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Report 02.635

8 October 2002

File: B/44/1/2

Report 02.635.doc

Report to Utility Services Committee

Andrew Samuel, Marketing Analysis Manager, Water Supply

Smiley Face mural for Ngauranga Reservoir – Wellington City Council's viewpoint

1. Purpose

To inform the Utility Services Committee that Wellington City Council does not support the proposed Smiley Face mural for Ngauranga Reservoir, and to seek a decision from the Committee as to whether to decline the mural proposal as a consequence of the City's viewpoint, or proceed to a public consultation and consider the outcome alongside the City's viewpoint.

2. Background

On 23 July 2002 the Utility Services Committee considered a private proposal to paint a Smiley Face on the Council's Ngauranga water reservoir (as detailed in Report 2.443 – Attachment 1). As a result of that meeting, the Regional Council approved support for the proposal in principle, subject to five conditions being met (Attachment 2), including:

(a) consultation of Broadmeadows residents is carried out by the Council at the proposer's cost

And:

(b) the proposal being supported by the Wellington City Council.

Wellington City Council's support of the proposal was considered important because the City is primarily responsible for the built and natural environment in the area that the reservoir is sited, and because a main reason put forward in support of the mural relates to a perceived benefit for the city. Mr Huckstepp considers that his mural proposal is consistent with Wellington's status as 'Top Town' and its 'Absolutely Positively' attitude, and that it continues the city's culture of innovation and exuberance.

2. Consultation

A consultation process has been designed, and was forwarded to Mr Huckstepp on 9 September, together with an estimate of the cost of the process (\$1,415 excluding GST), for his agreement. In response, Mr Huckstepp expressed hesitation at funding the consultation if lack of support from Wellington City was considered by the Regional Council to be sufficient itself to stop the proposal from proceeding.

On 7 August the divisional manager of Utility Services wrote to the manager of Wellington City Council's Environmental Business Control Unit (Attachment 3) about the proposal, including a request for the City Council's view regarding the proposed mural.

On 14 August a response was received (Attachment 4), confirming that there was no requirement under the District Plan for the proposal to gain regulatory approval from the City, but that the City's Director of City Services and Marketing would provide the City Council's view of the proposal in due course.

On 19 September a letter was received from Wellington City Council's Director of City Services and Marketing (Attachment 5), which states in summary:

"After reviewing the proposal in line with (City) Council planning policies relating to Ngauranga Gorge the visual effects are considered to be significant and therefore Council can not approve landowner consent."

3. Summary

Wellington City Council maintains that the question of support for the proposed Smiley Face mural is not a regulatory matter for it to consider. However, the City believes that the mural would not be consistent with its planning policies relating to Ngauranga Gorge and therefore does not support the mural being painted on Ngauranga Reservoir.

One of the conditions on which the Regional Council's support for the proposed mural rested has not been met

Ian Huckstepp, the mural's proposer, does not wish to pay for a public consultation if the proposal has no chance of gaining approval from the Regional Council without the support of Wellington City Council.

A decision is required as to whether or not the Regional Council holds the City Council's opposition as sufficient reason to decline further support for the proposed mural.

4. Communication

The decision of the Committee will be conveyed in writing to the mural's proposer. A media release is appropriate as the proposed mural has been widely reported and public interest in the Council's decision must be expected.

5. Recommendation

It is recommended that the Committee:

- (1) *notes that Wellington City Council does not support the private initiative to paint a Smiley Face on the Regional Council's Ngauranga water reservoir.*
- (2) *declines the painting of the proposed mural on Ngauranga Reservoir in light of the City Council's viewpoint.*

Or

- (3) *approves proceeding to a Council managed consultation of Broadmeadows residents, at the proposer's cost, and considers the results of that process alongside the view of Wellington City Council in determining whether the mural be allowed.*

Report prepared by:

Endorsed by:

ANDREW SAMUEL
Marketing Analysis Manager

MURRAY KENNEDY
Strategy and Asset Manager

Approved for submission by:

DAVID BENHAM
Divisional Manager, Utility Services

Attachments

Attachment 1 : Report 02.443

Attachment 2 : Utility Services Committee Resolution 6 August 2002

Attachment 3 : Letter to Wellington City Council's Environmental Business Control Unit Manager

Attachment 4 : Letter from Wellington City Council Environmental Business Control Unit Manager

Attachment 5 : Letter from Wellington City Council's Director of City Services and Marketing Director



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Report 02.443

16 July 2002

File: B/21/1/1

Report 02.443.doc

Report to Utility Services Committee

Andrew Samuel, Marketing Analysis Manager, Water Supply

Private Proposal for a Mural for the Council's Ngauranga Water Reservoir

1. Purpose

To seek a decision from the Utility Services Committee regarding whether it views a private initiative to paint a 'Smiley Face' on the top surface of the Council's Ngauranga water reservoir is an appropriate use of Council property.

