective of public or private ownership, network infrastructure that is, in the public interest, necessary for—

- (a) the distribution or transmission of energy (including an electrical installation or work as defined in section 2 of the Electricity Act 1992 and a distribution system as defined in section 2 of the Gas Act 1992); and
- (b) the provision of telecommunications services; and
- (c) the provision of water, wastewater, and stormwater services

publicly available means, in relation to making a document or other information publicly available, taking reasonable steps to—

Wellington Town Belt Bill

- (a) ensure that the document or other information or a copy of the document or other information is accessible free of charge to the general public; and
- (b) publicise both the fact that the document or other information is available and the manner in which copies of the document or other information may be obtained

Registrar-General means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

temporary, in relation to an activity, means an activity that—

- (a) is of a non-repetitive, transient nature; and
- (b) does not exceed four weeks' duration; and
- (c) does not involve the construction of permanent structures or facilities

Town Belt Deed means the deed reproduced in Schedule 1 that was entered into between the Superintendent of the Province of Wellington and the Corporation of the City of Wellington dated 20 March 1873

Wellington Botanic Garden means the land described in Schedule 6

Wellington Zoo means the land described as the Wellington Zoo in the management plan under section 11(3)

6 Meaning of Wellington Town Belt

In this Act, unless the context otherwise requires, **Wellington Town Belt**—

- (a) means—
 - (i) land included under section 21; and
 - (ii) land referred to in section 25(2); and
 - (iii) the land described in Schedule 2; but
- (b) does not include—
 - (i) land referred to in section 25(1); and
 - (ii) land referred to in section 27.

Part 2

Status and management of the Wellington Town Belt

Status

7 Name

The land that comprises the Wellington Town Belt is to be called the "Wellington Town Belt".

8 Legal status

- (1) The Council holds the Wellington Town Belt on behalf of the inhabitants of the city of Wellington as trustee of the trust created by the Town Belt Deed.
- (2) The Town Belt Deed is to be read as if the only term of the trust is to forever hereafter use and appropriate the Wellington Town Belt as a public recreation ground for the inhabitants of the city of Wellington.
- (3) For the purposes of subsection (2), **public recreation ground** means an area provided for—
 - (a) recreation, sporting activities and the enjoyment of the public, with an emphasis on the retention of public access, open spaces and outdoor activities; and

Wellington Town Belt Bill

(b) the protection of the natural environment and historic heritage.

9 Public access

- (1) Members of the public are entitled to freedom of entry and access to the Wellington Town Belt, subject to—
- (a) subsections (2) to (4); and
 - (b) section 12(3); and
 - (c) any temporary conditions and restrictions that the Council considers necessary for the protection of the Wellington Town Belt or the safety of the public.
- (2) No business activity may be undertaken on the Wellington Town Belt (~~irrespective of any including under an~~ easement, lease or licence) unless authorised under sections 18 to 20.
- (3) The Council may impose reasonable charges for the use of facilities on the Wellington Town Belt that are provided by the Council.
- (4) A lessee or licensee in respect of any facility, structure, site, or place on the Wellington Town Belt may, to the extent provided by the relevant lease or licence, restrict access to it and impose a reasonable charge for its use.

Management plan

10 Management plan

- (1) The Council must adopt a management plan for the Wellington Town Belt.
- (2) In exercising its powers with respect to the Wellington Town Belt, the Council must comply with the management plan.
- (3) The Council must review the management plan at intervals of not more than 10 years and, as appropriate, replace or amend it by passing a resolution adopting a new plan or amendments to the current plan~~the new or amended management plan as the operative management plan~~.
- (4) Any new plan or amendments to the current plan~~or amended management plan~~ must be prepared in draft, and the Council must—
- (a) make the draft publicly available for inspection; and
 - (b) invite the public to make submissions on the draft; and
 - (c) give every submitter who asks to be heard a reasonable opportunity to appear in support of the submitter's submission; and
 - (d) take into account all submissions made on the draft.
- (5) The Council may, without complying with subsection (4), amend the management plan, if it passes a resolution that—
- (a) the proposed amendments are minor or technical in nature; and
 - (b) compliance with subsection (4) is unnecessary.

11 Contents of management plan

- (1) The management plan must not contain anything inconsistent with this Act or the trust described in section 8.
- (2) The management plan may set conditions and rules to manage use of the Wellington Town Belt.
- (3) The management plan must—
- (a) describe the land that comprises the Chest Hospital and Wellington Zoo; and

Wellington Town Belt Bill

- (b) clearly define the boundaries of the Chest Hospital and Wellington Zoo and ensure that they are easily identifiable in practice; and
- (c) limit the size of the Chest Hospital to a continuous area not exceeding 0.8973 hectares; and
- (d) limit the size of the Wellington Zoo to a continuous area not exceeding 10.8 hectares.

Powers

12 Powers of the Council

- (1) For the purposes of performing its role as trustee ~~and manager~~ of the Wellington Town Belt, the Council has—
 - (a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (2) ~~Subsection (1) is subject to this Act, any other enactment, and the general law applies except as provided in this Act or another Act or rule of law.~~
- (3) Without limiting subsection (1), the Council has the power to manage use of the Wellington Town Belt, including by setting conditions and rules in a management plan under section 10.

13 Restrictions on the Council's powers

- (1) Despite section 12, the Council has no power to—
 - (a) sell, exchange, or use as security any part of the Wellington Town Belt; or
 - (b) grant any easement, lease, or licence in respect of the Wellington Town Belt other than in accordance with sections 16, 17, 19 or 20; or
 - (c) authorise any business activity on the Wellington Town Belt other than in accordance with sections 18 to 20.

14 Delegation of the Council's powers

- (1) The Council must not delegate—
 - (a) the power to add land to the Wellington Town Belt under section 21; or
 - (b) the power to agree compensation under section 23; or
 - (c) the power to impose charges under section 9; or
 - (d) the power to adopt, replace or amend a management plan under section 10; or
 - (e) the power to grant leases under section 16.
- (2) Other than to a committee of the Council, the Council must not delegate—
 - (a) the power to grant licences under section 17; or
 - (b) the power to grant leases and licences under section 19; or
 - (c) the power to grant easements, leases, and licences under section 20.

