
MINUTES

TUESDAY 11 MARCH 2008

9.17AM

**Committee Room 1,
Ground Floor, Council Offices,
101 Wakefield Street
Wellington**

PRESENT:

Mayor Prendergast (Chair)
Councillor Ahipene-Mercer
Councillor Best (9.17am – 12.37pm, 1.11 – 12.37pm, 1.12pm – 2.51pm)
Councillor Cook (9.17 – 11.10am, 11.18am – 2.48pm)
Councillor Coughlan (9.17 – 11.10am, 11.18 – 2.51pm)
Councillor Foster (9.35am – 12.10pm)
Councillor Gill
Councillor Goulden (9.17 – 10.31am, 10.49am – 12.37pm, 1.12 - 2.48pm)
Councillor McKinnon
Councillor Morrison
Councillor Pannett
Councillor Pepperell
Councillor Ritchie (9.17 – 9.21am, 9.30am – 2.13pm, 2.19 – 2.51pm)
Councillor Wade-Brown
Councillor Wain

APOLOGIES:

Councillor Foster (lateness)

049/08P **APOLOGIES**
(1215/52/IM)

RESOLVED:

THAT the Strategy and Policy Committee:

- 1. Receive apologies for lateness from Councillor Foster.*

050/08P **CONFLICT OF INTEREST DECLARATIONS**
(1215/52/IM)

NOTED:

1. Councillor Coughlan declared a conflict of interest in relation to Positively Wellington Tourism: Trustee Fees.
2. Councillor Wain declared a conflict of interest in relation to the Wellington Museums Trust: Trustee Fees.
3. Mayor Prendergast declared a conflict of interest in relation to Central City Squares and Parks.

051/08P **PUBLIC PARTICIPATION**
(1215/52/IM)

NOTED:

1. Duncan Farrier speaking on behalf of the Wadestown School Parents Association addressed the Committee. Mr Farrier raised a number of road safety issues which affect pupils of Wadestown School. He noted speed humps, bollards, a full pedestrian crossing and a roundabout would significantly slow traffic outside the school and improve safety for students.

(Councillor Ritchie left the meeting at 9.21am.)

2. Gavin Larsen and Don Neely addressed the Committee regarding a practice wicket at the Basin Reserve. They noted the Basin is one of the only test grounds in New Zealand without a practice wicket off the field. They expressed concern that the Basin is in danger of losing test matches without a practice wicket.

(Councillor Ritchie returned to the meeting at 9.30am.)

052/08P **DEPUTATIONS**
(1215/52/IM)

1. Viv Beck, Chair of the Museums Trust addressed the Committee. Ms Beck spoke in support of the Draft Annual Plan new initiative to increase Consumer Price Index for the Museums Trust. She noted this increase will help retain qualified staff and continue the high standard of exhibitions.

(Councillor Foster joined the meeting at 9.35am.)

2. Justin Hills addressed the Committee regarding road safety and traffic management in Eden Street, Island Bay. He noted there have been a number of serious accidents in the street over the years. Mr Hills thanked the Council for a proposal to improve safety and asked that Dee Street be included in the scope.

053/08P **PETITION**
(1215/52/IM)

Justin Hills presented a petition on traffic management and road safety in Eden Street, Island Bay.

Moved Mayor Prendergast, seconded Councillor McKinnon the following motion:

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Receive the petition and refer it to Officers to inform their work.*

054/08P **PROPOSED DISTRICT PLAN CHANGE 65 - EARTHWORKS**
Report of Jonathan Anderson – Policy Advisor, Urban Planning and Transport.
(1215/52/IM) (REPORT 1)

Moved Councillor Foster, seconded Councillor Best an amended substantive motion as follows:

- “9. Note that implementation of District Plan Change 56 – Earthworks is estimated to cost \$338,000 in 2008/09 with the project being fully funded by applicants through fees, and agree that this be reflected in the Draft Annual Plan.”

The amended substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to notify Proposed Plan Change 65 (attached as Appendix One and Appendix Two of the officers report), in accordance with the First*

Schedule of the Resource Management Act 1991 (the Act), to be publicly advertised on 1 July 2008.

