

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

AGENDA

Time: 9:30am
Date: Wednesday, 28 November 2018
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Lester
Councillor Calvert
Councillor Calvi-Freeman
Councillor Dawson
Councillor Day
Councillor Fitzsimons
Councillor Foster
Councillor Free
Councillor Gilberd
Councillor Lee
Councillor Marsh
Councillor Pannett
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 04-803-8334, emailing public.participation@wcc.govt.nz or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about.

TABLE OF CONTENTS

28 NOVEMBER 2018

Business	Page No.
1. Meeting Conduct	5
1.1 Karakia	5
1.2 Apologies	5
1.3 Announcements by the Mayor	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	6
2. General Business	7
2.1 Adoption of meeting schedule 2019 Presented by Mayor Lester	7
2.2 Regulation 19 Report - Sale and Supply of Alcohol (Fees) Regulations 2013 Presented by Councillor Dawson	25
3. Committee Reports	33
3.1 Report of the Regulatory Processes Committee Meeting of 21 November 2018 <i>Proposed road stopping - land adjoining 146 Cockayne Road, Khandallah</i> Presented by Councillor Sparrow	33
3.2 Report of the City Strategy Committee Meeting of 15 November 2018 <i>Two new Leases under the Wellington Town Belt Act 2016: Existing Tenants</i> Presented by Councillor Gilbert	37

St James Theatre Project Update
Presented by Mayor Lester

3.3 Report of the City Strategy Committee Meeting of 22 November 2018 **39**

Fire and Smoke Nuisance Bylaw: Approval to Adopt
Presented by Councillor Sparrow

New lease for the Wellington Canine Obedience Club under the Wellington Town Belt Act 2016: an existing lease
Presented by Councillor Gilbert

4. Public Excluded **43**

4.1 Public Excluded Report of the City Strategy Committee Meeting of 22 November 2018 **43**

Control and management of a future reserve
Presented by Councillor Gilbert

1. Meeting Conduct

1.1 Karakia

The Chairperson will open the meeting with a karakia.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

1.2 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.

1.3 Announcements by the Mayor

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 meeting held on 31 October 2018 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

The Chairperson shall state to the meeting.

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

The item may be allowed onto the agenda by resolution of the Wellington City Council.

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

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the 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.

2. General Business

ADOPTION OF MEETING SCHEDULE 2019

Purpose

1. This report asks the Council to adopt a meeting schedule for 2019, until the end of the current triennium.

Summary

2. After the 2016 election, Council agreed a meeting schedule for the 2016–2019 triennium.
3. Over the course of the triennium, amendments to the meeting schedule have been made on an ad-hoc basis. As Council moves into the final year of the triennium, officers recommend updating the meeting schedule so that elected members and the general public have certainty about when meetings will take place.
4. A revised meeting schedule for adoption is set out in **Attachment 1**. This includes meetings for Council, committees, workshops/briefings and advisory groups.

Recommendation/s

That the Council:

1. Receives the information.
2. Adopts the meeting schedule for Wellington City Council and its committees for 2019 until the 2019 local election, as set out in **Attachment 1**.
3. Notes that additional ordinary and extraordinary meetings may be scheduled from time to time, and that these meetings may be scheduled at times that deviate from the timing guidelines above.
4. Notes the new method of scheduling workshops and briefings.
5. Notes that meetings will be formally notified by Democracy Services.

Background

5. Schedule 7 of the Local Government Act 2002 enables the Council to adopt a schedule of meetings.
6. Council last agreed a meeting schedule on 9 November 2016 to cover the 2016–2019 triennium. Throughout the triennium, it has been necessary to modify this schedule on an ad-hoc basis to reflect the needs of the organisation and of elected members.
7. It is timely, as Council prepares to move its meetings to 113 The Terrace, to adopt a revised meeting schedule for the remainder of the triennium. Updating the meeting schedule at this point will provide elected members and the general public with certainty about when and where public meetings will be held, particularly as Council

develops its Annual Plan 2019/20, and should minimise the number of changes required as the year progresses.

Discussion

8. A revised meeting schedule is attached as **Attachment 1**.
9. Key differences between this meeting schedule, and the meeting schedule previously agreed at the beginning of the triennium, include:
 - Some meetings have been rescheduled to fit better around the Easter and Anzac Day public holidays. This includes the April meeting of Council being rescheduled to take place on 1 May.
 - Meetings have been scheduled for the Long-Term and Annual Plan Committee.
 - Some meetings, such as for the Finance, Audit and Risk Management Subcommittee, have been rescheduled to better fit with Council's reporting timeframes.