2. Background

In May 2002 a request was received from a resident of the Region (the proposer), for him to be permitted to paint a 'Smiley Face' mural on the top surface of the Council's Ngauranga Reservoir, covering approximately 2,700 square metres in area. The concrete reservoir is currently unpainted and is approximately 60 metres in diameter.

The proposal raises the question as to whether or not the Council is willing in principle to make publicly owned 'blank spaces', such as Ngauranga Reservoir available for private initiatives that could demonstrate civic worth or public support. If so, what if any cost was the Council prepared to incur to facilitate the process? An opinion about the merits of this proposal has been discussed by several Regional Council Managers but a consensus view has not emerged. Hence, this report to the Utility Services Committee for a decision.

Ngauranga Reservoir was built in the mid-1990s. A public consultation with residents of the surrounding area was part of the project. Advice from Utility Services' Engineering Consultancy Group Manager points to some residents of Broadmeadows being concerned, at the time of construction, about the impact on their views of a large eye-catching new concrete reservoir. These residents were assured that the ageing of the concrete would lessen its visual impact. Part of the construction process involved the planting of shrubs around the reservoir.

The proposer asserts that the 'Smiley Face' image is enduring and communicates happiness. He has identified the Ngauranga Reservoir for his proposal because it is on one of the flight paths to/from Wellington airport and the reservoir is sufficiently large for the proposed image to be seen from passing aircraft. He believes that his proposal will "capture the popular imagination" and that it is consistent with both Wellington's status as 'Top Town' and its 'Absolutely Positively' attitude, and that it continues the city's culture of innovation and exuberance.

Advice received from Wellington City Council is that a painted mural of the size proposed does not contravene the District Plan, as the mural is not for advertising purposes. The proposal does not therefore require a resource consent.

The proposer has forwarded his proposal in writing with montage photographs of how the reservoir would look with the artwork on it. Some effort appears to have been put into his proposal, see attachment 1.

There are several practical issues associated with realising this proposal, involving staff time implications for the Council, touched on below. However, it did not seem appropriate to investigate these in detail prior to a decision from the Committee regarding whether proposals, such as this one, represent an appropriate use of Council property.

3. Discussion

The proposer claims that his initiative is private and non-commercial. He intends to meet any costs from sponsorship and personal funds. Although he has indicated that he is not seeking any direct funding from the Regional Council to realise the artwork, approval in principle would necessitate some resource cost for staff time to ensure the project would be completed to a standard acceptable to the Council.

The matter of possible opposition of local residents to the proposal has been raised with the proposer. He has indicated willingness in principle to meet the cost of a public consultation and has forwarded his own proposal for a letterbox-dropped questionnaire, although this form of consultation would not be independent. Utility Services officers consider an independently run consultation with residents whose properties overlook the reservoir would be necessary. This would require staff involvement in identifying the specific geographical area for the consultation to cover, appropriate questions and what constituted an acceptable level of support.

The task of applying the artwork to the reservoir would be dependent on the proposer or contractors working on his behalf submitting a plan of works that included safety measures compliant with the Council's standards for workplace safety; a process also requiring WRC staff time to review and supervise.

The matter of maintenance and/or eventual removal of the mural has been raised with the proposer. He has not committed to meet maintenance costs at present but has indicated a willingness to discuss the Council's requirements if initial approval is granted.

It is unclear how the majority of the general public of Wellington would react to a Council asset and, by implication, limited public money being used for such a purpose.

4. **Policy Issues**

The proposal will directly impact on two groups. Firstly, local residents whose properties overlook the reservoir from the suburb of Broadmeadows and some more distant properties. Secondly, the thousands of air travellers who fly past the site each year and may look out of the window of the aircraft.

The first group have to live with something that is quite different to a normal landscape. Staff within the Council have mixed views if they lived in Broadmeadows and were faced with the situation. It is difficult to draw a direct comparison. Possibly the nearest is Johnsonville residents who look down on the roofs of the large Warehouse and Woolworths stores in Johnsonville but these roofs are of a uniform colour. It is expected though that many of the residents of Broadmeadows will have firm views and it is proper that they should be consulted.

For air travellers, a large face on the reservoir will possibly signify a warm welcome (or goodbye) to/from the city and region. At worst, they may be indifferent.

An issue is the difficulty of weighing up the possible benefits of the sign when viewed from the air and the support of some residents, against the possible dislike of such a sign by other residents. It is perhaps not surprising that the views of Council officers are divided as we do not have an adequate framework to measure the benefits/disbenefits of the proposal by. All that can be suggested is to poll at the proposer's expense, the Broadmeadows residents who may be affected by the proposal.