15 Consultation

- (1) Subsection (2) applies to the exercise of the Council's powers to—
 - (a) build or extend (or authorise the building or extension of) a structure or facility under sections 12 or 16 to 20, where the effect on the Wellington Town Belt of that structure, facility or extension will be more than minor; and
 - (b) impose charges under section 9; and

1718497_1

8

Wellington Town Belt Bill

- (c) grant leases or consent to the disposal of a lessee's interest under section 16; and
 - (d) grant leases under section 19; and
 - (e) add land to the Wellington Town Belt under section 21.
- (2) Before exercising a power **referred to** in subsection (1), the Council must consider the views of the public and persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by—
- (a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and
 - (b) giving every submitter who asks to be heard a reasonable opportunity to appear in support of the submitter's submission; and
 - (c) taking into account all submissions made on the proposed exercise of the power.
- (3) Subsection (4) applies to the exercise of the Council's powers to—
- (a) grant licences or consent to the disposal of a licensee's interest under section 17; and
 - (b) grant licences under section 19; and
 - (c) grant easements, leases, and licences under section 20.
- (4) Before exercising a power in subsection (3), the Council must consider the views of the public and persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by—
- (a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and
 - (b) taking into account all submissions made on the proposed exercise of the power.
- (5) At all times there must be an employee of the Council whose—
- (a) role includes acting as a liaison officer between the public and the Council with respect to the Wellington Town Belt; and
 - (b) role includes oversight of the management plan under section 10; and
 - (c) name and contact details are made publicly available.

Uses

16 Leases

- (1) The Council may, on any conditions that it considers appropriate, grant leases in respect of the Wellington Town Belt.
- (2) At any point in time, no more than eight hectares in total of the Wellington Town Belt may be leased, excluding any leases for public services, any leases in respect of the Chest Hospital and Wellington Zoo, and the lease referred to in section 26(3).
- (3) A lease under this section must—
 - (a) specify what activities are authorised by the lease; and
 - (b) not be granted for a term, including any renewals, exceeding 20 years; and
 - (c) not be granted for an activity that could reasonably be undertaken pursuant to a licence; and
 - (d) not allow a right to transfer, sublease, assign, or otherwise dispose of the lessee's interest without the Council's consent.

1718497_1

9

Wellington Town Belt Bill

17 Licences

- (1) The Council may, on any conditions that it considers appropriate, grant licences in respect of the Wellington Town Belt.
- (2) A licence under this section must—
 - (a) specify what activities are authorised by the licence; and
 - (b) not be granted for a term, including any renewals, exceeding 10 years; and
 - (c) not allow a right to transfer, sub-licence, assign, or otherwise dispose of the licensee's interest without the Council's consent.

18 Business activities

- (1) The Council must not authorise a business activity (including under an easement, lease or licence) on the Wellington Town Belt unless—
 - (a) the activity is temporary, and any effect of the activity on the Wellington Town Belt and the public will be no more than minor; or
 - (b) the activity is consistent with the use of the Wellington Town Belt as a public recreation ground (as defined in section 8) and the effect on the Wellington Town Belt of any structure or facility required to be built or extended for the activity will be no more than minor.
- (2) Subject to subsection (1), the Council may authorise business activities on the Wellington Town Belt on any conditions that it considers appropriate.

Special areas

19 Application to Chest Hospital and Wellington Zoo

- (1) The purpose of—
 - (a) the Chest Hospital is to allow for the use and conservation of the Chest Hospital buildings; and
 - (b) the Wellington Zoo is to allow for the operation of the Wellington Zoo.
- (2) Despite anything in this Act, for the purposes in subsection (1) the Council may, on any conditions that it considers appropriate, grant leases and licences and authorise business activities in respect of the Chest Hospital and Wellington Zoo and sections 16 to 18 will-do not apply.
- (3) A lease or licence under subsection (2) must not be granted for a term, including any renewals, exceeding 33 years.

Public services

20 Public services

- (1) Despite anything in this Act, the Council may, on any conditions that it considers appropriate, grant easements, leases, and licences and authorise business activities in respect of the Wellington Town Belt for public services and sections 16 to 18 will-do not apply.
- (2) Before deciding whether to exercise any power grant any right under subsection (1), the Council must consider—
 - (a) the effect on the Wellington Town Belt of the proposed activitypublic service; and

1718497_1

10

Wellington Town Belt Bill

- (b) alternative sites, routes, or other methods for achieving the objectives of the proposed ~~public service~~ ~~activity~~.
- (3) Any public service owned by the Council on the Wellington Town Belt at the commencement of this Act is lawful and may be the subject of an easement in favour of any party entitled to use the service.
- (4) The Council may grant a right under this section to itself.

Part 3

Additions to, or removals of parts of, the Wellington Town Belt

Land

21 Adding land to the Wellington Town Belt

- (1) ~~The Council may pass a resolution that any land vested in it for an estate in fee simple forms part of the Wellington Town Belt.~~ The Council may pass a resolution that land forms part of the Wellington Town Belt if the fee simple estate in the land is vested in the Council.
- (2) Upon any resolution being passed under subsection (1), the relevant land ~~vests in the Council~~ ~~as becomes part of the~~ Wellington Town Belt.
- (3) The Council may not pass a resolution under subsection (1) unless it has consulted the public about the proposal using the special consultative procedure under the Local Government Act 2002.
- (4) The Council must make publicly available and publish in the *Gazette* any resolution passed under subsection (1).

22 No removal of land from the Wellington Town Belt

Subject to sections 23 and 27, no land can be removed from the Wellington Town Belt.

