

ORDINARY MEETING

OF

ENVIRONMENT COMMITTEE

AGENDA

Time: 9.15am
Date: Wednesday, 6 August 2014
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown

Councillor Ahipene-Mercer
Councillor Foster
Councillor Free
Councillor Lee
Councillor Pannett (Chair)
Councillor Ritchie
Councillor Sparrow

Have your say!

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

AREA OF FOCUS

The Committee will focus on climate change initiatives, enhancing the city's open spaces, protecting biodiversity in plant, bird and animal life, and ensuring there are high quality outdoor areas for residents and visitors to enjoy. The committee is also responsible for waste minimisation, energy efficiency and the three waters (drinking water, stormwater and wastewater).

Quorum: 4 members

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1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of:

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

1.2 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.

1.3 Confirmation of Minutes

The Minutes of the Meeting held on 12 June 2014 were presented to the Environment Committee for confirmation.

1.4 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.

1.5 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 Environment Committee.

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

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

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

2. Strategy

DEVELOPMENT OF INTEGRATED CATCHMENT MANAGEMENT PLAN (ICMP) FOR STORMWATER DISCHARGE CONSENT UPDATE

Purpose

1. Provide an overview of the oral presentation on actions and initiatives undertaken to develop the Integrated Catchment Management Plans (ICMPs). The presentation also highlights initiatives that have been completed and outlines the next steps.

Recommendation

Officers recommend that the Environment Committee:

1. Receive the information.

Background

2. Capacity on behalf of Wellington City Council is preparing ICMPs for the City as required by the stormwater discharge consent.
3. On the 18th February 2011 Greater Wellington Regional Council (“GWRC”) granted consent to Wellington City Council (“Council”) to “continue to discharge stormwater and occasionally contaminated stormwater....directly into the coastal marine area....”
4. The consent relates only to stormwater discharges into the coastal marine area, it does not cover discharges to freshwater (stream catchments).
5. The consent period is 10 years which is considered an appropriate duration for the consent as it provides the applicant with enough time to:
 - develop the recommended ICMPs
 - start identifying contaminant sources and quantifying contaminant loads
 - determine and prioritise options for addressing stormwater contamination
 - start taking actions to reduce stormwater contamination.
6. The ICMPs shall identify and address the management of existing and future water quality and sediment contamination issues related to the stormwater discharges covered by this consent and be in accordance with the environmental objectives approved under this consent.
7. To ensure compliance with the consent Capacity prepared a discussion document titled ‘Environmental Objectives for the Integrated Catchment Management Plans 2012’. This paper was circulated across council and the community for agreement. There are five broad objectives:
 - I. Catchment Objectives (associated with the underlying assets)

- II. Water Quality Objectives (associated with inputs and the receiving environment)
 - III. Stormwater Quantity Objectives (associated with the management of stormwater generally)
 - IV. Amenity Value Objectives (associated with the amenity value of the city's natural areas)
 - V. Community Engagement Objectives (associated with interaction within the community)
8. These objectives are the high level outcomes of the ICMPs.
 9. The consent requires the ICMPs to be developed in two stages, where Stage 1 provides the groundwork for the actual plans, which will be prepared in Stage 2.
 10. The Stage 1 report included:
 - Catchment details and status
 - Impacts on the stormwater discharge due to catchment activities
 - Management of impact mitigation plans (timing, scheduling, responsible groups etc.)
 - The work plan for Stage 2: Identifying and prioritising catchments
 - A timetable for developing the catchment-specific ICMPs in Stage 2
 11. The Stage 1 ICMP report was submitted for GWRC's approval in March 2014. This document was approved and GWRC also approved the development of Stage 2 of ICMPs within the timeframe and methods provided in the report.
 12. Stage 2 ICMPs will be developed for five coastal receiving environmental catchments. They are Lambton Harbour, Evans Bay, Island Bay/Houghton Bay, Lyall Bay and East Coast (Seatoun, Karaka Bay).
 13. The consent covers only discharges to the coastal marine environment. Plans for the three stream catchments, Owhiro Bay, Kaiwharawhara and Ngauranga, will be prepared at a later date.
 14. The Stage 2 ICMPs will be prepared in accordance with the consent requirements, which includes (but is not limited to) the following stages:
 - Management options to minimise catchment issues
 - Preferred methods to manage network-related and land use issues
 - Statement of actions and timeframes for undertaking preferred methods
 - Development of plans for monitoring, evaluation, and reporting on the effectiveness of solutions implemented
 15. The Timetable for Preparation of Stage 2 ICMPs is shown as Attachment One.

Consultation and Engagement

16. The local community was consulted during the consent application process. There has been consultation with the Stormwater Consultative Committee, a group of representatives of the public with particular interest in stormwater management issues.
17. The Stage 2 ICMP development process will focus on developing a more in-depth understanding of all the effects of the stormwater activity, including its effects on the

four well-beings of the Wellington community. While some community engagement is already well under way more consultation is planned.

Discussion

18. The oral presentation will highlight progress to date on the actions from the Stage 1 ICMP development as well as outlining next steps for Stage 2 ICMP.

Contact Officer: Jetesh Bhula, Manager Asset Development



Attachments

Attachment 1. Timetable for Preparation of Stage 2 ICMPs

Author	Anthony Wilson, Chief Asset Officer
Authoriser	Anthony Wilson, Chief Asset Officer

Timetable for Preparation of Stage 2 ICMPs

No	Coastal Receiving Environment ICMP	Sub Catchment ICMP	Catchment Area (Ha)	2013 / 14		2014 / 15				2015 / 16				2016 / 17				2017 / 18			
				3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
1	Lambton Harbour ICMP	Southern CBD (Harris, Taranaki, Toru, Te Aro, Newtown) Northern CBD (Aotea North, Tinakori, Glenmore, Aitken, Bowen, Warring Taylor, Hunter) Oriental Bay	825.0 495.0 49.5																		
2	Evans Bay ICMP	Hataitai Kilbirnie + Rongotai Miramar + Strathmore Grafton / Rata / Crawford	139.5 175.4 440.5 190.0																		
3	Houghton / Island Bay ICMP	Houghton Bay Island Bay	87.6 512.0																		
4	Lyalil Bay ICMP	Lyalil Bay (East, West, Airport, South)	283.8																		
5	South-East Bays ICMP	South-east Coast / Seatoun / Karaka Bay	294.0																		

 Detailed CMPPs will be prepared;
 Catchment wide investigations will be carried out without detail hydraulic modelling;

WELLINGTON REGION WASTE MANAGEMENT AND MINIMISATION PLAN 2011-2017 UPDATE

Purpose

1. Provide an overview on actions and initiatives outlined in the Regional Waste Management and Minimisation Plan and in support of the oral presentation.