3. *Agree to adopt the Section 32 Report for Proposed District Plan Change 65 (attached as Appendix Three of the officers report).*
4. *Direct officers to prepare proposed plan variations, as necessary in June, to align proposed district plan changes (that have not completed their statutory processes under the Act) with Proposed District Plan Change 65.*
5. *Delegate to the Portfolio Leader for Urban Development, the authority to approve minor editorial changes to Proposed District Plan Change 65, and the authority to sign off the final plan change documentation prior to notification.*
6. *Delegate to the Portfolio Leader for Urban Development, the authority to approve and notify variations to proposed district plan changes, as necessary to align these plan changes with Proposed District Plan Change 65; and to sign off the final plan variation documentation prior to notification.*
7. *Delegate to the Portfolio Leader for Urban Development, the authority to approve minor changes to Proposed District Plan Change 65, as necessary to align the proposed change with other proposed plan changes that become operative between 13 March and 1 July 2008; and the authority to sign off the final plan change documentation prior to notification.*
8. *Delegate to the Portfolio Leader for Urban Development, the authority to approve and sign off minor amendments to the Section 32 Report for Proposed District Plan Change 65 and aligned variations to district plan changes.*
9. ***Note that implementation of District Plan Change 65 – Earthworks is estimated to cost \$338,000 in 2008/09 with the project being fully funded by applicants through fees, and agree that this be reflected in the Draft Annual Plan.***

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold**.

055/08P **ORDER OF BUSINESS**
(1215/52/IM)

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Take Report 7 “Summary Offences (Tagging and Graffiti Vandalism Amendment Bill 2008) next.*

056/08P **SUMMARY OFFENCES (TAGGING AND GRAFFITI VANDALISM AMENDMENT BILL 2008)**

Report of Ken Bowater – Senior Policy Advisor and Wayne Murphy – Senior Policy Advisor.

(1215/52/IM)

(REPORT 7)

Moved Councillor Best, seconded Councillor McKinnon an amended substantive motion as follows:

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- o the behaviour of particular age groups, ~~such as young children who draw on walls at home~~

Moved Mayor Prendergast the following amendment:

“Please note that representatives for Wellington City Council wish to appear before the Committee should oral submissions be received.”

The amendment was ACCEPTED with the leave of the meeting.

Moved Councillor Ritchie, seconded Councillor Pepperell the following amendment to the substantive:

“That we comment on positive approaches that we as a city have so far made such as recognising authorised graffiti art as an art form and by allocating special places for this art.”

Moved Councillor Foster, seconded Councillor Morrison, the procedural motion under Standing Order 116.4 that that the amendment be put.

The procedural motion was put and declared CARRIED.

The amendment was put and declared CARRIED.

The substantive motion as amended was put and declared CARRIED.

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note that submissions on the Summary Offences (Tagging and Graffiti Vandalism) Amendment Bill 2008 close on 11 March 2008.*
3. *Agree that the submission on the above Bill, attached at Appendix 1 of the officers report of the substantive **as amended**, be forwarded to the Law and Order Select Committee.*
4. *Delegate to the Chief Executive and the Social Portfolio Leader the authority to make any amendments required as a result of Strategy and Policy Committee discussions.*

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold**.

(The meeting adjourned for morning tea at 10.31am. When the meeting reconvened at 10.48am Councillor Goulden was not present.)

057/08P

REPORT OF THE FUNDING AND ACTIVITY REVIEW WORKING PARTY: REVENUE AND FINANCING POLICY AND ASSET MANAGEMENT PLANS

Report of Andy Foster - Chair Funding and Activity Review Working Party and Andy Matthews - Manager Funding and Financial Strategy.

(1215/52/IM)

(REPORT 2)

(Councillor Goulden returned to the meeting at 10.49am.)

Moved Councillor Foster, seconded Councillor Wade-Brown an amended substantive motion as follows:

- “9. Agree that the Asset Management Plan funding changes as outlined in appendix 2 be incorporated into the 2008/09 Draft Annual Plan budget with the exception of Property: Convention Centre: Operational Assets of \$112,640.”**

(Councillors Coughlan and Cook left the meeting at 11.10am)

Moved Councillor McKinnon, seconded Councillor Goulden the following amendment.

- “3. Approve the changes to fees and charges as detailed in Appendix 1 of this report **noting that marinas fees shall be informed by current negotiations with marina tenants and a proposal brought back to the June deliberations.**”

The amendment was put and declared CARRIED.