23 Application of the Public Works Act 1981

- (1) Sections 17 to 21, ~~27~~, and 114 of the Public Works Act 1981 do not apply to the Wellington Town Belt.
- (2) Sections 40 to 42 of the Public Works Act 1981 do not apply to the addition of land to the Wellington Town Belt under section 21.
- (3) The Council and the inhabitants of Wellington each have standing to object under section 23(3) of the Public Works Act 1981 to the taking of any part of the Wellington Town Belt.
- (4) Whenever, following a notice of intention to take part of the Wellington Town Belt under section 23 of the Public Works Act 1981, steps may be taken under section 26 of that Act, the following provisions apply:
- (a) the Council and the Minister must make all reasonable endeavours to agree the compensation that will be made to the Council before the Minister makes any recommendation to the Governor-General to issue a Proclamation taking the land:
- (b) when agreeing any compensation under paragraph (a), the Minister's discretion is not limited by any amount of compensation assessable under the Public Works Act 1981:
- (c) any compensation agreed under paragraph (a) may include a grant of land:
- (d) where Wellington Town Belt is taken or acquired without compensation being agreed under paragraph (a), then compensation for the land that is taken or acquired must be assessed on the basis of the reasonable cost of equivalent reinstatement of

Wellington Town Belt Bill

land of similar or better value for use as part of a public recreation ground for the inhabitants of the city of Wellington than the land taken or acquired:

- (e) paragraph (d) does not apply where only the subsoil of the relevant land is taken or acquired.

24 Wellington Town Belt not reserve or road

- (1) On and from the commencement of this Act, the Wellington Town Belt—
- (a) is not reserve under the Reserves Act 1977; and
- (b) any status the Wellington Town Belt had as reserve is revoked.
- (2) On and from the commencement of this Act, the Wellington Town Belt—
- (a) is not road under the Local Government Act 1974 or the Public Works Act 1981; and
- (b) any status the Wellington Town Belt had as road is stopped.

25 Application to the Wellington Botanic Garden

- (1) Any land that is subject to the Wellington Botanic Garden Vesting Act 1891 is to be treated as not being part of the Wellington Town Belt.
- (2) Any land that ceases to be subject to the Wellington Botanic Garden Vesting Act 1891 forms part of the Wellington Town Belt.

Part 4

Miscellaneous provisions

Miscellaneous provisions

26 Existing rights not affected

- (1) This Act does not affect any of the following in existence at the commencement of this Act:
- (a) any estate or interest ~~registered~~ in the Wellington Town Belt registered under the Land Transfer Act 1952; or
- (b) any interest in land which comprises part of the original Town Belt, but is not part of the Wellington Town Belt; or
- (c) any easement, lease or licence in relation to the Wellington Town Belt; or
- (d) any business activity authorised under an easement, lease or licence in relation to the Wellington Town Belt; or
- (e) any public service that is lawfully established on the Wellington Town Belt.
- (2) This Act does not affect the operation of any law that confers rights to access, operate, inspect, maintain, replace or upgrade public services.
- (3) Despite section 31, the Council and any lessee of the lease granted under the Wellington City Exhibition Grounds Act 1959 have the same rights and obligations in all respects as if that Act had not been repealed.

27 Land not to be part of the Wellington Town Belt

- (1) On and from the commencement of this Act, the land described in Schedule 3—
- (a) ceases (where relevant) to be subject to the Town Belt Deed and the Reserves Act 1977; and
- (b) vests in the Council as road within the meaning of section 315 of the Local Government Act 1974.

1718497_1

12

Wellington Town Belt Bill

- (2) On and from the commencement of this Act, the land described in ~~Schedule 4~~—
- (a) ceases (where relevant) to be subject to the Town Belt Deed; and
 - (b) vests in the Council as local purpose reserve under the Reserves Act 1977.
- (3) On and from the commencement of this Act, ~~the land described in Schedule 5~~—
- (a) the land described in Schedule 5 ceases (where relevant) to be subject to the Town Belt Deed and the Reserves Act 1977; and
 - (b) the fee simple estate in the land vests in the Council ~~for an estate in fee simple~~ free of any encumbrance, interest, or other right or obligation affecting the land existing immediately before the commencement of this Act.

28 Entry of the Wellington Town Belt in registers

- (1) The Registrar-General must, in accordance with a written application by the Council, do anything that is necessary to give effect to this Act, including, without limitation, subsections (2) to (65).
- ~~(2) If part of the Wellington Town Belt is not subject to the Land Transfer Act 1952, the Registrar-General must, in accordance with a written application by the Council,—~~
- ~~(a) make an entry in the index book of the Deeds Register Office; and~~
 - ~~(b) upon such registration the land becomes subject to the Land Transfer Act 1952.~~
- (3) To the extent that part of the Wellington Town Belt is not all of the land contained in a computer freehold register, or there is no computer freehold register for part of the Wellington Town Belt, the Registrar-General must, in accordance with a written application by the Council,—
- (a) create a computer freehold register for the fee simple estate in the land in the name of the Council; and
 - (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (4) ~~To the extent that~~If part of the Wellington Town Belt is all of the land contained in a computer freehold register, the Registrar-General must, in accordance with a written application by the Council,—
- (a) record against the computer freehold register a notification that the land is subject to this Act; and
 - (b) remove from the computer freehold register any notification that the land is subject to the Town Belt Deed or the Reserves Act 1977, or held for any purpose that is inconsistent with this Act.
- (5) Subsections (2) and (3) are subject to the completion of any survey necessary to make an entry in the index book or create a computer freehold register.
- (6) The Registrar-General must, in accordance with a written application by the Council—
- (a) register any instrument granting a right under section 20; and
 - (b) comply with subsections (2) to and (4) in relation to any land that vests under section 21 in the Council as Wellington Town Belt; and
 - (c) do anything that is necessary to give effect to section 27, including to create computer freehold registers and record anything in, and remove anything from, the register.
- (7) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to any matter required for the purpose of, or incidental to, this section.

1718497_1

13

Wellington Town Belt Bill

29 **Transitional provisions**

- (1) The Council's *Wellington Town Belt Management Plan (June 2013)* is to be treated as the management plan under this Act until it is replaced or amended under [section 10\(3\)](#).
- (2) After the commencement of this Act, the Council may, without complying with [section 10\(4\)](#), make changes to the *Wellington Town Belt Management Plan (June 2013)* that are consequential on the commencement of this Act.