Recommendation

Officers recommend that the Environment Committee:

1. Receive the information.

Background

2. The Waste Minimisation Act 2008 (the Act) requires Councils to develop Waste Management and Minimisation Plans (WMMP) by 2012.
3. The Act requires the WMMP to contain a summary of the Councils' objectives, policies, methods, and funding to "achieve effective and efficient waste management and minimisation within the territorial authority's district"
4. The Act sets out specific requirements for Councils as they develop the WMMP including but not limited to the following:
 - Consider the waste hierarchy – Reduction, Reuse, Recycling, Recovery, Treatment and Disposal (in descending order of importance);
 - Ensure that nuisance is not caused by the collection, transport and disposal of waste;
 - Have due regard to the New Zealand Waste Strategy (NZWS);
 - Have regard for the most recent waste assessment undertaken by a Council as a requirement of the Act and,
 - Undertake public consultation using the special consultation procedure in the Local Government Act 2002.
5. The councils of the Wellington region agreed to jointly prepare and adopt a Regional Waste Management and Minimisation Plan.
6. Subsequently the Regional WMMP 2011 – 2017 was adopted in August 2011, with the following target outcomes:
 - Reduced total volumes of waste disposed of to landfills
 - Increased volumes of waste diverted through reuse and recycling
 - Increased recovery of materials and/or energy from waste
 - Communities are well informed about the effects of waste and the opportunities they have to reduce waste
 - Highly efficient waste management and minimisation services and whether or not these are provided by Councils
 - Continual improvement in the environmental performance of waste disposal facilities

- Clean streets and public areas
- No significant health risks created by waste
- Consistent and coordinated approaches to regulating waste management services

7. The WMMP included a Regional Action Plan which included a number of specific activities and commitments.
8. These activities are outlined below with commentary on status and progress since the Plan's adoption.
9. It should be noted that the New Zealand Government's review of Local Government *Better Local Government* (possible amalgamation) has impacted on some of these activities as individual regional TLAs are reluctant to fully engage in operational harmonisation pending the outcome of this review for the region

i. Development of a joint solid waste bylaw

Approximately 60% of the region's bylaws were found to be consistent. The best approach was determined to be the development of a common bylaw framework which could be used by Councils when reviewing their individual bylaws. Note that Auckland has committed significant effort into drafting new bylaws after the amalgamation.

ii. Explore shared service contracts/agreements

To date these have been limited to combined waste analysis, waste minimisation, information and educational initiatives. Comparisons of contracts across the region revealed a range of rubbish and recycle collection and processing methodologies and widely different activity funding mechanisms leaving little opportunity for effective shared contracts in the short term.

iii. Development of a subsequent Regional Waste Management and Minimisation Plan

Development of a new plan for 2017 is currently in the planning stage.

iv. Improved data collection, e.g. joint commissioning of Solid Waste Analysis Protocols (Swaps)

Data sharing and joint data collection has been achieved with rationalisation of definitions and adoption of Waste Management Institute of New Zealand (WMINZ) protocols with the regional food waste survey and analysis currently underway. Note that there have been some savings as a result of shared data collection.

v. Waste Minimisation Fund (WMF) bids

Only one (unsuccessful) bid to MfE has been submitted for the food waste survey. This was because the WMF is predominantly targeting new initiatives and such data collection is already encompassed by the regional SWAPS.

vi. Investigate and agree a process for considering waste projects for regional funding

No material progress on a regional approach, although KCDC have developed a Waste Levy grant process for waste minimisation initiatives which Wellington is currently reviewing.

- vii. Advocate for enhanced packaging design controls and extended producer responsibility (EPR) for packaging materials**
A regional submission to the Minister for the Environment on product stewardship for packaging materials has been prepared plus regional input was provided to the WMINZ Territorial Authority Groups submission in response to the MfE call for submissions on product stewardship. Note Wellington also made a separate submission in support of mandatory measures.
- viii. Investigate and enable clean-fill licensing regulation where beneficial**
While TA's consent land use, it is the GWRC that consents discharges to land, water, and air. It is these consents that govern the practice of clean-fill sites and recent consents reflect significantly more stringent conditions. It should be noted that MfE are currently addressing the possibility of imposing a waste levy on clean-fill sites which will include some attendant controls and reporting
- ix. Development of Regional Waste Education Strategy**
This has been completed with significant input from Council staff and it is used to promote the objectives of the Act.
- x. Investigate landfill pricing signal/disincentive**
There are two elements to this with landfill pricing as a disincentive being addressed by individual Councils, and the possible use of bylaws to regulate behaviour subject to available and accessible options for diversion (e.g. banning some recyclable materials in rubbish bags or at landfills). Bylaws and possible landfill customer licensing are tools here. (See note i)
- xi. Investigate strategies to encourage industry involvement in resource recovery**
There has been limited progress on a regional level. In Wellington, Kai to Compost and a pilot programme for the recycling of electrical waste with a private provider in place at Southern Landfill are examples.
- xii. Investigate council organic waste collection system to complement processing system**
While a food waste audit is currently underway there has been no further progress on a regional approach to either the collection or processing of organic waste. A Council officer visit to Auckland to review the Auckland City Council's pilot organic (green and food waste) collection and processing scheme is planned for later this month. This will inform the development of our future approach as part of the LTP considerations.
- xiii. Investigate a consistent approach to kerbside collection services**
Initial discussions, particularly the Porirua/Wellington Waste JV, have been suspended. Across the region there are raft of different collection, processing and funding methodologies in place (e.g. user pays kerbside recycling collection in KDC) making consistency challenging.
- xiv. Investigate regional opportunities for management of polystyrene**
There has been discussion between Council officers and Poly Palace but to date these haven't been fruitful. There are currently some significant challenges with the successful processing low density polystyrene.

xv. Investigation of further options for beneficial recovery of sewage sludge/bio-solids

Minor progress only has been made in this area with pyrolysis trials undertaken in Wellington and proven technically challenging. We are investigating options for further treatment of biosolids as the MfE's priorities are aligned with this waste product. It needs however to be recognised that this is a major financial undertaking and its potential risk benefits must be clearly mapped and articulated in a robust business case before commitments are made.

xvi. Examine options for special wastes and hazardous wastes, related to environmental harm

Regional landfills all operate under MfE guidelines for the acceptance of hazardous waste at landfills. E-waste and tyre recycling is being undertaken at Southern Landfill but not regionally at this stage. As discussed above the regional steering group did have input into the WMINZ TA submission to the MfE on product stewardship (a.k.a. EPR) for 4 hazardous waste groups.

xvii. Investigate rationalisation of Landfill Policy

Regional landfills have adopted the MfE waste acceptance criteria. The proposed WCC/PCC JV was to address some elements of this but it is currently suspended. More recently, the JV Committee signalled its support for officers from both Councils to revisit options for more efficient collaboration. Officers will report on this in due course.

xviii. Examine alternative governance arrangements for landfill and/or solid waste services

As per note xvii above.

xix. Investigate regional opportunities for cleaner environs

This has been covered to a limited extent in the Regional Waste Minimisation Education Strategy but no significant progress otherwise.