Apart from the air travellers, all the effects are within Wellington City. Although a resource consent is not required according to Wellington City Council officers, it is still appropriate that Wellington City is consulted. Particularly as the proposer sees the artwork as supporting 'Top Town' and 'Absolutely Positively' concepts adopted by Wellington City.

It is possible that other spaces owned by the Council and controlled by the Water Group may be targeted for painting artwork. Apart from the Haywards reservoir, most other facilities are already painted in a uniform colour scheme.

5. **Summary**

A private citizen has sought permission to paint a large 'Smiley Face' on the top of the Council's Ngauranga water reservoir, at his own cost.

Previous consultation at the time the reservoir was built suggests that some residents in the surrounding area would not support this initiative, however, the individual proposing the mural is willing to conduct an appropriate public consultation process.

There is no requirement under Wellington City Council's District Plan to gain a resource consent for this proposal.

Progressing this work would require a commitment of time for Utility Services officers, to ensure that safety and accountability standards appropriate to this organisation were maintained.

A decision is sought as to whether the Utility Services Committee will allow this proposal to proceed to a detailed planning stage and whether the cost of staff time would be met by the Council.

6. **Communications**

There are no communications opportunities arising from this report though media interest is expected.

7. **Recommendation**

That the Committee:

- (1) *Approve the proposal in principle for a mural for the Council's Ngauranga water reservoir, subject to:*
 - (a) *consultation of Broadmeadows residents is carried out by the Council at the proposer's cost.*
 - (b) *the proposal being supported by the Wellington City Council.*
 - (c) *the consultation process shows a firm level of support for the proposal, as determined by the Committee.*
 - (d) *the proposer enters into an agreement with the Council for the painting of the reservoir roof, future maintenance and eventual removal of the artwork.*
 - (e) *all internal costs for the proposal are met by the Council.*

Or

- (2) *Decline the proposal.*

Report prepared by:

Endorsed by:

ANDREW SAMUEL
Marketing Analysis Manager

MURRAY KENNEDY
Strategy and Asset Manager

Approved for submission by:

DAVID BENHAM
Divisional Manager, Utility Services

File: B/21/1/1

Report 02.443

Utility Services Committee

Minute extract from meeting held on 23 July 2002

Private Proposal for a Mural for the Council's Ngauranga Water Reservoir

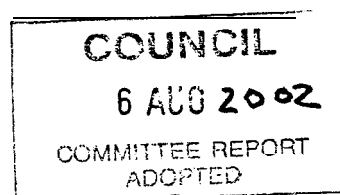
Recommendation

Resolved to Recommend

That the proposal in principle for a mural for the Council's Ngauranga water reservoir be approved, subject to:

- (a) consultation of Broadmeadows residents is carried out by the Council at the proposer's cost.
- (b) the proposal being supported by the Wellington City Council.
- (c) the consultation process shows a firm level of support for the proposal, as determined by the Committee.
- (d) the proposer enters into an agreement with the Council for the painting of the reservoir roof, future maintenance and eventual removal of the artwork.
- (e) all internal costs for the proposal are met by the Council.

Councillors Aitken and Thomas dissented



Mr. Beatham

Des Darroch

Des Darroch
Senior Committee Secretary

File: B/21/01/01

ceh\letters\ltr070802-ecbu wcc-district plan requirements-as djb

7 August 2002

Mr George Skimming
Unit Manager
Environmental Control Business Unit
Wellington City Council
P O Box 2199
WELLINGTON

Dear Mr Skimming

District Plan Requirements Regarding a Proposal for a Mural for the Ngauranga Water Reservoir

I am writing to seek confirmation that Wellington City Council does not require the above proposal to gain a resource consent under the District Plan.

In May 2002 Wellington Regional Council received a request from a resident of Korokoro for him to be permitted to paint a "Smiley Face" mural on the top of the Council's Ngauranga Reservoir. The reservoir is approximately 60 metres in diameter and 2,700 square metres in area. The yellow and black mural proposed would cover the entire top surface.

As part of the Regional Council's consideration of the requirements for granting this request, a member of my staff approached Wellington City Council on 11 July 2002 about the need for a resource consent under the District Plan. The advice received from a member of the City Council's Policy Planning team, which was reached after consultation with planners from the Environmental Business Control Unit (ECBU), was as follows:

The basis for the sign rules and definition (within the District Plan) is principally to enable the (City) Council to control the effects of the various means by which products or services are advertised. In this instance, 'of an advertising nature' is the critical part of the definition and, although the mural could otherwise fall within the definition, this aspect excludes it from needing a consent.

Therefore, provided the mural is not for advertising purposes, it will not need a resource consent.

This advice was part of a paper to our Utility Services Committee on 23 July 2002, seeking a decision on whether this Council would support the mural proposal.