30 **Part revocation of Order in Council~~Consequential amendments~~**

~~Clauses 9, 10 and 11 of the Schedule to the Health Sector Transfers (Wellington City Council) Order 2002 (SR 2002/393) are hereby revoked~~
~~The Acts specified in [Schedule 7](#) are amended as set out in the schedule.~~

31 **Repeals**

The Acts specified in [Schedule 7](#) are repealed.

Wellington Town Belt Bill

Schedule 1

s 5

Town Belt Deed

Dated 20th March 1873

The Superintendent of the Province of Wellington

to

The Corporation of the City of Wellington

Town Belt and Basin Reserve Wellington

C of W No. 1

CONVEYANCE

under the Wellington City Reserves Act

Corpn. Book Fol. 1

THIS DEED

made the twentieth day of March One thousand eight hundred and seventy three

BETWEEN

THE HONOURABLE WILLIAM FITZHERBERT

Superintendent of the Province of Wellington in the Colony of New Zealand

of the one part and

THE MAYOR COUNCILLORS and **CITIZENS OF THE CITY OF WELLINGTON**

(who with their Successors are hereinafter termed "the Corporation")

of the other part

WITNESSETH

that in pursuance and by virtue and in exercise and execution of the powers and authorities given to and vested in him the said William Fitzherbert as such Superintendent as aforesaid under and by virtue of "The Wellington City Reserves Act 1871" and of all other powers and authorities in anywise enabling him in that behalf HE THE SAID William Fitzherbert as such Superintendent as aforesaid DOTH hereby convey and assure unto the Corporation ALL AND SINGULAR the lands and hereditaments comprised and described in the first Schedule hereunder written and delineated upon the plan numbered 1 drawn upon these presents and therein colored red WITH all the rights and appurtenances to the same TO HOLD the same unto the Corporation UPON AND FOR the trusts and purposes and with under and subject to the powers provisoes conditions declarations and agreements hereinafter declared expressed and contained of and concerning the same (that is to say) UPON TRUST as to such parts of the said lands hereby conveyed or expressed and intended so to be as are comprised and colored purple in the second plan hereunto annexed AND as to such parts of the said lands as are comprised and colored Blue in the third plan hereunto annexed and known as the Canal Reserve (subject as to the lands comprised and colored purple in the said second plan to the power of leasing hereinafter contained) to be for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington in such manner as in and by rules and regulations to be from time to time made in that behalf

1718497_1

15

Wellington Town Belt Bill

by the Corporation shall be prescribed and directed AND UPON TRUST as to such parts of the said lands as are comprised and colored green in the said third plan hereunto annexed and known as the Basin Reserve by any deed or deeds to convey the same to a body of not less than three Trustees to be from time to time appointed by the Corporation UPON SUCH TRUSTS and for such purposes of public utility to the City of Wellington and the inhabitants thereof as shall in and by such deed or deeds of conveyance be expressed and declared but without any power for the said trustees to alienate or dispose of the same AND so that no thoroughfare shall at any time be created across the said lands or any part thereof AND IT IS HEREBY DECLARED that it shall be lawful for the Corporation to demise or lease all or any part or parts of the lands hereby conveyed or intended so to be which are comprised and described in the second schedule hereunder written and delineated upon the plan numbered 2 drawn upon these presents and therein colored purple for any term or number of years absolute not exceeding Forty two years to take effect in possession and not in reversion or by way of future interest so that there be reserved in every such demise or lease the best and most improved rent to be payable during the continuance of the term thereby granted which may be reasonably had or gotten for the same without taking any fine premium foregift for the making thereof and so that there be contained in every such demise or lease a clause in the nature of a condition for re-entry or non-payment of the rent therein reserved for the space of twenty one days and so as the lessee or lessees do execute a counterpart thereof respectively and do covenant for the due payment of the rent thereby reserved and are not exempted from punishment for committing waste AND IT IS HEREBY ALSO DECLARED that the Corporation shall stand possessed of all the rents issues and profits arising or to arise from the lands comprised and described in the second Schedule to these presents UPON TRUST to apply or appropriate the same in manner described in and by "The Wellington City Reserves Act 1871" and "The Wellington City Reserves Act 1872" respectively IN WITNESS whereof the said William Fitzherbert as such superintendent as aforesaid hath hereunto subscribed his name and affixed his seal the day and year first above written.

SCHEDULE 1

FIRSTLY ALL THOSE several pieces or parcels of land adjoining the City of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to "The Wellington City Reserves Act 1871" SECONDLY ALL THAT piece or parcel of land situate in the City of Wellington aforesaid and containing by admeasurement Nine acres and three roods more or less and commonly called or known by the name of the basin Reserve BOUNDED on all sides by Sussex Square and THIRDLY ALL THAT piece or parcel of land situated in the City of Wellington aforesaid and containing by admeasurement Five acres and one rood more or less and commonly called or known by the name of the Canal Reserve AS all and singular the said lands are delineated in the plan numbered 1 on this skin and thereon colored Red.

SCHEDULE 2

ALL THOSE several pieces or parcels of land situate in the city of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to "The Wellington City Reserves Act 1871" AS the same pieces or parcels of land are severally delineated on the plan numbered 2 on this skin and thereon colored purple.

SCHEDULE 3

ALL THAT piece or parcel of land situated in the City of Wellington and containing by admeasurement Nine Acres and three Roods more or less and commonly called or known by the name of the Basin Reserve BOUNDED on all sides by Sussex Square AS the same is delineated on the Plan numbered 3 on this skin and thereon colored Green.