Consultation and Engagement

10. The success of the WMMP requires ongoing community engagement in the areas of waste minimisation and education.

Conclusion

11. The regional WMMP represents a significant step towards a better collaborative environment in waste management. Although progress has been slow and has been impacted by a number of factors, this Plan reflects a major opportunity and needs to be built upon.

Attachments

Nil

Author	Stavros Michael, Manager City Networks
Authoriser	Anthony Wilson, Chief Asset Officer

3. Policy

BIODIVERSITY ACTION PLAN REVIEW UPDATE

Purpose

1. Provide an overview of the oral report which will be an update on actions for the development of the draft Biodiversity Action Plan. The report will outline next steps leading up to the presentation of the draft plan in October.

Recommendation

Officers recommend that the Environment Committee:

1. Receive the information.

Background

2. The Biodiversity Action Plan outlines our top strategic priority in the Environment portfolio. Wellington City Council is a major land owner and needs to take a strong leadership role in the areas of biodiversity conservation and pest management.
3. This Plan ensures that Wellington City Council's indigenous biodiversity management is optimised by prioritising the implementation of new and existing projects, identifying and addressing any gaps in our knowledge and building on existing relationships with key biodiversity stakeholders. The Plan covers what biodiversity is and why it's important, a profile of Wellington's biodiversity, how we are currently managing it, and the action plan. The action plan identifies the programmes designed to achieve the vision of the Plan, the corresponding responsibilities, funding sources and timeframes. The action plan is divided into four key themes – Identify, Protect, Restore and Research.
4. Wellington City Council has already made significant biodiversity gains over the last 5 years, now we need to review this Plan to give further direction to these activities for the next 5 years. The review is also looking at the Pest Management Strategy (2004) as part of our biodiversity management activities.
5. The next step is to begin pre-consultation to develop the draft plan. It is anticipated that a draft plan will be presented to the Committee in October.

Discussion

Consultation and Engagement

6. A key part of this plan is early consultation on the future priority for our biodiversity actions. The intention is for pre-consultation to happen with expert stakeholders and invested community members. They will assist with the development of our strategy around pest management, community group support, restoration and other biodiversity related activities and feed into the action plan for the next 5 years.

Conclusion

7. The oral presentation will highlight the process to be followed for the Biodiversity Action Plan review as well as outlining next steps.

Attachments

Nil

Author	Myfanwy Emeny, Team Leader Biodiversity & Urban Eco
Authoriser	Greg Orchard, Chief Operating Officer

MANAGING ACTIVITIES ON OUR OPEN SPACES - PROPOSED CHANGES TO THE TRADING IN PUBLIC PLACES POLICY

Purpose

1. This paper proposes amending the Trading in Public Places Policy (TPPP) to help ensure:
 - clear and fair management systems for certain commercial or private activities that are growing in popularity and take place on our open spaces
 - as many people as possible have a positive experience of using open spaces (including commercial operators and the general public)
 - the values of our open spaces are adequately protected.
2. This paper also proposes that the Committee recommend that Council enables relevant officers to grant licences over reserve and open space land, making this process more efficient.

Summary

3. A core function of the Council's outdoor open spaces is to provide for casual activities (sporting and social) for the public to enjoy. Examples of casual activities include walking, jogging, and playing.
4. The Council encourages a range of activities on our open spaces (public, private and commercial) that benefit our City. At the same time, the Council wants to ensure that the core function of casual use is maintained to a high standard for as many people as possible to enjoy.
5. Officers have identified some private or commercial activities on Council's open spaces that:
 - can significantly exclude or restrict casual public activities
 - are growing in popularity
 - may damage our environment or create public safety issues; and
 - for which clarity for commercial operators and Council operations is required.
6. Officers initially considered introducing a new Concessions Policy to manage commercial activities. However, after some consideration and feedback from Councillors, officers recommend making additions to the TPPP, keeping the number of fees to a minimum, and charging based on cost recovery and not revenue gain. Keeping the different open space activities under the same policy (TPPP), ensures greater consistency and fairness between how each type of activity is managed. The TPPP sets out policy to control trading activities "to make public places more safe, lively and attractive".
7. The scope of activities currently controlled by TPPP is limited and includes:
 - temporary retail and food stalls
 - retail kiosks

- recreational equipment hire
 - hawking
 - open air markets.
8. Officers propose adding the following activities to the TPPP:
- **commercial and private functions / events** that require exclusive use of land areas and therefore directly prevent casual use while the function or event occurs
 - **organised commercial group fitness activities** – (that can sometimes disrupt casual use) needing to abide by a new Code of Conduct, but not paying any fees or needing a licence or permit. That Code of Conduct is likely to be endorsed by the Exercise Association of New Zealand and is based on Auckland City Council’s Code of Conduct for fitness providers
 - **commercial guided tours** on reserves. Tour operators have said they want the Council to manage these activities more clearly and consistently.

More efficient licensing

9. Council’s current delegations require all reserve and open space licences to be approved by committee, instead of officers being delegated to do this. This longer process can add cost, through delays and uncertainty, which can act as a disincentive to operators.
10. Officers propose streamlining the licencing process for activities, enabling relevant officers to issue licences, with quarterly reporting to the Environment Committee. This would assist Council in its objective to be “more business friendly”. Licences would continue being subject to appropriate conditions, including that licences must be consistent with reserve management plans.

Recommendations

Officers recommend that the Environment Committee:

1. Receive the information.
2. Agree that the following three activities (and requirements for management) be added to the Trading in Public Places Policy:
 - (a) Commercial and private functions/events that have exclusive use (requiring permits).
 - (b) Organised commercial group fitness activities (not requiring a licence or permit, but needing to abide by a Code of Conduct), and if these activities take place on a sports-field, needing to pay any standard booking fees.
 - (c) Commercial guided tours that take place on reserves (requiring licences).
3. Agree that Officers publicly consult on the proposed additions to the Trading in Public Places Policy (set out in Appendices 2 to 4), starting consultation on 19 August 2014, and aim to report back with final proposals to this Committee on 16 October 2014.
4. Agree to recommend to Council to delegate Council Officers with the power to take all actions necessary to negotiate and issue licences in relation to open spaces and land classified as Reserve (under the Reserves Act 1977).
5. Note that all licences must be consistent with reserve management plans and any other policies, plans or legislation governing a land area or activity.
6. Note that Officers will report quarterly to the Environment Committee on all licences that have been requested, declined and accepted over the previous quarter.

