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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.

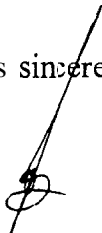
I am aware that there are differing views within ECBU from the one detailed above and that City Councillor Judy Siers has recently approached you regarding what position Wellington City Council can take on this proposal, including District Plan controls. Clearly, if Wellington City Council was now to 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.