SIGNED SEALED AND DELIVERED

By the Honourable William Fitzherbert
Superintendent of the Province of Wellington

in the presence of us

(the words "and commonly called or known by the name of the basin reserve" between the sixth and seventh line of the first schedule having been previously interlined)

C.B. BORLASE

1718497_1

16

Wellington Town Belt Bill

Provl. Solr.
Wellington
Wm. Jones
Clerk to Superintendent

William **SEAL** Fitzherbert

Wellington Town Belt Bill

Schedule 2

s 6(a)(iii)

Land to be part of the Wellington Town Belt on this Act coming into force

| Area | Description | Certificate of title |
|------|-------------|----------------------|
|------|-------------|----------------------|

Wellington Town Belt Bill

Schedule 3

s 27(1)

Land not to be Wellington Town Belt on this Act coming into force – road

| Area | Description | Certificate of title |
|------|-------------|----------------------|
|------|-------------|----------------------|

Wellington Town Belt Bill

Schedule 4

s 27(2)

Land not to be Wellington Town Belt on this Act coming into force – local purpose reserve

| Area | Description | Certificate of title |
|------|-------------|----------------------|
|------|-------------|----------------------|

Wellington Town Belt Bill

Schedule 5

s 27(3)

Land not to be Wellington Town Belt on this Act coming into force – general

| Area | Description | Certificate of title |
|------|-------------|----------------------|
|------|-------------|----------------------|

Wellington Town Belt Bill

Schedule 6

s 5

Wellington Botanic Garden land

| Area | Description | Certificate of title |
|-------------|--------------------|-----------------------------|
|-------------|--------------------|-----------------------------|

1718497_1

22

Wellington Town Belt Bill

~~Schedule 7~~

s.30

~~Instruments amended~~

~~Health Sector Transfers (Wellington City Council) Order 2002 (SR 2002/393)~~

~~Revoke regulations 9, 10 and 11.~~

~~Reserves and other Lands Disposal Act 1938 (1938 No 19)~~

~~Repeal section 37.~~

~~Wellington City Reserves Act 1871 (1871 No 23)~~

~~Amend section 4 by omitting the words "Provided that one half of the moneys derived from such lands shall be devoted to the ornamentation and utilization of the lands referred to in the Schedules to this Act and no other purposes Provided also that the other half of such moneys shall be devoted to the construction and maintenance of roads upon the Town Belt described in Schedule 1 to this Act connecting the streets of the said city with the country roads and to no other purpose".~~

Wellington Town Belt Bill

Wellington Town Belt Bill

Schedule 78

s 31

Enactments repealed

Wellington City Exhibition Grounds Act 1959 (1959 No 8)

Wellington (City) Town Belt Reserves Act 1908 (1908 No 45)

~~**Wellington City Reserves Act 1872 (1872 No 13)**~~

From: [Tim Workman](#)
To: [Chapman, Nick](#)
Cc: [Holloway, Adam](#); [David Wilson](#)
Subject: RE: Wellington Town Belt Bill [DLANZ-CLIENT.FID116517]
Date: Friday, 16 January 2015 10:48:33 a.m.
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hi Nick, further to yesterday's meeting I can confirm the following advice:

1. The promoter needs to address why the objects of the bill can only be achieved by legislation, or if not, why legislation is justified. It is good practice to include a paragraph on this topic at the end of the Preamble. See Christchurch City Council (Rates Validation) Bill <http://www.legislation.govt.nz/bill/local/2014/0204/latest/DLM6097706.html?src=qs> and the Royal Society of NZ Amendment Bill <http://www.legislation.govt.nz/bill/private/2010/0210/3.0/DLM3223802.html>
2. The progress of the Bill through the Committee of the whole House may benefit from the Bill being drafted in Parts.
3. Where land dealt with by the bill is covered by an existing certificate of title, it is sufficient for the Registrar-General of Lands to certify in writing that the description of the title is accurate. Other lands require certified copies of plans to be made available with the bill during the notification period, and then submitted together with the certified copy of the bill and the declaration.
4. A local bill cannot amend a Public Act in a substantive way. This is a safeguard to prevent a local bill from making changes to legislation of general application and dealing with public policy. (see *Parliamentary Practice in New Zealand*, p 309) Consequential amendments are permissible but these are amendments consequential on the drafting of the bill rather than the policy being implemented by the bill. It appears that that the amendment of the Wellington City Reserves Act 1871 and the repeal of the Wellington City Reserves Act 1872 (both Public Acts) go beyond consequential amendments and may be inadmissible in a local bill.
5. I have considered clause 23 of the Bill further. It is admissible. Provisions that create an exception from the general law in a locality are acceptable, as distinguished from provisions in a local bill that amend an Act of general application.

I note that the Speaker is the final decision maker on matters of admissibility and categorisation of bills. The above advice is based on the information provided in the draft bill and should be considered a preliminary view.

Let me know if there are any further questions that I have not addressed.

Kind regards

Tim Workman
Manager (House)
House Services
Office of the Clerk of the House of Representatives
Parliament Buildings
Wellington
ddi 04 817 9441
mobile 021 243 0981

From: Chapman, Nick [mailto:Nick.Chapman@dlapf.com]
Sent: Wednesday, 14 January 2015 11:55 a.m.
To: Tim Workman
Cc: Holloway, Adam
Subject: Wellington Town Belt Bill [DLANZ-CLIENT.FID116517]

Dear Tim,

I look forward to our meeting tomorrow afternoon. I will attend together with my colleague Adam Holloway and a representative of Wellington City Council, Mike Oates.

I thought it would be helpful to set out some background ahead of the meeting.

Attached to this email is a copy of the draft Bill and explanatory note.

The Council is the trustee of the Wellington Town Belt by virtue of the Town Belt Deed. The Deed was written in 1873. Interpretation issues surrounding the Deed, and its interaction with the range of legislation that applies to the Town Belt, have for many years created uncertainty around the legal status of, and management arrangements for, the Town Belt.

The Council wishes to remedy this by promoting the Wellington Town Belt Bill. The Bill is local legislation intended to strengthen the protections and governance arrangements for the Town Belt. In preparing the Bill the Council has undertaken a thorough consultation process. It has also engaged with third parties such as the Registrar-General of Land.

The Council instructed us to assist with preparing the Bill. We have worked with the Parliamentary Counsel Office. We apologise for not approaching your office earlier in the process, but the content of the Bill has changed a great deal during the consultation process and we were waiting for this to stabilise before taking up your time. The Council is now happy with the version of the Bill attached (although one or two matters concerning the description of parcels of land are still being finalised). It would like to promote the Bill in this form, but will consider further changes recommended by your office or essential to comply with Standing Orders.