Background

11. Activities that operate for commercial gain on our open spaces can add to the character, vibrancy, visitor experience and safety of our City. Over the past few years, however, officers have identified that certain (increasingly popular) commercial or private activities on Council's open spaces can, if not properly managed, sometimes cause:
 - negative public reaction to the activities interfering with enjoyment of casual use
 - conflict between groups seeking to use the space for similar activities
 - damage to the environment or public safety issues
 - frustration from individuals and organisations at the sometimes unclear and inconsistent rules around obtaining permission to run activities
 - additional maintenance (due to unanticipated increased use).
12. Officers initially considered introducing a new Concessions Policy to manage commercial activities to respond to the above issues. Many territorial authorities already have concessions policies to manage activities with wide-ranging fees.

Discussion

Proposed approach to manage activities through adding to the Trading in Public Places Policy

13. Officers now recommend that the extent of charging should be minimised, with any new fees based on cost-recovery. The scale of cost-recovered fees would likely be very low, at under \$10,000 per year.
14. The existing TPPP manages certain commercial activities "to make public places more safe, lively and attractive". Under the TPPP, "Trading" is defined as the act of selling or trading, or offering to sell or trade, goods or services with or without use of a vehicle. Fees under the TPPP are set on a cost-recovery basis. Licence holders should not be unfairly advantaged over established businesses that have rent or rates overheads.
15. Officers therefore recommend the most pragmatic option as adding three types of activities to the TPPP rather than creating another policy, i.e. commercial and private functions / events, organised commercial group fitness activities and commercial guided tours.
16. Formalising management of the activities (under the TPPP) would create greater certainty, fairness and simplicity for the public, commercial entities, and the Council. This is consistent with being business-friendly to well-run activities.
17. Managing the activities under the TPPP would also help ensure that as many people as possible have a positive experience of using open spaces and bring existing public place activities (for example coffee carts, and recreational equipment hire) under one policy. Examples of how this would work are outlined below. Further details of underlying issues and proposed management of each activity are set out in Attachment 1.

A. Commercial and private functions / events

18. Defined as private functions / events that have exclusive use of a land area for up to 6 days at any one time, as prescribed by the Reserves Act. For example, concerts, weddings, shows, circuses, product or service promotions and recreational activities.

19. Examples of how these activities will be managed:

- Example 1 - A corporate group may wish to hold a large picnic event on an area of Council's open spaces. The space would be booked for them and an event permit issued with an application fee (\$100 for a standard booking) plus any other costs for the preparation of the site.
- Example 2 - An organised race: For any mountain bike and running races held on reserves where volunteers contribute to the maintenance, organisers are required to provide a per-head donation to the group (\$2.50 per runner and \$5 per rider). Currently this is the case for Makara Peak Mountain Bike Park and Mt Victoria, Town Belt. The event permit application fee may be waived in these cases.
- Example 3 - A not-for-profit wishes to hold an event. For example, *Island Bay Community Fair at Shorland Park*. In these instances fees would be waived, but a bond may still be required.
- Example 4 - A regionally significant event is to be held. For example the annual Splash&Dash at Freyburg beach. Fees would be waived, but a bond may still be required.

B. Organised commercial group fitness activities

20. Defined as commercial fitness training activities. Examples include:

- outdoor gym sessions
- circuit training (with or without equipment)
- boot camps
- boxing and pad training
- organised aerobic activity.

21. Examples of how these activities will be managed:

- As Council officers see commercial fitness activities taking place, they will talk to the operator, to help ensure the operator is aware of and complying with the Code of Conduct and any other restrictions (such as under Reserve Management Plans). The Contact Centre will also have the Code of Conduct available. Permission should still be sought for fitness group activities on reserve land.

C. Commercial guided tours

22. Defined as guided groups on reserves areas for recreation, education or interpretation. For example, walking, mountain biking, horse trekking and cemetery tours.

23. Examples of how commercial guided tours will be managed:

- Example 1 - An operator wishing to run a regular commercial guided tour through a reserve would need to complete an application, accompanied by a non-refundable application fee (\$310). This would be assessed in the context of the appropriate Reserves Management Plan. If approved, the intention to do the activity must be publically notified (1 month). If no objections are sustained, a licence can be issued.
- There would also be an annual fee covering the cost of Council time administering the licence. For more intensive operators (eg Wellington Rover), this would be no more than \$410 per annum, based on x4 site visits. For less intensive operators which required fewer monitoring visits (eg mountain bike skills

clinics), the minimum licence fee will be \$100. These fees are consistent with the current trading licence fees.

- Example 2 - An operator wishing to run a street based tour would not be required to have a licence, as the tour would not take place on reserves land. The operator would be expected to operate within the footpath safety guidelines.
- Example 3 - Otari Trust runs a guided walk through Otari-Wilton's Bush. There is no requirement for a licence, as the Trust is "non-commercial", working as volunteers and has permission from Council for taking the tour.

24. For a tour operator to be defined as "non-commercial", their organisation must be:
- an incorporated society or trust
 - a registered charity
 - a voluntary organisation that does not charge for tours
 - Council Volunteers – e.g. Otari Trust.

Additional ways the above activities will be managed on our open spaces

25. The activities officers propose to add to the TPPP will also be managed by other plans, policies and guidelines that govern use of our open spaces. Depending on the area of open space considered, this may mean additional restrictions on where and when activities can take place.
26. Other plans, policies and guidelines that govern Council's open spaces include the:
- District Plan
 - Council's Reserve management plans
 - Council's Public Places Bylaw
 - Council's "Our Capital Spaces Framework" 2013-23.
27. The Council also has specific responsibility for managing land classified as reserve under the Reserves Act 1977 or other legislation such as the proposed Wellington Town Belt Bill. This includes adopting Reserve Management Plans (RMPs) that control activities taking place in specific areas. For example, the Botanic Gardens, Town Belt, and land covered under the South Coast RMPs.

Wellington Waterfront

28. Currently, the section of Council that replaced the old Wellington Waterfront Limited (WWL) has its own system for managing activities around the waterfront, including leases of buildings, licences to sell alcohol, and hiring of equipment (such as bicycles or rollerblades).
29. As WWL's systems further transition into Council, appropriate sections of the TPPP will apply to the waterfront. It is therefore proposed to delete the paragraph section 6 of the TPPP that refers to the WWL to reflect that WWL is part of the Council.

Delegating Officers the ability to issue licences and permits for certain activities

30. Current Council delegations for approving leases, subleases, licences and easements on reserve land sit with the Environment Committee. Council officers can not currently make these approvals before taking applications to the Environment Committee. This longer process can add delays and uncertainty, which can act as a disincentive to operators.