Considerations in development of meeting schedule

10. In line with the arrangements made at the beginning of the triennium, the terms of reference of Council and its committees and subcommittees, and with how practice has developed throughout 2017 and 2018, the following timing guidelines have been taken into account in the preparation of the meeting schedule:
 - Formal business of the Wellington City Council and its committees takes place on Tuesdays, Wednesday and Thursdays. All Council and Committee meetings, unless otherwise notified, shall commence at 9:30am. Following the completion of the Council's move to 113 The Terrace, all meetings unless otherwise notified will take place in Committee Room 1 (comprising meeting rooms 16.08 – Te Ngau o Nake and 16.09 – Ngake), Level 16, Wellington City Council offices (Tahiwi), 113 The Terrace, Wellington.
 - Tuesdays are reserved for briefings and workshops, including briefings ahead of the City Strategy Committee (pre-CSC) and the Long-Term and Annual Plan Committee (pre-LTAP). Briefings and workshops are not considered public meetings under the Local Government Official Information and Meetings Act 1987 and are not subject to the usual notification requirements.
 - Wednesdays are reserved for meetings of the Council (in the last week of the month), and the Regulatory Processes Committee and subcommittees of the City Strategy Committee (in weeks other than the last week of the month).
 - Thursdays are reserved for meetings of the City Strategy Committee and the Long-Term and Annual Plan Committee (in the first three weeks of the month).
 - The CEO Performance Review Committee shall meet as required (paragraph 12 refers).
 - No meetings shall take place in January or July, except for additional or extraordinary meetings.
11. Meetings of the Long-Term and Annual Plan Committee, including dates for oral forums as part of the public engagement process, have been set down in the first half

of the year. In line with requests made by Councillors following the 2018–2028 Long-Term Plan process, the Long-Term and Annual Plan Committee will not meet in the same week as the City Strategy Committee.

12. Meetings of the CEO Performance Review Committee have been scheduled taking into account the need for a recruitment process to take place.
13. The final meetings of the triennium will be held in September.
 - The final meeting of the City Strategy Committee (for major items) will be on Thursday 12 September 2019.
 - An additional meeting of the City Strategy Committee will be held on Wednesday 25 September 2019. This meeting is intended not for major items of business, but to consider any outstanding recommendations to the committee from its subcommittees. It is expected that the Annual Report 2018/19 will be adopted on this day.
 - The final meeting of Council will commence at the conclusion of the City Strategy Committee meeting on Wednesday 25 September 2019.

Workshops and briefings

14. Throughout 2017 and 2018, workshops and briefings have been held largely on an ad-hoc basis, usually at the end of pre-CSC or City Strategy Committee meetings on Tuesdays and Thursdays but also at other times on an as-needed basis.
15. Officers acknowledge that this has not been the most practical way of managing workshops and briefings. Issues with the current process have been identified and a new way of managing workshops and briefings that has been proposed to address these. The elected members' Governance Working Group has agreed to trial this method in 2019.
16. Going forward, up to two hours will be set aside for briefings and workshops on Tuesday and Thursday afternoons, starting at 1:30pm, except for weeks when Council meets. In weeks where Council meets, a briefing session will be reserved on Tuesdays at 9:30am (as was the case in 2017 and 2018).
17. While it is likely that not all of these sessions will be used, maintaining separate scheduled times for briefings and workshops will provide elected members and Council officers with certainty about when workshops will be held, and what the subject of such briefings and workshops will be. This should increase officers' ability to provide papers in advance of briefings and workshops, where appropriate, and is likely to lead to more effective workshop outcomes.
18. The afternoon time has been selected in order to provide elected members with a break between morning meetings and afternoon workshops. Sometimes morning meetings finish earlier than lunch time. If it is known in advance that a morning meeting is likely to finish early, it may be possible to reschedule an afternoon workshop to the morning. Democracy Services will coordinate this.
19. The Governance Working Group also suggested that, on occasion, these sessions could be also useful times for elected members to undertake site visits ahead of decision-making.

Additional meetings and amendments to the meeting schedule once adopted

20. To best meet elected members' and the organisation's needs, additional meetings (including briefings and workshops) may be required and existing meetings may need to be amended. This may result in meetings being held at times that deviate from the timing guidelines above.
21. Any necessary amendments to the meeting schedule will be made by Democracy Services in consultation with the Chair of the relevant committee and publicly notified in accordance with the Local Government Official Information and Meetings Act 1987.

Options

22. Council has two options:
 - a. To adopt the proposed meeting schedule (**preferred option**).
 - b. Not to adopt the proposed meeting schedule.
23. Not adopting the proposed meeting schedule would mean that meetings, workshops and briefings would continue to be arranged on an ad-hoc basis, and that there would be less certainty around meeting dates.

Next Actions

24. If the proposed meeting schedule is agreed to, Democracy Services will update the Council website and Councillors' diaries with the 2019 meeting dates, and continue to give public notice of meetings on a monthly basis.

Attachments

Attachment 1. Draft meetings calendar for adoption [↓](#) 

Page 12

Author	Dominic Tay, Senior Democracy Advisor
Authoriser	Penny Langley, Democracy Services Manager Kane Patena, Director, Strategy and Governance

SUPPORTING INFORMATION

Engagement and Consultation

Democracy Services has engaged internally with the Mayor's office, with Council officers and the chairs of the relevant committees to develop a suitable meeting schedule. No external engagement is required. Public notice of each month's meetings will be lodged in the *Dominion Post* prior to the meetings taking place.