The range of matters we are hoping to discuss with you tomorrow include:

- Obtaining preliminary advice on whether your office regards the Bill in the attached form as complying with the relevant Standing Orders.
- The views of your office on who will qualify as persons with "a direct interest in the subject-matter of the bill" so that notice can be given to them. Our initial list includes:
 - o The Secretary to the Treasury and the Solicitor-General (due to cl 23 and the 1873 Deed arguably creating a charitable trust)
 - o The chief executive of Land Information New Zealand (due to cl 23)
 - o The chief executive of the Department of Conservation (due to the land being reserve)
 - o The Registrar-General of Land.
- The process for ensuring that the requirements for Bills dealing with land can be satisfied.
- A general discussion around timeframes and what expectations the Council should have regarding how the Bill will be progressed.

Kind regards,

Nick Chapman
Solicitor

T +64 4 918 3052

F +64 4 472 7429

E nick.chapman@dlapf.com



DLA Phillips Fox
<http://www.dlapf.com>



DLA Phillips Fox is a member of DLA Piper Group, an alliance of independent legal practices.
Please consider the environment before printing this email.

DLA Phillips Fox notice - This email, including any attachments, is confidential. It may contain copyright and/or legally privileged material and/or personal information. If you received it in error, please let us know immediately by return email and then delete this email and your reply. You must not use, copy or disclose any of the information this email contains. There is no warranty that this email is error or virus free. If this is a private communication, it does not represent the views of DLA Phillips Fox. DLA Phillips Fox does not by itself, or on behalf of its clients, waive any legal professional privilege that may exist in the content of this email.

Please consider the environment before printing this email.

The content of this email, including any attachment, is intended for the named recipient only and is not necessarily the official view or communication of the Office of the Clerk. It may contain privileged material and/or confidential information.

If you are not the intended recipient of this email, you must not copy it, distribute it or take any action in reliance on it. If you have received this email in error, please notify the sender immediately and delete this email. Although this email has been scanned for viruses, this email is not guaranteed to be free of viruses and should be checked by your own security mechanisms. No liability is accepted for any loss or damage arising from the use of this email or its attachments.

NEW ZEALAND DELEGATION TO THE UNITED NATIONS WORLD CONFERENCE ON DISASTER RISK REDUCTION

Purpose

1. To approve the travel for the Deputy Mayor to represent Wellington city as part of an official New Zealand delegation to the Third United Nations World Conference on Disaster Risk Reduction (WCDRR) to be held in Sendai, Japan from 14 – 18 March 2015.

Summary

2. This paper seeks approval for the Deputy Mayor (on behalf of the Mayor) to accept the formal invitation from the Hon Gerry Brownlee to be part of the New Zealand delegation.
3. The invitation recognises Wellington city's international reputation in planning for the disaster risk reduction, and as one of the world's 100 resilient cities.

Recommendations

That the Council:

1. Receive the information.
2. Agree that the Deputy Mayor accept the invite and represent the city at the Third United Nations World Conference on Disaster Risk Reduction to be held in Sendai, Japan from 14 – 18 March 2015.

Background

4. The United Nations is convening the Third United Nations World Conference on Disaster Risk Reduction and New Zealand will be sending an official delegation.
5. The delegation will consist of the following:
 - Hon Gerry Brownlee (Head of delegation) and 2 members of his staff.
 - Ambassador Phillip Gibson, Special Envoy for Disaster Risk Management.
 - Ms Davene Vroon, Deputy Director Ministry of Foreign Affairs and Trade.
 - Ms Benesia Smith, Deputy Chief Executive CERA
 - Ms Sarah Stuart-Black, Director Ministry of Civil Defence & Emergency Management and 2 staff.
 - Ambassador Mark Sinclair, New Zealand Ambassador to Japan and 3 embassy staff.
 - The following non-government representatives have been invited:
 - Mayor Lianne Dalziel, Mayor of Christchurch and 1 senior staff member.
 - Deputy Mayor Justin Lester, Wellington City Council and 1 senior staff member.
 - Sir Maarten Wevers, Chair of the Earthquake Commission and 1 staff member.

Discussion

6. Under normal circumstances the invitation would have been to the Mayor of Wellington, particularly given her interest in and experience in the field of Disaster Risk Reduction, however the conference clashes with the commencement of consultation of the Long Term Plan.
7. The Minister is keen for senior local government leaders to be involved in the New Zealand delegation, in recognition that the majority of both leadership and delivery in disaster risk reduction, occurs at the local, rather than central government level.
8. At least two of Wellington's initiatives are being showcased at the Conference (community resilience and the residential water tanks project).
9. The Resolution of the United Nations' General Assembly for the Conference is that it will result in a concise, forward-looking and action-orientated outcome document with the following objectives:
 - To consider the experience gained through the regional and national strategies/ institutions and plans for disaster risk reduction and their recommendations as well as regional agreements within a Framework for Action.
 - To adopt a post-2015 framework for risk reduction.
 - To identify modalities of cooperation based on commitment to implement a post-2015 framework for disaster risk reduction.
10. Key plenary sessions include:
 - Governing Disaster Risk: Overcoming Challenges
 - Reducing Disaster Risk in Urban Settings
 - Reconstructing After Disasters: Building Back Better
 - Public Investment Strategies for Disaster Risk Reduction
 - Risk Sensitive Investment: Public – Private Partnerships
 - Mobilising Women's Leadership in Disaster Risk Reduction
 - Emerging Risks (Technological, Climate, Ecosystems, Land Use Planning).
11. There will be a concurrent exhibition and poster sessions.
12. The benefits to Wellington range across governance, policy and technical realms.
13. The 2015 Framework will provide an excellent starting point for the (yet to be appointed) Chief Resilience Officer's programme of work.
14. In addition, the Conference will provide an excellent opportunity to improve the working relationship with the Minister and key government officials.
15. The 'big picture' is positioning Wellington as an urban resilience exemplar to both deliver confidence that Wellington could recover from an event such as experienced in Christchurch, and to attract and showcase the region's expertise which is in demand internationally.

Next Actions

16. The estimated cost of the attendance is \$5720 per delegate including flights & accommodation. If the travel is approved the cost will be met from the Mayor's Office budgets.
17. In line with Council policy, Carbon Credits will be purchased to reduce the carbon footprints of these flights.