31. As part of improving customer service and making Council more business-friendly, this paper proposes the Environment Committee recommend that Council delegate Council officers with the authority to issue licences for activities on reserves and other open space areas.
32. Appropriate controls on licences will continue. For example, any licences would need to comply with (or may be refused as a result of) Reserve Management Plans, and any other plans, legislation or policies governing use of different open spaces. In many cases, public notification will still be required.
33. Officers would also report quarterly to Council Environment Committee on all licences that have been requested, declined and accepted over the previous quarter.

Next steps

34. Officers will publicly consult on the agreed changes proposed to the TPPP (Appendices 2 to 4) between 19 August and 23 September 2014. This will include a public workshop in early September 2014. Guided tour organisers and Sport Wellington will specifically be invited to attend that workshop.
35. Officers will report back to this Committee on the results of this consultation by October 2014.

Consultation and Engagement to-date

36. In forming this paper's proposals, officers have talked to Film Wellington, Grow Wellington, Positively Wellington Tourism, Exercise Association of New Zealand, Department of Conservation, and neighbouring territorial authorities. Officers have also incorporated feedback received during a briefing of the Council's Community, Sport and Recreation Committee on 6 March 2014 and Environment Committee on 12 June 2014. Additionally, officers have met with some commercial operators (Wellington Rover Tours Ltd, Splash&Dash and Bike Wellington) to test the current proposal. Key feedback was:
 - open to application fees
 - willing to consider licence fees or per-head charges, in particular if this gives some 'return' (eg an improved level of service)
 - concerned about fairness and supportive of a policy which improves this
 - concerned about 'rogue' operators and how they might be managed
 - agree that there need to be exemptions for some community or regionally significant events
 - keen for more streamlined and straight forward processes
 - open to investing in key sites.

Financial considerations

37. Fees under the proposed amendments are expected to cost-recover under \$10,000 per year and be consistent with Council's revenue and financing policy.

Contact Officers: Mark Jones, Senior Policy Advisor-Policy and Amber Bill, Manager-Open Space and Specialist Parks

Attachments

- Attachment 1. Detailed Issues and Management of activities to be added under the TPPP
- Attachment 2. Draft Summary of Information
- Attachment 3. Statement of Proposal - Proposed changes to Trading in Public Places Policy
- Attachment 4. Code of Conduct for Fitness Training on Wellington City Council's managed open spaces

Author	Mark Jones, Senior Policy Advisor
Authoriser	Brian Hannah, Director Strategy and External Relations

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

Wellington 2040 Strategy: Smart Capital is the Council's overall strategy for ensuring our city's success in the future. The four goals it outlines – people-centred city, connected city, eco city and dynamic central city. This amendment to the TPPP takes account of the strategic goals, particularly how they translate into supporting tourism and community events through increasing certainty and being more open for business.

2) LTP/Annual Plan reference and long term financial impact

No implications for Annual and Long-Term Plans. Proposed fees for events are expected to cost recover and result in a small amount of extra revenue for Council (under \$10,000 per year).

3) Treaty of Waitangi considerations

This Policy does not raise any Treaty of Waitangi implications.

4) Decision-making

Under the Council's Significance policy, this framework has been assessed as being of low/ medium significance.

5) Consultation

a) General consultation

Officers have informally consulted interested parties, including Grow Wellington, Positively Wellington Tourism, tour companies, Film Wellington, Department of Conservation, and neighbouring territorial authorities. As part of the next stage of consultation, officers plan to carry out further targeted consultation with interested parties, including Grow Wellington, Positively Wellington Tourism, local iwi, and other interested organisations.

b) Consultation with Maori

Mana whenua have deep spiritual and cultural ties to many of our open spaces. Officers have therefore informed the Port Nicholson Block Settlement Trust and Ngati Toa in developing these draft amendments to the TPPP. Mana whenua have also been invited to comment with their views and officers will actively seek their feedback on draft amendments to the TPPP.

6) Legal implications

Council has legal obligations on open spaces, including under the Resource Management Act 1991 and Reserves Act 1977. The proposed amendments to the TPPP are consistent with relevant legislation.

7) Consistency with existing policy

There are no issues of inconsistency. The proposed amendments to the TPPP would be consistent with other Council Policies that manage activities on open spaces.

Appendix 1 – Detailed Issues and Management of activities to be added under the TPPP

Activity	Main issue(s) requiring management	Proposed management
<p>Commercial and private functions / events – defined as private functions / events that have exclusive use of a land area for up to 6 days at any one time. This 6 day maximum is prescribed by the Reserves Act. Examples of events include concerts, weddings, shows, circuses, product or service promotions and recreational activities.</p>	<p>Inconsistency - Private functions and events are already managed under an event permit system, but processes and fees vary between different open spaces.</p> <p>Direct exclusion of casual use to a normally public land area while the function or the event occurs.</p> <p>Higher preparation and remediation costs than normal – particularly if the function or event requires high levels of service (e.g. facilities or maintenance).</p> <p>Risks of damage to the function/event spaces and sometimes public safety risks that need to be managed.</p>	<p>Standardise permitting practice across all Council's open spaces to ensure these activities take place on appropriate spaces at appropriate times, and to adequate standards.</p> <p>Fees would include cost-recovery for processing applications, preparing sites for use (including hazard management and health and safety checks) and ensuring appropriate levels of service. Event holders should not be unfairly advantaged over established businesses that have rent or rates overheads. Bonds may be required on a case by case basis to cover risks of damage and reinstatement costs.</p> <p>Council-sponsored events under the Events Policy– ie iconic, regional or community events, eg Island Bay Festival may be discounted or free.</p>
<p>Organised commercial group fitness activities – defined as commercial fitness training activities Examples include:</p> <ul style="list-style-type: none"> - Outdoor gym sessions - Circuit training (with or without equipment) - Boot camps - Boxing and pad training - Organised aerobic activity. 	<p>Some disruption of casual public use – these activities can take up large spaces, disrupt public use, and sometimes block the public from walking through certain paths or areas. This is especially true at peak times. These activities are typically highly mobile and not site specific.</p> <p>Risks of damage to the spaces that outdoor fitness groups occur on and sometimes public safety risks.</p>	<p>Code of conduct - to ensure these activities do not overly disrupt casual use of open spaces and minimise:</p> <ul style="list-style-type: none"> - damage to park values and infrastructure - conflict with other park users - their impact on adjoining landowners and businesses. <p>At this stage, no permit or licence would be required. However, this may be subject to future review. Additionally, if the activity is proposed on a sports field, then approval and fees will need to be paid as per the standard booking fees and conditions for sports field use.</p>