Treaty of Waitangi considerations

Representatives of the Port Nicholson Block Settlement Trust and Te Rūnanga o Toa Rangatira Incorporated are non-voting members of the City Strategy Committee and the Long-Term and Annual Plan Committee. They have been advised of the draft meeting schedule and will be invited to meetings of these committees.

Financial implications

Meetings will be publicly notified by way of advertisement in the *Dominion Post*. There is a cost to these advertisements. Maintaining an up-to-date meeting schedule provides a way to minimise this cost by enabling officers to place bulk advertisements monthly, rather than advertising individual meetings more frequently.

Policy and legislative implications

The legislative timeframe requirements regarding the adoption of the Annual Plan and the Annual Report have been considered in the development of the meeting schedule.

Risks / legal

Matters may arise where meetings need to be held outside of the meeting schedule, or where scheduled meetings need to be cancelled. Democracy Services will manage any necessary communications and public notice regarding changes to the meeting schedule.

Climate Change impact and considerations

None.

Communications Plan

If the proposed meeting schedule is agreed to, Democracy Services will update the Council website and Councillors' diaries with the 2019 meeting dates, and continue to give public notice of meetings on a monthly basis via the *Dominion Post*.

Health and Safety Impact considered

Balanced workloads for elected members have been considered in the development of the meeting schedule, particularly regarding the decisions not to hold meetings of the City Strategy Committee and the Long-Term and Annual Plan Committees in the same week and to allow time for a lunch break between morning meetings and afternoon workshops.

Maintaining separate scheduled times for briefings and workshops will also provide Council officers with greater ability to plan and manage their own workloads.

Wellington City Council Meeting Schedule 2019

Page 1 | As at 19/11/2018

JANUARY 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings	31 December	1 NEW YEAR'S DAY	2 NEW YEAR'S DAY HOLIDAY	3	4
Meetings	7	8	9	10	11
Meetings	14	15	16	17	18
Meetings	21	22	23	24	25
Meetings	28 School term 1 starts	29 Accessibility Advisory Grp 5:30	30 Workshops 9:30am	31	

FEBRUARY 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings					1
Meetings	4	5 Pre-CSC 9:30am Workshops 1:30pm	6 WAITANGI DAY	7 CSC 9:30am R&F workshop 1:30 Makara Ohariu CB 7:00pm	8
Meetings	11 Environmental Ref Grp 5:00	12 Pre-CSC 9:30am R&F workshop 1:30	13 Regulatory Processes 9:30am Youth Council 4:00 Pacific Advisory Group 6:00	14 CSC 9:30am Workshops 1:30pm Tawa CB 7:00pm	15
Meetings	18	19 Annual Plan workshop 9:30am	20 CCOs subcommittee 9:30am	21	22
Meetings	25	26 Workshops 9:30am CEO PRC 1:30pm Accessibility Advisory Grp 5:30	27 Council 9:30am Youth Council 4:00	28	

Wellington City Council Meeting Schedule 2019

Page 3 | As at 19/11/2018

MARCH 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings					1
Meetings	4	5 Pre-CSC 9:30am Workshops 1:30pm	6	7 CSC 9:30am Workshops 1:30pm	8
Meetings	11 Environmental Ref Grp 5:00	12 Pre-LTAP 9:30am Workshops 1:30pm	13 Regulatory Processes 9:30am Youth Council 4:00 Pacific Advisory Group 6:00	14 Annual Plan Committee 9:30am Workshops 1:30pm Tawa CB 7:00pm	15
Meetings	18	19 Pre-CSC 9:30am Workshops 1:30pm	20 FARMS 9:30am	21 CSC 9:30am Workshops 1:30pm Makara Ohariu CB 7:00pm	22
Meetings	25	26 Workshops 9:30am Accessibility Advisory Grp 5:30	27 Council 9:30am Youth Council 4:00	28	29

APRIL 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings	1	2 Pre-CSC 9:30am Workshops 1:30pm	3 CCOS subcommittee 9:30am	4 CSC 9:30am Workshops 1:30pm	5
Meetings	8 Environmental Ref Grp 5:00	9 Pre-CSC 9:30am Workshops 1:30pm	10 Youth Council 4:00 Pacific Advisory Group 6:00	11 CSC 9:30am Workshops 1:30pm Tawa CB 7:00pm	12
Meetings	15 School holidays begin	16 Pre-CSC 9:30am Workshops 1:30pm	17 Regulatory Processes 9:30am	18 CSC 9:30am Workshops 1:30pm	19 GOOD FRIDAY
Meetings	22 EASTER MONDAY	23	24	25 ANZAC DAY	26
Meetings	29 School term 2 begins	30 Workshops 9:30am CEO PRC 1:30pm Accessibility Advisory Grp 5:30			