The Regional Council has since recommended that the mural proposal be supported, subject to a number of conditions, including that the residents of Broadmeadows are consulted, that the proposal gains a firm level of support, and that the proposal is supported by Wellington City Council.

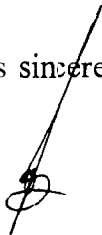
I am aware that there are differing views within ECBU from the one detailed above and that City Councillor Judy Siers has recently approached you regarding what position Wellington City Council can take on this proposal, including District Plan controls. Clearly, if Wellington City Council was now to take the view that a notified consent must be sought before the mural can proceed, there is little point in the Regional Council also arranging a consultation process.

In order to avoid duplicated effort and expense, would you please confirm in writing whether the proposed "Smiley Face" mural for Ngauranga Reservoir requires a notified resource consent under Wellington's District Plan before it can proceed and the relevant section of the plan in reaching your decision. I would also appreciate receiving from you the view of Wellington City Council regarding the proposed mural.

I appreciate that you may not be able to respond immediately to this request. If that were the case, would you please provide me with an indication of when I could reasonably expect your answer by.

I have enclosed a copy of the recommendation of the Regional Council for your information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Benham', with a long, thin vertical line extending upwards from the top of the signature.

DAVID BENHAM
Divisional Manager, Utility Services

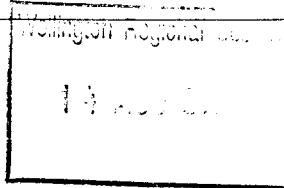
Encl.

WELLINGTON CITY COUNCIL

PO Box 2199, 101 Wakefield Street, Wellington, New Zealand.
Ph 64-4-499 4444, Internet www.wcc.govt.nz



13 August 2002



Mr David Benham
Divisional Manager, Utility Services
Wellington Regional Council
PO Box 11 646
Wellington

FILE REF:	
B / 44 / 01 / 02	
Doc. No. 119875	
Referred to	Date/In
D) BENHAM	9
MOK	
AS 15/8	

Dear Mr Benham

**DISTRICT PLAN REQUIREMENTS FOR A PROPOSED MURAL ON
NGAURANGA WATER RESERVOIR**

I am writing in response to your letter of 7 August 2002.

I can confirm that the advice given to you by the Council's District Plan Policy Team on 11 July 2002 is correct. The proposed mural on the water reservoir does not require resource consent under the Wellington City District Plan.

I apologise for any confusion caused by the differing views as to the need (or not) for a resource consent. It is ECBU's position that no resource consent is required due to the nature of the designation (with no relevant conditions), and the definitions within the District Plan relating to signs.

If you have any further questions about resource consent requirements under our District Plan, please contact the Environmental Control Business Unit directly.

Clause (b) of the resolution by the Utility Services Committee requires "the proposal being supported by the Wellington City Council". The view of the Wellington City Council in response to this clause, is not a regulatory matter for me to address. I can advise that Derek Fry, Director of City Services and Marketing will provide you with the Council's view. You can expect a written response from Mr Fry in due course.

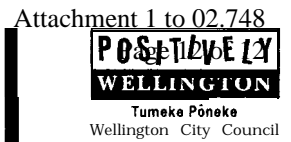
Yours sincerely

George Skimming
Manager, Environmental Control Business Unit
Wellington City Council

Phone: 801 3271

WELLINGTON CITY COUNCIL

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Wellington Regional Council
19 SEP 2002

(RT/ltr/benham)

12 September 2002

Mr David Benham
Divisional Manager, Utility Services
Wellington Regional Council
PO Box 1 I-646
WELLINGTON

FILE REF	B 44/01/02
Doc No	121638
Referred to	
Date/initials	P. Benham AS

Dear Mr Benham

REFERENCE: PROPOSED MURAL ON NGAURANGA WATER RESERVOIR

Thank you for your letter dated 7 August 2002.

I have considered your request in line with Council planning policies relating to Ngauranga gorge, being:

- The District Plan which zones much of the gorge as Open Space B; Wellington "Wet and Wild", incorporating the streams policy and ecological corridors. This noted Ngauranga as an important area;
- Council's Open Space Strategy (Capital Spaces November 1998) which notes the area as providing a "striking gateway to the harbour in the future"; and
- The Hilltops and Ridgelines study (in progress).

While the Ngauranga gorge is a modified landscape it still retains landscape values namely its topography, and linkage from the hills to the harbour.

Council's Open Space Strategy identified that future proposal within the gorge need to consider visual effects. Your proposal to add a large yellow face to the reservoir would be a significant change that would have lasting visual effects.

After reviewing the proposal in line with Council planning policies relating to Ngauranga Gorge the visual effects are considered to be significant and therefore Council can not approve landowner consent.

Yours sincerely

Derek Fry
DIRECTOR- CITY MARKETING & DEVELOPMENT

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Facsimile: (04) 801-3195