Moved Councillor Pepperell, seconded Councillor Ritchie the following amendment.

Replace the current 8 to read:

8. “Amend the current Revenue and Finance Policy to hold the rates differential at the current 4.2:1.”

The amendment was put and declared LOST.

(Councillors Coughlan and Cook returned to the meeting at 11.18am.)

Moved Councillor Coughlan, seconded Councillor Cook the following amendment.

“Support with the exception of 6.4.1 (5% increase in learn to swim programmes are proposed) which could be subject to changes arising out of the current pool review.”

The amendment was put and declared LOST.

Recommendation 3, Appendix 1 - Marina Fees was put and declared CARRIED.

NOTED:

Councillor Gill requested her dissenting vote be recorded.

The remaining substantive motion as amended was put and declared CARRIED.

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Receive the information.*

2. *Note that price changes proposed as a result of this review result in a reduction in the rates funding requirement of \$0.695 million.*
3. *Approve the changes to fees and charges as detailed in Appendix 1 of the officers report **noting that marinas fees shall be informed by current negotiations with marina tenants and a proposal brought back to the June 2008 deliberations.***
4. *Amend the Revenue and Financing Policy, as contained in the amended 2006/07 LTCCP and request officers to prepare a Statement of Proposal to reflect the following:*
 - i) *Building Control and Facilitation – increase the proportion to be funded by user charges from 60% to 65% (noting that this requires no increase in fees).*
 - ii) *Promoting and Hosting Cultural Events – decrease the proportion to be funded through user charges from 25% to 20%*
5. *Agree to include in the 2008/09 Draft Annual Plan a Resource Consent Waiver subsidy fund of \$50,000 for listed heritage buildings and request officers complete a comprehensive review of options for increased support to the owners of listed heritage buildings in the preparation of the 2009/10 LTCCP.*
6. *Adopt the Draft Trade Waste Charges Policy for public consultation in conjunction with the 2008/09 Draft Annual Plan process.*
7. *With respect to the targeted rate for water supply set under section 16 and 19 of the Local Government Rating Act, on each property connected to the public water supply with a water meter installed, agree to increase the fixed water meter charge from \$1.37 per cubic metre to \$1.58 per cubic metre (including GST).*
8. *Note that the Revenue and Financing Policy outlines a shift in the commercial and residential rating differential from 4.2 in 2007/08 to 3.8 in 2008/09.*
9. *Agree that the Asset Management Plan funding changes as outlined in appendix 2 of the officers report be incorporated into the 2008/09 Draft Annual Plan budget **with the exception of Property: Convention Centre: Operational Assets of \$112,640.***

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold**.

058/08P **2008/2009 CAPEX PROGRAMME**

Report of Helen Rogers – Financial Controller.
(1215/52/IM)

(REPORT 3)

Moved Mayor Prendergast, seconded Councillor Morrison an amended substantive motion as follows:

- “2. Approve the recommended CAPEX reprioritisations as listed in Table 5 **as amended to increase savings from CX094 Pedestrian network footpath renewals to \$477,000 and to defer \$130,000 of CX099 Footpath extensions from 2008/09 to 2009/10.**”

(Councillor Foster left the meeting at 12.10pm.)

Moved Councillor Ritchie, seconded Councillor Coughlan the following amendments to “Table 5”.

Table 5:

- “1. Delete CX055 Aquatic Facility upgrade from the list of CAPEX realignments set out in Table 5 of the report, with the funding going back into the 2008/09 year.
2. Move that the borrowing cap be increased by \$2.45 million so that alterations for the Keith Spry, Karori and Thorndon pools can remain in the budget and the insignificant impact rates increase of 0.05% be added.”

The amendment was put and declared LOST.

Recommendation 3, Appendix 1, line item CX311 – Vehicle network new roads was put and declared CARRIED.

NOTED:

Councillors Best and Wain requested that their dissenting votes be recorded against CX311 – Vehicle network new roads.

Recommendation 3, Appendix 1, line item CX077 – Library materials upgrade was put and declared CARRIED.

Recommendation 2, Appendix 1, line item CX099 – Footpath extensions was put and a DIVISION called.