Wellington City Council Meeting Schedule 2019

Page 5 | As at 19/11/2018

MAY 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings			1 Council 9:30am (moved from 24 April)	2 Makara Ohariu CB 7:00pm	3
Meetings	6	7 Pre-CSC 9:30am Workshops 1:30pm	8 Grants subcommittee 9:30am Youth Council 4:00 Pacific Advisory Group 6:00	9 CSC 9:30am Workshops 1:30pm Tawa CB 7:00pm	10
Meetings	13 Environmental Ref Grp 5:00	14 Annual Plan Oral Forums (optional)	15 Regulatory Processes 9:30am Annual Plan Oral Forums (optional)	16 Annual Plan Oral Forums (optional)	17
Meetings	20	21 Pre-CSC 9:30am Workshops 1:30pm	22 CCO subcommittee 9:30am Youth Council 4:00	23 CSC 9:30am Workshops 1:30pm	24
Meetings	27	28 Workshops 9:30am Accessibility Advisory Grp 5:30	29 Council 9:30am	30 Grants subcommittee 9:30am	31

JUNE 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings	3 QUEEN'S BIRTHDAY	4 Pre-LTAP 9:30am	5 Youth Council 4:00	6 Annual Plan Committee 9:30am	7
Meetings	10	11 Pre-CSC 9:30am Workshops 1:30pm	12 FARMS 9:30am	13 CSC 9:30am Workshops 1:30pm Tawa CB 7:00pm	14
Meetings	17	18 Pre-CSC 9:30am Workshops 1:30pm	19 Regulatory Processes 9:30am Youth Council 4:00	20 CSC 9:30am Workshops 1:30pm	21
Meetings	24	25 Workshops 9:30am Accessibility Advisory Grp 5:30	26 Council 9:30am (agree AnnualPlan)	27	28

Wellington City Council Meeting Schedule 2019

Page 7 | As at 19/11/2018

JULY 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings	1	2	3	4	5
Meetings	8 School holidays begin Environmental Ref Grp 5:00	9	10 Pacific Advisory Group 6:00	11 Tawa CB 7:00pm	12
Meetings	15	16	17	18	19
Meetings	22 School term 3 begins	23	24	25 Makara Ohariu CB 7:00pm	26
Meetings	29	30 CEO PRC 1:30pm Accessibility Advisory Grp 5:30	31 Youth Council 4:00		

AUGUST 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings				1	2
Meetings	5	6 Pre-CSC 9:30am Workshops 1:30pm	7	8 CSC 9:30am Workshops 1:30pm Tawa CB 7:00pm	9
Meetings	12 Environmental Ref Grp 5:00	13 Pre-CSC 9:30am Workshops 1:30pm	14 Regulatory Processes 9:30am Youth Council 4:00 Pacific Advisory Group 6:00	15 CSC 9:30am Workshops 1:30pm	16
Meetings	19	20 Pre-CSC 9:30am FARMS Annual Report workshop	21 CEO PRC 9:30am	22 CSC 9:30am Workshops 1:30pm	23
Meetings	26	27 FARMS Annual Rept workshop 9:30am Accessibility Advisory Grp 5:30	28 Council 9:30am Youth Council 4:00	29	30

Wellington City Council Meeting Schedule 2019

Page 9 | As at 19/11/2018

SEPTEMBER 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings	2	3 Pre-CSC 9:30am Workshops 1:30pm	4 Grants subcommittee 9:30am	5 CSC 9:30am Workshops 1:30pm Makara Ohariu CB 7:00pm	6
Meetings	9 Environmental Ref Grp 5:00	10 Pre-CSC 9:30am Workshops 1:30pm	11 FARMS 9:30am Youth Council 4:00 Pacific Advisory Group 6:00	12 CSC 9:30am (last for triennium) Tawa CB 7:00pm	13
Meetings	16	17	18 Regulatory Processes 9:30am	19	20
Meetings	23	24 Pre-CSC 9:30am Accessibility Advisory Grp 5:30	25 CSC (Annual Report + FARM Recs) 9:30am Council after CSC (last for triennium) Youth Council 4:00	26	27
Meetings	30 School holidays begin				

OCTOBER 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings		1	2	3	4
Meetings	7 Environmental Ref Grp 5:00	8	9 Youth Council 4:00 Pacific Advisory Group 6:00	10	11 ELECTION (SAT 12 OCT)
Meetings	14 School term 4 begins	15	16	17	18
Meetings	21	22	23 Youth Council 4:00	24	25
Meetings	28	29 Accessibility Advisory Grp 5:30	30	31	

Wellington City Council Meeting Schedule 2019

Page 11 | As at 19/11/2018

NOVEMBER 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings					1
Meetings	4	5	6 Youth Council 4:00	7	8
Meetings	11 Environmental Ref Grp 5:00	12	13 Pacific Advisory Group 6:00	14	15
Meetings	18	19	20 Youth Council 4:00	21	22
Meetings	25	26 Accessibility Advisory Grp 5:30	27	28	29

DECEMBER 2019

	Monday	Tuesday	Wednesday	Thursday	Friday
Meetings	2	3	4 Youth Council 4:00	5	6
Meetings	9 Environmental Ref Grp 5:00	10	11 Pacific Advisory Group 6:00	12	13
Meetings	16	17	18	19	20
Meetings	23	24	25 CHRISTMAS DAY	26 BOXING DAY	27
Meetings	30	31	1 January NEW YEAR'S DAY	2 January NEW YEAR'S DAY HOLIDAY	3 January

REGULATION 19 REPORT - SALE AND SUPPLY OF ALCOHOL (FEES) REGULATIONS 2013

Purpose

1. This report asks the Council to accept the attached report, which is a regulatory requirement under the Sale and Supply of Alcohol (Fees) Regulations 2013.