Item 3.2 Attachment 1

Activity	Main issue(s) requiring management	Proposed management
<p>Commercial guided tours – defined as guided groups on reserves areas for recreation, education or interpretation. For example, walking, mountain biking, horse trekking and cemetery tours.</p> <p>“Commercial”, in this context, is defined as tours run to make a profit. This definition excludes tours that are charities, incorporated societies, or Council volunteers.</p>	<p>Operational considerations - from an operational viewpoint, greater clarity is sought around guided tours. This includes knowing where and when guided tours occur, so that potential conflicts between events or maintenance activities can be avoided.</p> <p>Quality of tours - Tours can vary in quality (e.g. accuracy of information) and may sometimes, if not properly managed, damage areas they occur on, cause temporary over-crowding, or have public safety risks, as well as reputational risk.</p>	<p>Licence a (non-exclusive) interest in the land under the Reserves Act 1977.</p> <p>Unlike organised commercial group fitness activities (that are more highly mobile and don't depend on a specific area of land being available), guided tours often use the same areas of land. Therefore, guided tours may have a licensable 'interest' in that land under the Reserves Act 1977.</p> <p>Under licensing, Council officers would:</p> <ul style="list-style-type: none"> - encourage guided tours to operate in the right areas and (if necessary) at the right times, - encourage operators to provide a safe and high quality experience for visitors, - maintain the land areas in adequate conditions for licenced guided tours, helped by officers having more information of when and where these tours occur. <p>Licence fees would cost-recover the administration involved in processing the applications and licensing. Licences would be valid for up to five years.</p>

Draft Summary of Information

Proposal: Amending the Trading in Public Places Policy

Wellington City Council proposes amending the Trading in Public Places Policy to manage the following activities on Council's open spaces:

- Commercial and private functions/events through permits (already a practice on many open spaces),
- Organised commercial fitness activities through a Code of Conduct, and
- Commercial guided tours on the reserves through licences.

The above activities will be managed by amending the Trading in Public Places Policy (attached).

Your chance to have a say

Before making any final decisions, we'd like to know your views.

The closing date for submissions is **5pm, 23 September 2014**.

Please use the attached form to make your submission.

You are also invited to attend a public workshop to provide feedback on the proposals outlined in this document. This workshop will take place at Wellington City Council, 101 Wakefield Street Wellington, Committee Room 2 at <Time and Date to be advised>.

Background: Managing activities on our open spaces

The Council wants to get more people using, relaxing in and enjoying our open spaces. These spaces include all Council-owned or managed parks, reserves, gardens, cemeteries and beaches.

The Council is responsible for managing the different activities within open spaces and the effects of these activities. Officers have identified some commercial and private activities which are increasing in popularity. Those activities now require clearer management systems, both for the benefit of the commercial operators, and for other users of our open space.

The Council proposes that the activities in the table below be managed by making additions and minor edits to the Trading in Public Places Policy (TPPP). Those proposed additions and edits are shown as track-changes in the attached Statement of Proposal.

Activity and issue that needs managing	Proposed way of managing the activity
<p>Commercial and private functions / events are private events that have exclusive use of a land area, such as weddings, shows, concerts, recreational activities. This exclusive use of the land directly prevents the general public from accessing or doing activities on the land while events occur.</p> <p>Additionally, private functions and events are already managed under a permits system (on many of our open spaces), but practice varies between different open spaces.</p>	<p>Organisers would need to apply to Council for a permit and cost-recovery fees will apply. Costs recovered would include processing applications, staff time in preparing sites for use, including hazard management and health and safety checks and ensuring appropriate levels of service. In addition, bonds may be required on a case by case basis to cover risks of damage.</p> <p>Council-sponsored events under the Events Policy—ie iconic, regional or community events, eg Island Bay Festival may be discounted or free.</p>
<p>Organised commercial group fitness activities include gym sessions or circuit training, boot camps, boxing and pad training, or organised aerobic activity, and other fitness activities. The emergence of outdoor group training classes is increasing on parks and open spaces. Most of these activities are highly mobile and not site specific, but can impact on everyday public use.</p>	<p>Operators would not need to obtain permission, given that activities don't depend on a particular site being available, but would need to abide by a Code of Conduct (Annexed to the attached Statement of Proposal).</p> <p>If the activity is proposed on a sports field, then approval and fees will need to be paid as per the standard fees and conditions for sports field use.</p> <p>If an operator is not sure whether or not they can hold a class on a site, they should contact Council to confirm the appropriateness.</p>
<p>Commercial guided tours are defined as groups managed by a guide on public spaces for recreation, education or interpretation. Reserve Management Plans require these to be managed within reserve areas.</p>	<p>Guided Tour operators working within reserve areas would need to apply to Council to obtain licences.</p> <p>Guided tours normally take place on the same areas of land. A licence grants the licensee a (non-exclusive) interest in the land. This also helps the Council ensure that guided tours operate in the right areas and (if necessary) at the right times, and provide a safe and high quality experience for visitors. There will be cost-recovery fees associated with the time officers need to spend assessing applications and licensing, in accordance with the principles of the TPPP. Non-commercial guided tours (defined in the TPPP) will not need to obtain licences but would still need to get permission to operate on Council-owned land.</p>

Greater clarity, fairness and quicker licencing

Some other territorial authorities have created separate (concessions) policies to manage private and commercial activities that take place on green open spaces (beaches, parks, gardens, etc). However, WCC proposes that the same (existing) policy (TPPP) manages activities that occur across all our open spaces (including built and natural spaces). This would help ensure consistency and fairness between how each type of activity is managed.

Adding the activities (outlined in the previous table) to the TPPP would provide greater clarity for people wanting to run the activities. The rules around these activities and any requirements for licencing or permitting will be clearly visible. The rules also aim to fairly balance the ability to run private and commercial activities on our open spaces with providing great opportunities for casual public use. For example, for walking, jogging and playing.

At the same time, for good customer service and being business-friendly, the Council proposes to streamline the process for granting licences to do activities on Council's open spaces. Council officers would be able to grant licences rather than Council's Environment Committee needing to do this. That would reduce waiting times for licences (normally by several weeks). In most instances however, public notice would still be required.

Full copies of the proposed changes to the Trading in Public Places Policy are available from:

- Wellington.govt.nz
- Council libraries
- the Council's service centre, 101 Wakefield Street
- or phone 499 4444.

For further information, you can email us at managedactivities@wcc.govt.nz

You can make a submission on our website, by email or by filling out the submission form and posting it to Wellington City Council, PO Box 2199, Wellington 6140 or drop it off at our service centre.

Questions for submitters

1. Do you agree with our proposals and what are your reasons for agreeing or disagreeing?
2. Do you think that our proposals strike the right balance for ensuring fairness and clarity around how different activities are managed?
3. Do you have any other comments?

Statement of Proposal - Proposed changes to Trading in Public Places Policy

TRADING IN PUBLIC PLACES POLICY

1. Definitions

[Commercial guided tours – groups managed by a guide for commercial purposes on public spaces for recreation, education or interpretation. For example, walking, mountain biking, horse trekking and cemetery tours.](#)

[Commercial and private functions / events – private events that have exclusive use of a land area for up to 6 days at any one time.](#)

The Council - The Wellington City Council or any committee or elected member of the Council or officer authorised to exercise authority of the Council.