Attachments

Nil

| | |
|------------|--|
| Author | Betsie Lotter, EA To Chief Asset Officer |
| Authoriser | Anthony Wilson, Chief Asset Officer |

SUPPORTING INFORMATION

Consultation and Engagement

Not applicable

Treaty of Waitangi considerations

Not applicable

Financial implications

As per paragraph 9.

Policy and legislative implications

The recommended attendance is consistent with previous Council representation at international conferences as part of a New Zealand delegation.

Risks / legal

Not applicable

Climate Change impact and considerations

Carbon Credits for International flights will be purchased in line with Council Policy

Communications Plan

Not applicable

TRANS-PACIFIC PARTNERSHIP AGREEMENT

Purpose

1. To pass the below resolution which encourages the government to conclude negotiations on the Trans-Pacific Partnership and Free Trade Agreement (TPPA) in a way that provides net positive benefits for Wellington and New Zealand.

Summary

2. While it is acknowledged that free trade agreements, such as the Closer Economic Relations Agreement with Australia and the New Zealand China Free Trade Agreement, have brought benefits to the New Zealand economy, there has been some public concern over aspects of the proposed TPPA.
3. These concerns include questions regarding the size and scope of the agreement, the privacy with which it has been conducted, the possible inclusions of certain dispute settlement clauses, and the potential cost implications for items such as medicines, the internet and the Resource Management Act.
4. The Government is aware of these concerns. WCC would like to join with other major Councils (see background) in passing the resolution below which sets out the issues particularly pertinent to the work and role of Local Government.

Recommendations

That the Council:

1. Receive the information.
2. Agree to the resolution in paragraph 6 below, encouraging the government to conclude negotiations on the Trans-Pacific Partnership and Free Trade Agreements in a way that provides net positive benefits for Wellington City and New Zealand.

Background

5. This resolution in paragraph 6 below has already been passed by the following Councils:
 - Auckland Council
 - Nelson City Council
 - Greater Wellington Regional Council
 - Palmerston North City Council
 - Horizons Regional Council
 - Tasman District Council
 - Horowhenua District Council
 - Christchurch City Council
 - Dunedin City Council

Discussion

6. The proposed resolution is as follows:

7. The Council, in accordance with other major councils throughout New Zealand, encourages the government to conclude negotiations on the TPPA in a way that achieves the following objectives:
- i. Continues to allow Wellington City Council and other Councils, if they so choose, to adopt procurement policies that provide for a degree of local preference; to choose whether particular services or facilities are provided in house, by council-controlled organisations or by contracting out; or to require higher health and safety, environmental protection, employment rights and conditions, community participation, animal protection or human rights standards than national or international minimum standards;
 - ii. Maintains good diplomatic and trade relations and partnerships for Wellington and New Zealand with other major trading partners not included in the agreement including with China;
 - iii. Provides substantially increased access for our agriculture exports, particularly those into the US Market;
 - iv. Does not undermine PHARMAC, raise the cost of medical treatments and medicines or threaten public health activities, such as tobacco control;
 - v. Ensures that domestic investors and suppliers are not disadvantaged or given lesser rights than overseas investors or suppliers. This includes an introduction of the Investor-State Dispute Settlement, or any reduction in local or national government ability to control overseas investment and finance;
 - vi. Does not expand intellectual property rights and enforcement in excess of current law;
 - vii. Does not weaken our public services, require privatisation, hinder reversal of privatisations, or increase the commercialization of Government, Wellington City Council or other local government organisations;
 - viii. Does not reduce our flexibility to support local economic and industry development and encourage good employment and environmental practices and initiatives;
 - ix. Contains enforceable labour clauses requiring adherence to core International Labour Organisation conventions and preventing reduction of labour rights for trade or investment advantage;
 - x. Contains enforceable environmental clauses preventing reduction of environmental and biosecurity standards for trade or investment advantage;
 - xi. Has general exemptions to protect human rights, the environment, the Treaty of Waitangi, and New Zealand's economic and financial stability;
 - xii. Has been negotiated with real public consultation including regular public releases of drafts of the text of the agreement, and ratification being conditional on a full social, environmental, and economic impact assessment including public submissions."

Next Actions

8. If the recommendations are passed, the resolution will be forwarded to government noting that it has been agreed by Council.

Attachments

Nil

4. Committee Reports

REPORT OF THE GOVERNANCE, FINANCE AND PLANNING COMMITTEE MEETING OF 17 FEBRUARY 2015

Members: Mayor Wade-Brown, Councillor Ahipene-Mercer, Councillor Coughlan, Councillor Eagle, Councillor Foster, Councillor Free, Councillor Lee, Councillor Lester (Chair), Councillor Marsh, Councillor Pannett, Councillor Peck, Councillor Ritchie, Councillor Sparrow, Councillor Woolf, Councillor Young.

The Committee recommends:

CIVIC PRECINCT

Recommendations

That the Council:

1. Agree to consult the community on the Civic Precinct Proposal.
2. Agree the consultation information set out as Attachment 1, for inclusion in the Long Term Plan consultation document.
3. Adopt the information as outlined in item 2.2 of the Governance, Finance and Planning Committee agenda dated 17 February 2015 for the purposes of s93G of the Local Government Act 2002.
4. Delegates to the Chief Executive and the Mayor authority to confirm the final content of the Civic Precinct Proposal consultation document.

30 YEAR INFRASTRUCTURE STRATEGY

Recommendations

That the Council:

1. Agree to adopt the draft Infrastructure Strategy as set out in Attachment 2.
2. Agree to delegate to the Mayor and Chief Executive the authority to make editorial changes to the Infrastructure Strategy that may arise as part of the final audit review process.

*Note: Draft LTP **Part Two: Infrastructure Strategy** – this provides an overview of how we plan to manage our assets over the next 30 years.*

SUPPORTING INFORMATION TO THE CONSULTATION DOCUMENT: 2015-25 FINANCIAL STRATEGY

Recommendations

That the Council:

1. Agree to the draft Financial Strategy as set out in Attachment 3, subject to any necessary amendments to obtain Audit NZ approval.