Summary

2. This is an annual report which must be prepared by all Territorial Authorities (TAs) in relation to its income from fees payable in relation to, and costs incurred in its alcohol licensing function.

Recommendation/s

That the Council:

1. Receives the information.
2. Adopts the Report

Background

3. Regulation 19 of the Sale and Supply of Alcohol (Fees) Regulations 2013 requires that:

Every territorial authority must, each year, prepare and make publicly available a report showing its income from fees payable in relation to, and its costs incurred in,

- (a) The performance of the functions of its Licensing Committee under the Act;*
and
- (b) The performance of its functions of its inspectors under the Act;*
- (c) Undertaking enforcement activities under the Act.*

Discussion

4. Under the Sale and Supply of Alcohol Act 2012 the fees regulations introduced a national risk based licensing fees framework for alcohol licensing. The intention of the regime is that TAs' costs related to licensing are fully recovered from the fees received.
5. The Ministry of Justice is the Government department which administers the Sale and Supply of Alcohol Act 2012. The legislation aims for TAs to recover the costs incurred in administering the alcohol licensing system. The Regulation 19 report is a tool to help determine whether this is being achieved.
6. The fees regulations set default fees for on-licences, off-licences and club licences. They distinguish between application fees and annual fees. The Fees Regulations set fees for other licence types including manager certificates, temporary authorities, special licences, temporary licences and permanent club charters.

7. Regulation 19 reports provide information on costs, income and levels of cost recovery, and improve transparency and accountability. They are also intended to provide reliable data for the Ministry of Justice's review of fees, which is required to be undertaken every 5 years.
8. The fees review in 2017 identified that TAs use a range of methods to estimate their costs. Unfortunately the methods used have not been consistent across the country, thereby rendering the data unusable.
9. Towards the end of the business year 2017/18 the Ministry of Justice set up a working group tasked with developing guidance for TAs on calculating the costs and revenues of the alcohol licensing system. The Ministry's aim was to publish this guidance by the end of the business year so that TAs could produce their reports within the first quarter of the following business year. Unfortunately this guidance was delayed and was not issued for publication until October 2018.
10. TAs were advised to wait for the guidance to be issued before preparing their reports – thereby ensuring more consistency in reporting than has been the case in previous years.
11. Guidance from the Ministry of Justice acknowledges the fact that the Regulations are not as clearly wording as intended:

Regulation 19(1)(a) – relating to the performance of the functions of the Licensing Committee

- This should include not only the cost of the District Licensing Committee, but also **all costs** incurred up to and including the point when the final licence decision is made and the licence has been issued

Regulation 19(1)(b) – relating to the performance of the function of the inspectors

- This relates to the alcohol licensing inspector costs of activities relating to licensees. This includes inspecting, assessing and supporting compliance and monitoring activities

Regulation 19(1)(c) – Undertaking enforcement activities

- This relates to costs of enforcement actions – primarily from issuing infringements and from enforcement applications taken to the Alcohol Regulatory Licensing Authority (ARLA). Overall enforcement activity is likely to represent a relatively small proportion of the total alcohol licensing system cost for TAs. In Wellington, all infringements are issued by the police.


Options

12. Options are:
 - (a) Council adopts the report
 - (b) Council does not adopt the Report
13. Council is advised to adopt the Report as it is a statutory requirement to produce this report. This report has been produced in conjunction with the Ministry of Justice guidelines, so will be consistent in its content and format with other TAs.

Next Actions

14. Once adopted by Council, a copy of the Report will be made publicly available by posting to WCC's externally facing website. A copy of the Report will also be sent to the Ministry of Justice which will feed into their fees review.

Attachments

Attachment 1. Regulation 19 Report - Sale and Supply of Alcohol (Fees) Page 29
Regulations 2013 [↓](#) 

Author	Helen Jones, Manager Public Health Group
Authoriser	Mark Pattermore, Manager City Consenting and Compliance David Chick, Chief City Planner

SUPPORTING INFORMATION

Engagement and Consultation

As this is a historical report, based on actual income and expenditure, it is not appropriate to undertake consultation.

Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations.

Financial implications

As discussed above, this report will feed into the review of fees currently being undertaken by the Ministry of Justice. The guidance issued by the Ministry is designed to assist TAs to calculate cost recovery on a consistent and comparable basis. With consistent data it will be easier to clearly assess whether:

- The default fees are appropriate;
- The default fees are too high or too low, and consequently need to be adjusted up or down;
- The Ministry of Justice has advised that some individual TAs may be over or under recovering, and should consider whether they should set or adjust fees for their District. If this is the case, the Fees Regulations allow for TAs to set or adjust their own fees by way of an Alcohol Fees Bylaw.