Hawker - Trading from a vehicle and only stopping long enough to sell to a customer.

[Non-Commercial guided tours – same definition as for commercial guided tours except for a tour to qualify as a “non-commercial guided tour”, the organisations running the tour must be:](#)

- [• an incorporated society or trust,](#)
- [• a registered charity](#)
- [• a voluntary organisation that does not charge for tours, or](#)
- [• Council volunteers.](#)

Open Air Market - Any outdoor place, accessible to the public, where goods are offered for sale, which usually consists of several merchandise stalls grouped together.

[Organised commercial group fitness activities –commercial fitness training activities. For example:](#)

- [- Gym sessions or circuit training \(with or without equipment\)](#)
- [- Bootcamps](#)
- [- Boxing and pad training](#)
- [- Organised aerobic activity.](#)

[Permit – permission to carry out an event / function that does not require an interest in land.](#)

Public Place - Any road, street, footpath, court, alley, square, pedestrian mall, lane or access-way of a public nature open to or used by the public as of right and every place to which the public have access and every reserve, park, domain, beach, foreshore and recreational ground within the City, subject to the provisions of the Reserves Act 1977.

Recreation Equipment - Any equipment used for recreational purposes such as kayaks, canoes, boats, surf boards, bicycles, roller blades, or scooters.

Reserve – means an area of land classified under the Reserves Act 1977 or managed under other legislation (such as a Wellington Town Belt Act).

Reserve Management Plan – means an adopted management plan for any park, reserve or other type of open space under the Reserves Act 1977.

Retail Kiosk - A small, permanent structure used to sell goods such as newspapers, magazines or confectionary items.

Temporary Retail - Any stand, stall, tent, mobile shop, vehicle, vessel or other and Food Stalls setup from which goods and / or food are sold that is open in a temporary nature and removed when not in use.

Trading - The act of selling or trading, or offering to sell or trade, goods or services, with or without use of a vehicle.

2. Introduction

Trading in public places can add to the character, vibrancy, visitor experience and safety of the city. It is important however to control trading activities in public places to ensure appropriate standards of health, safety, pedestrian priority and visual amenity are maintained. It is also important to consider the potential impacts on established businesses when determining where street vending activities can occur.

3. Objectives

The policy is to ensure that the public trading activities in Wellington City make public places more safe, lively and attractive without inhibiting the safety and efficiency of pedestrian movement. The Policy guides:

- the granting of licences or permits for trading in public places (if applicable)
- the types of trading that are allowed
- conditions for
 - _ health and safety
 - _ pedestrian access
 - _ consideration of established businesses.

4. Principles of the Policy

The following principles shall apply when considering trading activities in public places:

- The Council's decision to license and/or encourage trading in public places is reflective of its strategic vision for the city.

- Pedestrian priority should be enhanced to facilitate more efficient and safe walking routes in Wellington and to encourage more people to walk as their primary transport mode where possible.
- Wellington streetscapes and public places should be vibrant, safe and attractive.
- Wellington public places should provide opportunities for pedestrians to participate in the public environment - leisure, retail, recreation and entertainment.
- Businesses, groups and individuals that are permitted to use public places for trading activities are responsible for managing those activities in accordance with Council guidelines.
- Private trading activities that introduce changes to paving or street furniture (e.g. barriers) for amenity purposes will generally not be permitted.
- Trading activities should add to the city's vibrancy, improve public safety and strengthen the existing function of areas.
- The effects on existing businesses will be taken into account.
- Fees shall be set on a cost-recovery basis. Licence holders or other permitted activities should not be unfairly advantaged over established businesses that have rent or rates overheads.

5. Scope of activities

The Trading in Public Places Policy provides guidelines for allowing the following trading activities on streets and public places:

- temporary retail and food stalls
- retail kiosks
- recreational equipment hire
- hawking
- open air markets
- [commercial and private functions / events](#)
- [organised commercial group fitness activities](#)
- [commercial guided tours.](#)

6. Where is trading in public places allowed?

The Council will [permit and/or](#) grant licences against certain guidelines for trading in public places as an activity that will bring life and atmosphere to locations in the city as well as enhance the experience of certain areas. Factors that could be considered when determining locations for street vending activities include whether:

- the location

works well with the rest of the city
is highly visible
is easily accessible
has low activity levels and/or less than desired public safety

[is consistent with Reserves Management Plans, relevant legislation and District Plans](#)

- trading activities
 - do not disrupt safe and efficient pedestrian flows
 - support or enhance the existing function of the location
 - do not negatively effect locations designated as scenic areas or quiet open space.

[The Wellington Waterfront Limited is responsible for approving trading activities along the land designated as the 'Waterfront'. Wellington City Council will require Wellington Waterfront Limited to provide an open air market on the waterfront.](#)

7. Temporary Retail and Food Stalls, Retail Kiosks and Recreational Equipment Hire

The Council reserves the right to grant licences for temporary retail and food stalls, recreational equipment hire and retail kiosks in public locations throughout the city.

The Council will charge a fee for the licence. Licences are non-transferable and can be revoked at anytime due to non-compliance. The licence must be displayed to the public at all times.

The Council is responsible for identifying and agreeing any potential kiosk locations and designs and the terms of individual leases.

7.1 Type of commercial goods allowed

The type of goods that are allowed at temporary retail and food stalls, and kiosks, include handcrafted items, art, prepared food for consumption by the public, and produce such as fruit, vegetables, and flowers.

The Council wants to reinforce the image of Wellington as a creative capital by supporting vendors that sell art, photography and handcrafted items. The goods for a temporary retail stall must be approved by the Council during the application process. Licences may be revoked if goods are sold that are not consistent with what was approved by the Council.

Recreational equipment hire may also be licensed in public places, contingent on the above guidelines being adhered to.

7.2 Health and Safety Regulations

Temporary stalls selling fresh produce must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. The stall operator must pay the prescribed Council fee for a certificate of registration. Stalls must comply with relevant food safety and hygiene regulations. Stall operators that do not comply with food safety and hygiene regulations will have their certificate of registration and their temporary retail stall license revoked.

7.3 Times of operation and licence duration

The times of operation will be stated in the licence as will the duration of the licence. Stall holders that operate outside the times outlined in the licence may have their licence revoked.

7.4 Stall appearance and storage

The Council must approve the appearance of the stall. A photograph or a detailed sketch of the stall must be included in the application for a temporary retail stall. The stall must maintain high standards of appearance at all times. No changes may be made to the stall without prior approval.

The stall operator must be in attendance at all times.

Stalls are generally not permitted to be stored on site overnight and must be removed from the public place when not in use. The Council may revoke the stall licence if the licence holder does not keep the stall appearance tidy and safe to the satisfaction of the Council.