Voting for: Mayor Prendergast, Councillors Ahipene-Mercer, Best, Coughlan, Gill, McKinnon, Morrison and Wain.

Voting against: Councillors Cook, Goulden, Pannett, Pepperell, Ritchie and Wade-Brown.

Majority vote: 8:6

Recommendation 3, Appendix 1, line item CX099 – Footpath extensions was declared CARRIED.

Recommendation 3, Appendix 1, line item CX499 – Indoor Community Sports Centre was put and declared CARRIED.

NOTED:

Councillors Pepperell and Ritchie requested that their dissenting votes be recorded against CX499 – Indoor Community Sports Centre.

(Mayor Prendergast withdrew from the table for CX409 – Central city squares and parks and Councillor McKinnon assumed the Chair.)

Recommendation 3, Appendix 1, line item CX409 – Central city squares and parks was put and declared CARRIED.

(Mayor Prendergast returned to the table and resumed the Chair.)

The remainder of substantive motion was put and declared CARRIED.

RESOLVED:

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Approve the recommended CAPEX reprioritisations as listed in Table 5 as **amended to increase savings from CX094 Pedestrian network footpath renewals to \$477,000 and to defer \$130,000 of CX099 Footpath extensions from 2008/09 to 2009/10.***
3. *Agree that the inflation adjusted CAPEX project and programmes, as detailed in appendix one, be included in the draft annual plan for 2008/09 subject to recommendation 4.*
4. ***Agree** that any approved amendments to the CAPEX projects and programmes (including the approved CAPEX re-prioritisations, New Initiatives, Asset Management Plans, Carter Observatory funding and any other approved amendments) will be incorporated into the final schedule of CAPEX projects and programmes to be presented to Council.*

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold**.

(The meeting adjourned for lunch at 12.37pm. When the meeting reconvened at 1.10pm Councillors Best, Foster and Goulden were not present.)

059/08P

NEW INITIATIVES

Report of Baz Kaufman – Corporate Planning Advisor.
(1215/52/IM)

(REPORT 4)

Moved Mayor Prendergast, seconded Councillor Coughlan an amended substantive motion as follows:

1. Agree to the new initiatives at the levels outlined in appendix one of the officers report (noting that this includes proposed expenditure in addition to that set out in the financial position presented to elected members on 25 February 2008):
 - t) **Positively Wellington Tourism: salaries**

(Councillor Best returned to the meeting at 1.11pm)
(Councillor Goulden returned to the meeting at 1.12pm.)

Moved Councillor Morrison, seconded Councillor McKinnon the following amendment.

- “6. Agree to include CAPEX funding for practice wickets for the Basin Reserve Trust as a new initiative for 2009/10.”

The amendment was put and declared CARRIED.

Moved Councillor Wade-Brown, seconded Councillor Cook the following amendment.

- “2 u) Wellington Museums trust core funding at \$100,000.”

The amendment was put and declared LOST.

NOTED:

Councillors Ahipene-Mercer, Cook, Ritchie, Wade-Brown and Wain asked that that their votes in favour of the amendment be recorded.

(Councillor Wain withdrew from the table for the vote on Recommendation 2p.)

Recommendation 2p was put and declared CARRIED.

(Councillor Wain returned to the table.)

(Councillor Coughlan withdrew from the table for the vote on Recommendation 2q.)

Recommendation 2q was put and declared CARRIED.

(Councillor Coughlan returned to the table.)

The remainder of Recommendation 2 and the substantive motion was put and declared CARRIED.

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree to the new initiatives at the levels outlined in appendix one of the officers report (noting that this includes proposed expenditure in addition to that set out in the financial position presented to elected members on 25 February 2008):*
 - a) *Bioreactor feasibility study*
 - b) *Renewable energy project: Carey's Gully*
 - c) *Pest Management Implementation Plan: funding*
 - d) *Incentive for sustainable building features*
 - e) *Karori Wildlife Sanctuary: additional funding*
 - f) *Anti-graffiti flying squad*
 - g) *Thistle Hall floor replacement*
 - h) *Hataitai Park access improvements*
 - i) *Household travel survey*
 - j) *Nairnville Park: artificial surfaces*
 - k) *Heritage Patent Slip – Cog Platform*
 - l) *Compliance monitoring (consents)*
 - m) *Scoring Stage: feasibility study*
 - n) *Pacific Island Festival*
 - o) *Wellington Museums Trust: National Children's Festival*
 - p) *Wellington Museums Trust: Trustee fee increases*
 - q) *Positively Wellington Tourism: Trustee fee increases*
 - r) *Positively Wellington Tourism: e-marketing*