The Ministry will use the information collected across all TAs to determine whether all of part of the default fees are set at an appropriate level to facilitate full cost recovery of the alcohol licensing function.

Policy and legislative implications

This Report will feed into the MoJ fees review, and Council may wish to consider the implementation of a local alcohol fees bylaw to make up any shortfall in recovery of costs.

Risks / legal

There are no risks or legal implications associated with the production of this report.

Climate Change impact and considerations

There are no climate change impact or considerations.

Communications Plan

Once adopted, the Report will be published on WCC's website, and a copy forwarded to the Ministry of Justice.

Health and Safety Impact considered

Health and safety impacts are not relevant to this Report.

Wellington City Council

Annual report of alcohol licensing income and costs for the year:

- 1st July 2017 to 30th June 2018

Under the Sale and Supply of Alcohol Act 2012 the fees regulations introduced a national risk based licensing fees framework for alcohol licensing.

The Ministry of Justice is the Government Department which administers the Sale and Supply of Alcohol Act 2012. The legislation aims for TAs to recover the costs incurred in administering the alcohol licensing system. The Regulation 19 report is a tool to help determine whether this is being achieved.

The fees regulations set default fees for on-licences, off-licences and club licences. They distinguish between application fees and annual fees. The Fees Regulations set fees for other licence types including manager certificates, temporary authorities, special licences, temporary licences and permanent club charters.

Regulation 19 reports provide information on costs, income and levels of cost recovery, and improve transparency and accountability. They are also intended to provide reliable data for the Ministry of Justice review of fees, which is required to be undertaken every 5 years.

Regulation 19 of the Sale and Supply of Alcohol (fees) Regulations 2013 requires that:

- (1) Every territorial authority must, each year, prepare and make publicly available a report showing its income from fees payable in relation to, and its costs incurred in,
 - (a) The performance of the functions of its Licensing Committee under the Act;
and
 - (b) The performance of its functions of its inspectors under the Act;
 - (c) Undertaking enforcement activities under the Act

The income and costs for Wellington City Council for this period is as follows:

Total fees received	1,132,382
Fees passed to ARLA*	87,435
Fees retained by Council	1,044,947
Cost of performance of the DLC functions (up to licence issue)	1,137,481
Cost of performance of inspectors functions (compliance activities)	54,602
Overhead costs	354,547
Cost of enforcement activities	0
Total cost to council	1,546,630
Cost recovery rate	68%

*Alcohol Regulatory Licensing Authority

3. Committee Reports

REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 21 NOVEMBER 2018

Members: Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Lee, Councillor Sparrow (Chair).

The Committee recommends:

**PROPOSED ROAD STOPPING - LAND ADJOINING 146 COCKAYNE ROAD,
KHANDALLAH**

Recommendation/s

That the Council:

1. Declares that approximately 130m² (subject to survey) of unformed legal road land in Cockayne Road, Khandallah, shown outlined red on Attachment 2 (the Land), and adjoining 146 Cockayne Road (being Lot 23 DP 16298 CFR WN45C/673) is not required for a public work and is surplus to Council requirements.
2. Agrees to stop the legal road and dispose of the Land referred to above.
3. Declares that approximately 2m² (subject to survey) of unformed legal road land in Cockayne Road, Khandallah, highlighted blue on Attachment 2 and adjoining 146 Cockayne Road (being Lot 23 DP 16298 CFR WN45C/673) is not required for road.
4. Agrees to stop approximately 2m² (subject to survey) of unformed legal road (shown blue on Attachment 2) for use as two isolation strips.
5. Delegates to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of sale or exchange, impose any reasonable covenants, and anything else necessary.