Note: Draft LTP Part One: Financial Strategy – this sets out the rates and borrowing limits of the Council and the approach we take to ensuring our programme is prudent and affordable.

STATEMENTS OF SERVICE PROVISION: OUR TEN YEAR PLAN

Recommendations

That the Council:

1. Agree to the levels of service, performance measures and budgets (attached as Attachment 4) and the projects and programmes budgets (attached as Attachment 5), be included in the 2015-25 draft Long-term plan.

Note: Draft LTP Part Four: Statements of Service provision – this sets out our activities, associated performance measures, and the budgets for our capital and operating projects and programmes.

2015-25 LONG TERM PLAN OTHER MATTERS

Recommendations

That the Council:

Draft Waterfront Development Plan

1. Agree to the draft Waterfront Development Plan (attached as item 2.6 of the Governance, Finance and Planning Committee agenda dated 17 February 2015) for consultation concurrently with the Draft Long-term Plan, noting that consultation on the Waterfront Development Plan will seek feedback on the re-development of Frank Kitts Park.

Housing Portfolio Assessment Framework

2. Delegate to the Community, Sport and Recreation Committee (or such other Committee that may have the form and function of the present Community, Sport and Recreation Committee) the power to make decisions under the City Housing Portfolio Assessment Framework provided that:
 - a. The divestment decision is less than \$2m; and
 - b. The reinvestment of proceeds (from divestment) is in social housing
 - c. The proposal is in accordance with the City Housing Portfolio Assessment Framework (2014), the Deed of Grant for Wellington City Council's Social Housing (2008) and the Council's Significance and Engagement Policy
 - d. And that any matter for decision not meeting the requirements in a-c above, the Committee will have the power of recommendation only and the final decision will be made by Council.
3. Note the inclusion of City Housing Portfolio Assessment Framework (agreed by the Community, Sport and Recreation Committee on 18 September 2014) as a component part of the Long-term Plan 2015-25.

**SUPPORTING INFORMATION TO THE CONSULTATION DOCUMENT: 2015-25 LTP
FINANCIAL AND FUNDING POLICIES**

Recommendations

That the Council:

1. Agree to adopt the draft Revenue and Financing Policy (as outlined in item 2.7, attachment 1 of the Governance, Finance and Planning Committee agenda dated 17 February 2015.)
2. Agree to adopt the draft Rates Remission Policy as amended at the Governance, Finance and Planning Committee on 17 February 2015, outlined in Attachment 6 as a supporting document to be consulted alongside the 2015-25 Long-term Plan consultation document.
3. Agree to adopt the draft Rates Postponement Policy (as outlined in item 2.7, attachment 4 of the Governance, Finance and Planning Committee agenda dated 17 February 2015.)
4. Agree to adopt the draft Investment and Liability Management policies (as outlined in item 2.7, attachment 5 of the Governance, Finance and Planning Committee agenda dated 17 February 2015.)
5. Agree to adopt the proposed fees and charges (as outlined in item 2.7, attachment 6 of the Governance, Finance and Planning Committee agenda dated 17 February 2015.)

*Note: Draft LTP **Part Five: Funding and Financial Policies** – these include our:*

- Revenue and Financing Policy
- Rates Remission Policy
- Rates Postponement Policy
- Investment and Liability Management Policy
- Fees and Charges

**SUPPORTING INFORMATION TO THE CONSULTATION DOCUMENT: 2015-25 LTP
FINANCIAL AND FUNDING STATEMENTS**

Recommendations

That Council:

1. Recommend to Council that it is prudent to forecast a surplus in 2015/16, noting that the Council forecasts a balanced budget and that any surplus primarily results from the inclusion of revenue to fund capital projects.
2. Agree the Indicative Financial Statements and Statement of Significant Accounting Policies (Attachment 7) for consultation.
3. Agree the Funding Impact Statements (Attachment 8) for consultation.
4. Agree the Significant Forecasting Assumptions (included as attachment 3, item 2.8 of the Governance, Finance and Planning Committee agenda dated 17 February 2015.)

*Note: Draft LTP **Part Three: Significant Forecasting Assumptions** – all plans are subject to change. These forecasting assumptions set out our starting point – the key facts and projections that we know today and expect to be important over the ten years of the plan.*

*Note: Draft LTP **Part Six: Funding Impact Statement** – our prospective financial statements.*

LONG TERM PLAN 2015-2025: PRELIMINARY CONSULTATION DOCUMENT

Recommendations

That the Council:

1. Agree to the Long-term Plan 2015-2025 Consultation Document as attached in Attachment 9.
2. Delegate to the Mayor and Chief Executive the authority to make editorial changes to the document to reflect decisions made at this meeting or requirements that might arise through audit review process.

Attachments

All attachments relating to this report will be circulated under separate cover.

REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 12 FEBRUARY 2015

Members: Mayor Wade-Brown, Councillor Ahipene-Mercer (Chair), Councillor Foster, Councillor Lee, Councillor Pannett, Councillor Sparrow.

The Committee recommends:

PROPOSED ROAD STOPPING - LAND ADJACENT TO 105 JUBILEE ROAD, KHANDALLAH

Recommendations

That the Council:

1. Agrees that approximately 95m² of unformed legal road land on Jubilee Road, Khandallah (the **Land**), adjoining 105 Jubilee Road, Khandallah (being Lot 2 DP 10359, CFR WN523/85) is not required for a public work.
2. Authorises Council officers to initiate the road stopping process for the Land in accordance with Section 342 and the Tenth Schedule of the Local Government Act 1974 (**LGA**).
3. Authorises Council officers to undertake a section 40 Public Works Act 1981 (**PWA**) report to identify whether the Land must be offered back to its former owner or their successors, or whether exemptions from offer back apply.
4. Delegates to the Chief Executive Officer the power to either offer the Land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA (if appropriate).
5. Delegates to the Chief Executive Officer the power to formally approve the road stopping, issue all relevant public notices, declare the Land stopped, negotiate the terms of sale or exchange, impose any reasonable covenants, enter into an agreement in respect of the Land, and conclude all matters in relation to this transaction.

Attachments

Nil