- s) *Earthquake prone building: extension.*
- t) **Positively Wellington Tourism: salaries**
3. *Note that a package of initiatives relating to the Courtenay Place precinct was discussed at Strategy and Policy Committee on 6 March 2008 and that these will be contained in the draft annual plan.*
4. *Note that commentary on the status of the following projects will be included in the draft annual plan and that any funding requirements that may be agreed will be included in the final annual plan (depending on progress at that time):*
- *Khandallah Community Hall*
 - *Crossways in Mt Victoria*
 - *Shelly Bay slipway lease.*
5. *Decline the following initiatives (noted in section 3.1.3):*
- a) *Positively Wellington Tourism: salaries*
- b) *Wellington Museums Trust: core funding*
- c) *Basin Reserve Trust: practice wickets.*
6. **Agree to include CAPEX funding for practice wickets for the Basin Reserve Trust as a new initiative for 2009/10.**

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold** and deleted the text in ~~strikethrough~~.

060/08P **DRAFT 2008/09 ANNUAL PLAN FOR RECOMMENDATION TO COUNCIL**
 Report of Brian Hannah – Manager, Planning Performance and Research and Helen Rogers – Financial Controller.
 (1215/52/IM) (REPORT 5)

Moved Mayor Prendergast, seconded Councillor Ahipene-Mercer an amended substantive motion as follows:

- “2. a) agree the deletion of C642 – Youth café funding of \$190,000 in 2008/09.”

(Councillor McKinnon withdrew from the table for the vote on Recommendation 2a.)

Recommendation 2a was put and declared CARRIED.

(Councillor McKinnon returned to the table.)

NOTED:

Councillors Cook and Wain asked that their dissenting votes be recorded.

The remainder of the substantive motion was put and declared CARRIED.

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *a) Agree the deletion of C642 – Youth café funding of \$190,000 in 2008/09.*
 - b) Agree the inflation adjusted OPEX projects and programmes as detailed in appendix 1 of the officers report as amended.*
 - c) Note the inflation adjusted CAPEX project and programmes as detailed in report 2.*
 - d) Note that the funding effects of the inflation adjusted OPEX and CAPEX projects and programmes are reflected in the Funding and Borrowing Statements in appendix 2 of the officers report.*
3. *Agree that the inflation adjusted Funding and Borrowing Statements and Financial Statements as detailed in appendices 2 and 3 of the officers report be included in the 2008/09 draft annual plan (noting that any changes arising as part of these deliberations will be incorporated into the final statements presented to Council).*
4. *Agree that having due regard to the requirements of section 100 of the Local Government Act 2002, the Council's forecasting assumptions and the Revenue and Financing Policy it is financially prudent not to set a level of operating revenue that meets the projected operating expenses of Council.*
5. *Agree that for 2008/09 it is financially prudent to forecast a surplus of \$19.611 million, comprising:*
 - Unfunded depreciation on the following assets:*
 - (a) Clearwater Sewerage Treatment plant (\$2.767m)*
 - (b) Living Earth Joint Venture Plant (\$0.766m)*
 - (c) Transport Assets (\$7.757m)*
 - Revenue received for capital purposes:*

- (a) *LTNZ capital subsidies (\$10.579m)*
 - (b) *Housing capital grant and ring-fenced surplus (\$13.430m)*
 - (b) *Development contributions (\$2.356m)*
 - (c) *Targeted rates – Indoor Community Sports Stadium (\$1.132m)*
 - (d) *Bequests, trust and other external funding (\$2.080m)*
 - *Self Insurance Reserve (\$0.5m)*
 - *Unrealised fair value adjustment for loans and receivables (\$0.824m)*
6. *Recommend that officers prepare the draft annual plan 2008/09 statement of proposal based on the deliberations and recommendations of this Strategy and Policy Committee meeting (of 11 March 2008).*
7. *Note that the statement of proposal and summary will form the basis of the special consultative procedure on the 2008/09 draft annual plan and that consultation will run from 16 April 2008 to 19 May 2008.*
8. *Note that the requirement to amend the 2006/07 – 15/16 long term council community plan¹ is currently being considered in accordance with the Local Government Act 2002. Where amendments are required, a separate statement of proposal will be presented to Council for adoption.*

NOTED:

The resolution differs from the recommendations in the officer's report as follows:

The Committee added the text in **bold**.