Attachments

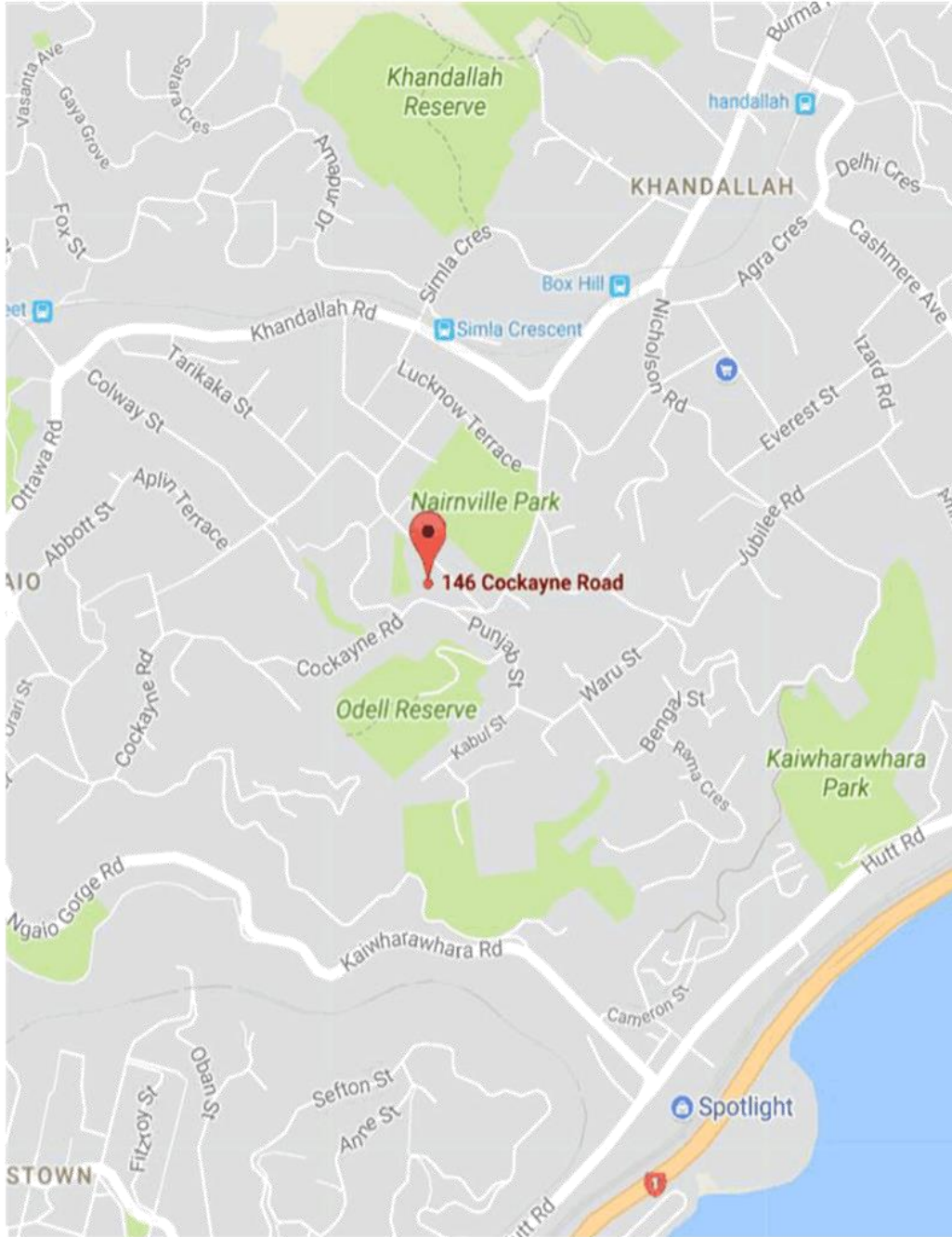
Attachment 1. Proposed Road Stopping - Land Adjoining 146 Cockayne Road, Khandallah [↓](#) 

Page 34

REGULATORY PROCESSES COMMITTEE
21 NOVEMBER 2018

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Location Plan



REGULATORY PROCESSES COMMITTEE
21 NOVEMBER 2018

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Aerial



Item 2.3 Attachment 2

Item 3.1 Attachment 1

REGULATORY PROCESSES COMMITTEE
21 NOVEMBER 2018

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Views from street



REPORT OF THE CITY STRATEGY COMMITTEE MEETING OF 15 NOVEMBER 2018

Members: Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Dawson, Councillor Day, Councillor Fitzsimons, Councillor Foster, Councillor Free, Councillor Gilberd, Councillor Lee, Councillor Marsh, Councillor Pannett (Chair), Councillor Sparrow, Councillor Woolf, Councillor Young.

The Committee recommends:

TWO NEW LEASES UNDER THE WELLINGTON TOWN BELT ACT 2016: EXISTING TENANTS

Recommendation/s

That the Council:

1. Grants new leases under the Wellington Town Belt Act 2016 to the following tenants:

a. Wellington Swords Club Incorporated

- i. 10 year Premises Lease contained in part of the Wellington Town Belt known as Part Lot 1-2, 4 on Deposited Plan 10508 and contained in Computer Freehold Register 742982.

The lease will include the following Special Provision:

- ii. The Brooklyn Junior Cricket Club, Brooklyn Hockey Club and the Brooklyn Northern United Junior Football Club are able to access the bathroom facilities within the building while the Clubs are using the greens adjoining the leased area by arrangement with the Lessee.

b. Wellington Football Club Incorporated

- i. 10 year Ground Lease contained in part of the Wellington Town Belt known as Hataitai Park, Hataitai, Lot 1 DP 33006 contained on Computer Freehold Register WN9C/1229.

The lease will include the following Special Provisions:

- ii. The Lessee is to provide an agreed signage plan for approval prior to any sign being erected.
- iii. The Lessee is to submit a detailed maintenance plan to address the building's deferred maintenance prior to the lease being executed. Officers will monitor the maintenance plan implementation and progress annually.

Attachments

Nil

REPORT OF THE CITY STRATEGY COMMITTEE MEETING OF 22 NOVEMBER 2018

Members: Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Dawson, Councillor Day, Councillor Fitzsimons, Councillor Foster, Councillor Free, Councillor Gilberd, Councillor Lee, Councillor Marsh, Councillor Pannett (Chair), Councillor Sparrow, Councillor Woolf, Councillor Young.