061/08P **CONSULTATION AND COMMUNICATION PLAN: 2008/09 DRAFT ANNUAL PLAN**
 Report of Baz Kaufman - Corporate Planning Advisor.
 (1215/52/IM) (REPORT 6)

Moved Councillor McKinnon seconded Councillor Ahipene-Mercer the substantive motion.

(Councillor Ritchie left the meeting at 2.13pm.)
 (Councillor Ritchie returned to the meeting at 2.19pm.)

Moved Councillor Pannett, seconded Councillor Wade-Brown the following amendment.

¹ Changes to the Revenue and Financing Policy and Development Contributions Policy (as a consequence of changes to capital expenditure) would be required to be presented as amendments.

“5. Agree to hold a Draft Annual Plan public meeting in each ward.”

(Councillor Goulden left the meeting at 2.48pm.)

The amendment was put and declared LOST.

(Councillor Cook left the meeting at 2.49pm.)

The substantive motion was put and declared CARRIED.

RESOLVED AND RECOMMENDED TO COUNCIL:

THAT the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note the communication tools that will be used to support the consultation on the 2008/09 draft annual plan.*
3.
 - a) *Agree to delegate the hearing of oral submissions on the 2008/09 draft annual plan to a subcommittee.*
 - b) *Recommend to Council that it agree to establish the Draft Annual Plan Hearings Subcommittee with the terms of reference attached in appendix 1 of the officers report and that it elect a chairperson for the subcommittee.*
4. *Agree that the formal consultation period commences on Wednesday 16 April 2008 and closes on Monday 19 May 2008 with hearings scheduled in late May 2008.*

The meeting concluded at 2.51pm.

Confirmed: _____
Chair
/ /

APPENDIX ONE

11 March 2008

Clerk of the Committee
Law and Order Committee
Select Committee Office
Parliament Buildings
WELLINGTON

**Submission To
Summary Offences (Tagging And Graffiti Vandalism) Amendment Bill 2008**

This submission is from the Wellington City Council.

Introduction

Tagging and Graffiti Vandalism is of concern because of the impacts on residents and communities including:

- feeling unsafe
- the inconvenience and cost of removing graffiti
- degradation of the positive sense of place generally held by Wellingtonians.

The number of calls to the Council about graffiti vandalism has risen dramatically by 68% from 2006 to 2007.

General view

Wellington City Council supports moves that will improve Wellington residents' quality of life and reduce the cost of maintenance and cleaning for residents and the Council.

Wellington City Council strongly supports the Government taking a stand on what has become a significant social issue for Wellington residents and the rest of New Zealand. The Council considers it appropriate that Government provides support to the Police and local government to address the issue and ensure that sufficient resources are provided for effective countermeasures.

The Council considers that the current proposals fall short of providing a comprehensive solution and the proposed measures are not strong enough.

The Council is concerned that the Bill is being progressed at a pace which precludes sufficient time for research or consultation.

Specific comments

New offence of graffiti vandalism

Addressing low-level crime has been shown to reduce the incidence of more serious crime. For instance, active community policing to target 'disorder' has been shown to reduce more serious violent offending.

Acts of tagging and graffiti vandalism are currently treated as relatively low-level offences against the wilful damage provisions in the Summary Offences Act 1981, so creating a new offence is unnecessary. Wellington City Council believes increasing enforcement effort is likely to be more beneficial than creating a new offence.

The Council would have been interested to see the broader consideration of other methods to meet the challenge of tagging and graffiti vandalism. For example, targeting street tidiness and cleaning has been shown to reduce the incidence of vandalism, as has a focus on streetscape design and lighting.

Youth art in approved locations can provide a positive creative outlet; encouraging young people to take a sense of ownership and pride, and discouraging graffiti. The Council's graffiti flying squad engages with local artists and community groups to develop murals, as a method of reducing the amount of illegal tagging and graffiti on private property and public spaces.

The Council sees the proposed approach as being focussed on the results of a deep-seated socio-cultural problem rather than the causes. The Council would also be interested in information about approaches that target:

- the behaviour of particular age groups
- the needs of particular communities
- recidivist offending.

Recommendations

The development of new legislation should:

- allow an adequate consultation period
- consider a broader range of options to address the underlying causes of the behaviour
- provide guidance for managing offenders charged with multiple offences and for responding to recidivist offenders
- demonstrate how the proposed approach will have the desired effect.

Sale of spraycans to people under 18 prohibited

The use of fake identity cards, particularly student identity cards, is a current issue for staff in some bars in Wellington. The Council considers it important that the Committee considers what can be done to manage the potential risk to salespeople from the use of fake evidence of age documents. A register of purchasers would be one possible approach but this would take significant time for each shop to maintain.

Further, given that salespeople may be relatively young, the Council is concerned about the potential for intimidation of shop assistants.

Wellington City Council has recently tried an approach, adapted from experience in Brisbane, which focuses on 'Sensible Selling'; providing education for sales people to assist them in declining to sell under pressure.

A loop-hole appears to exist where a legitimate purchase is made for the purpose of on-selling or gifting to a person under 18 years of age. Also, mail order and online purchasing appears to have not been considered.

Recommendations

The development of new legislation should:

- give further consideration to what supports may be required to ensure the safety and protection of salespeople
- amend the wording to include 'for the purpose of supplying to a person under 18 years'.

Certain spraycans to be secured in shops

Such sales control is likely to be relatively easy for big outlets, but difficult for smaller stores where the impact of additional compliance costs for staffing, training and storage facilities may be significantly higher. This may result in some outlets ceasing to sell the controlled products. The proposals also fail to restrict the use of other 'tools of the trade', such as felt pens. It would be of interest to know whether a total ban on the public sale of spray cans was considered.

Recommendation

The development of new legislation should consider the potential for adverse effects of supply restrictions.

Changes to sentencing options

Wellington City Council would be interested to see evidence of a necessary causal link between community service and an offender's future behaviour.

Most tagging and graffiti vandalism offenders are under 18 years old and are diverted to the Youth Court where judges already have community service as a sentencing option. This calls into question the need for the proposed new offence.

The Council considers a maximum penalty of \$2,000 and / or a period of community service, without an option of imprisonment, to be appropriate to the level of offence. However, the Council considers that as offenders are often unable to pay even small fines, they won't be able to pay a \$2,000 fine.

The Council supports the potential for restorative justice from the proposed community sentence option and enabling an offender to 'right their wrong'.

The Council would like legislation to provide clear guidance for judges for appropriate penalties for multiple offences and for recidivist offenders, especially those over 18 years of age.

The Council considers it important that it is made clear where responsibilities lie for enforcement. The Council is not in the business of being an enforcement agency, nor is it a provider of community-service sentences. The Council's 'graffiti flying squad' is not trained or resourced to supervise the 'community service' work of offenders.

If graffiti vandalism is considered to be an indicator of long-term offending risk, as has been reported, then processes for the collection and storage of evidence should be established to support the long-term management of offender behaviour.

Section 14 of the Summary Offences Act 1981, relating to the possession of tools for committing burglary, seems an inappropriate location for the insertion of the proposed section 14(A) which relates to spraycans.

Recommendations

The development of new legislation should:

- provide guidance for managing offenders charged with multiple offences and for responding to recidivist offenders, especially those over 18 years of age
- locate or undertake research to demonstrate that the proposed approach will actually have the desired impact, and to identify alternative or additional measures to those proposed that can be taken
- make it clear where resourcing and delivery responsibilities lie for implementation
- provide guidance for the establishment of processes for the collection and storage of evidence
- create a new section for the clause that was to be section 14(A) relating to spraycans.

Conclusion

Wellington City Council agrees that tagging and graffiti vandalism is an issue needing to be addressed. The expected impact of the proposed changes to the Summary Offences Act should be assessed along with other methods to discourage tagging and graffiti vandalism. The Council has raised a number of points for consideration by the Committee.

Oral presentation

Please note that representatives for Wellington City Council wish to appear before the Committee should oral submissions be received.

Yours sincerely

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