The Committee recommends:

FIRE AND SMOKE NUISANCE BYLAW: APPROVAL TO ADOPT

Recommendation/s

That the Council:

1. Adopts the amended Part 3: Fire and Smoke Nuisance of the Wellington City Consolidated Bylaw 2008 (**Attachment 1** refers).

NEW LEASE FOR THE WELLINGTON CANINE OBEDIENCE CLUB UNDER THE WELLINGTON TOWN BELT ACT 2016: AN EXISTING LEASE

Recommendation/s

That the Council:


1. Grants a new ground lease for a five year term with one renewal term of five years under the Wellington Town Belt Act 2016 to the Wellington Canine Obedience Club Incorporated for an area of 162.2m² contained in part of the Wellington Town Belt known as part Lot 1 on Deposited Plan 8519 and contained in part of Computer Freehold Register 742962.
3. Notes that the new lease will include the following Special Provision:

The Lessee is to comply with District Plan requirements to ensure noise levels at the land are kept to a reasonable level by adhering to the following conditions:

 - i. *The Lessee will only operate within the following hours: Monday–Friday 8am–9pm and Saturday–Sunday 9am–5pm.*
 - ii. *Class sizes are restricted to ten dogs per instructor, plus up to four instructors' dogs (one per class).*
 - iii. *Puppy and Grade 1 classes will only be provided within the following hours: Saturday–Sunday 10am–12pm, and two evenings per week between 5pm–8:30pm.*
 - iv. *The Lessee will ensure that no more than 44 dogs will be on site at any one time, except when there is an annual event such as a competition.*
3. Notes that approval to grant the leases on Wellington Town Belt is conditional on:
 - i. Appropriate iwi consultation;
 - ii. Public consultation as required under section 16 of the Wellington Town Belt Act 2016;

- iii. No sustained objections resulting from the above consultation and notification; and
- iv. Legal and advertising costs being met by the lessee (where applicable).

Attachments

Attachment 1. Proposed Part 3: Fire and Smoke Nuisance of the Wellington City Consolidated Bylaw 2008 [↓](#)  Page 41

Proposed Part 3: Fire and Smoke Nuisance of the Wellington City Consolidated Bylaw 2008

Introduction

1. Purpose
2. Interpretation
3. Nuisance or health and safety risk from fires or smoke
4. Offences and cost recovery

This part of the Bylaw is made under section 145 of the Local Government Act 2002 and section 64(1)(a) of the Health Act 1956.

Nothing in this part of the Bylaw derogates from the Fire and Emergency New Zealand Act 2017 or any regulations made under that Act. To the extent that it is covered by that Act, nothing in this part of the Bylaw:

- relates to the removal of fire hazards; or
- declares prohibited or restricted fire seasons; or
- prohibits or otherwise regulates or controls the lighting of fires in open air; or
- relates to the prevention of the spread of fires involving vegetation.

These fire safety measures are now regulated by Fire and Emergency New Zealand following the Fire and Emergency Act 2017. All the new rules, fire ban information, and how to apply for a fire permit can be found on the Fire and Emergency New Zealand websites www.fireandemergency.nz and www.checkitsalright.nz or by contacting Fire and Emergency New Zealand on 0800 658 628.

This part was adopted on 16 December 2015 and amended on 29 November 2018.

1. Purpose

The purpose of this part of the Bylaw is to protect the public from the nuisance arising from fire and smoke, in regard to aspects other than fire safety.

2. Interpretation

In this part of the Bylaw, unless the context otherwise requires:

“**Authorised officer**” means an enforcement officer authorised under the Local Government Act 2002, an environmental health officer under the Health Act 1956, or any other person authorised by Council for the purposes of administering and enforcing this bylaw.

“**Nuisance or risk**” includes potential nuisance or risk.

“Reasonable steps” includes but is not limited to issuing a direction to extinguish the fire and/or extinguishing the fire.

3. Nuisance or health and safety risk from fires or smoke

3.1 No person may light, or allow to remain lit, any fire that creates a nuisance, health risk, or safety risk to any person or property.

3.2 No person may permit smoke, noxious fumes or any other matter to be emitted in such a way as to create a nuisance, health risk, or safety risk to any person or property.

3.3 If an authorised officer is of the opinion that clause 3.1 or 3.2 has been breached, or is likely to be breached, the officer may take reasonable steps to abate, or cause to be abated, the nuisance or risk.

3.4 To avoid doubt, nothing in this part of the bylaw applies to a fire safety risk to which the Fire and Emergency New Zealand Act 2017, or regulations made under that Act, applies.

4. Offences and cost recovery

4.1. Every person commits an offence who:

- (a) breaches clause 3.1 or 3.2 of this Bylaw; or
- (b) fails to comply with a direction of an authorised officer issued under clause 3.3.

4.2 The Council may recover any costs it incurs as a result of acting under this bylaw. Costs are recoverable from:

- (a) the owner of the property on or from which the nuisance or risk originated; and/or
- (b) any person who caused the nuisance or risk.

4. Public Excluded

Recommendation

That the Council:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 Public Excluded Report of the City Strategy Committee Meeting of 22 November 2018	7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.