The trading area should be left clean and tidy to the satisfaction of the Council and all rubbish must be properly disposed of. No rubbish should be stored in public view during operating hours. No goods are permitted to be stored outside a kiosk when not in use.

The operator must keep noise to reasonable levels to the satisfaction to the Council.

7.5 Application process

The application for a temporary retail stall licence must include:

- detailed information of the type of goods to be sold (the Council may request to see the goods)
- the proposed days and hours of operations
- a photograph or detailed sketch of the vending stall
- the application fee
- evidence of public liability insurance
- information required for food hygiene and safety registration

8. Hawking

The Council permits hawking outside the Central Business District as defined in the District Plan.

Hawkers selling food must obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974. Hawkercs selling food must comply with food safety and hygiene regulations. Food-selling hawkers that do not comply with food safety and hygiene regulations will have their certificate of registration revoked. Hawkercs must pay the prescribed Council fee for a certificate of registration.

Trading from a fixed location is not permitted.

Hawkercs must properly dispose of their rubbish. The operator must keep noise to reasonable levels to the satisfaction to the Council.

9. Open Air Markets

The Council may license the establishment of open air markets on public places on a case-by-case basis, taking into account the nature of the public place and the potential effect on existing businesses. Individuals or groups must receive licensed permission from the Council to operate an open air market in a public place. Licence conditions may include:

- identifying the type of goods that can be sold at the market
- ensuring adequate space for pedestrians
- allocating set hours and days for operation
- identifying issues relating to storage.

Any group or individual interested in establishing an open air market on public land should contact the Council.

Stall holders in open air markets, on public or private land, where food is sold, need to obtain a certificate of registration under Regulation 4 of the Food Hygiene Regulations 1974.

10. Commercial and private functions / events

Organisers of commercial private functions must apply for permits for exclusive use of a land area. Bonds may be required on a case by case basis to cover risks of damage.

Details needed in the application include contact details, the type, date and time of event, number of people attending and special requirements. Organisers would also need to confirm that they have appropriate systems for managing health and safety under the Health and Safety in Employment Act and agree to any other conditions, such as those prescribed by Reserve Management Plans.

Council-sponsored events under the Events Policy – i.e. iconic, regional or community events e.g. Island Bay Festival may be discounted or free.

11. Organised commercial group fitness activities

Organisers of commercial outdoor fitness groups and exercise classes must abide by the Code of Conduct annexed to this policy. Otherwise, the Council may take legal action to prevent the fitness trainer or exercise class using Council spaces.

Permission for these activities does not generally need to be approved by the Council. Note, however, that if the activity is proposed on a sportfield, then approval and fees will need to be paid as per the standard booking fees and conditions for sportfield use.

12. Guided tours

Organisers of commercial guided tours taking place within Reserve areas throughout the city must apply for licences to Council officers in the Council Business Unit that administers parks and open spaces and pay relevant fees. Organisers of non-commercial guided tours (as defined by this policy) must obtain permission to run their activities, but are exempt from licensing.

12.1 Licence conditions

Organisers of guided tours must have systems in place to manage safety and comply with the Health and Safety in Employment Act and its Regulations, including having public liability insurance.

Guided tour operators also need to:

- prevent damage to public spaces
- report any damage or safety hazards to the Council immediately on 499 4444
- not restrict access to other people who want to use a given public space
- comply with any Reserves Management Plans covering the area where a tour takes place (Council will advise on this)
- meet health and safety standards
- provide a quality experience for visitors
- comply with any other conditions that may be set as part of the permit, including any guidelines that the Council provides with the permit.

12.2 Application process

The application for a guided tour operator licence must include:

- company name
- likely size of tour

- [nature of tour – e.g. walking, mountain bike training, horse riding](#)
- [where and when the tour will take place](#)
- [approximate frequency that it would take place](#)
- [evidence of public liability insurance.](#)

13. Fees, Monitoring and Enforcement

Fees will be set in alignment with the Council's revenue and financing policy which requires that the costs of this policy will be fully recovered ~~from licence fees.~~ [Licence](#) fees are expected to include the costs of:

- [licensing/permitting](#)
- monitoring and enforcement
- administration
- [additional resources that the applicant requests or expects from the Council – such as Council providing higher than normal levels of service on a particular space, extra facilities, equipment hire or extra maintenance.](#)

The Council reserves the right to charge a rent for occupancy of public spaces in addition to the licence fee. Such a rent would be assessed by the value of the location and to ensure that businesses on private property are not unfairly disadvantaged.

The [licence/permit](#) applicant must pay the full [licence cost-recovery](#) fee and have all the required permits before the [licence/permit](#) will be issued.

The Council will monitor trading activities in public places regularly to ensure that traders are complying with their [licence, permit or Code of Conduct](#) conditions, and that no unauthorised trading is occurring in public places.

The Council reserves the right to revoke trading licences, [permits](#) or leases for non-compliance issues. The standard protocol for non-compliance is as follows:

1. if a trader does not comply with the conditions of this policy, the Council will verbally notify the trader of the issue
2. if the problem persists, the Council will provide a written warning to that trader identifying the issue(s) and required remedy
3. if the business continues to infringe, the Council will consider revoking the trading [permit, licence or lease, and take any other steps to prevent the trading on Council land.](#)

Individuals or groups that trade on footpaths or other public spaces without a pavement licence will be asked to remove their material and cease with the trading activity. The Council will issue a written warning to the person. If the infringement

persists, the Council will reserve the right to confiscate the stall setup or trading material pursuant to sections 163 and 164 of the Local Government Act, 2002, and under part 1.15.1 of the Wellington Consolidated Bylaw: any authorised servant of the Council may pull down, remove or alter any work, material or thing erected or being in contravention of any provision of this bylaw.

The Council may dispose of confiscated property pursuant to section 168 of the Local Government Act, 2002.

Code of Conduct for Fitness Training on Wellington City Council's managed open spaces

*Proposed new addition to the Trading in Public Places Policy

*This Code of Conduct is likely to be endorsed by the Exercise Association of New Zealand and has been informed by Auckland City Council's Code of Conduct

The Council wants to promote active and healthy lifestyles and provide opportunities for people to engage in physical exercise on its parks and other open spaces. Outdoor group exercise classes where participants are motivated to achieve fitness goals are supported by the Council.

Fitness Trainers are not required to obtain landowner approval by way of a concession or booking to operate on the Council's spaces. They are however expected to operate in a manner that minimises:

- damage to open space values and assets,
- conflict with other open space users, and
- negative impacts on adjoining landowners and businesses.

This Code of Conduct outlines the Council's expectations in relation to how Fitness Trainers should conduct their activities on open space in respect to other open space users, health and safety aspects, use of fitness training equipment, parking, promotional material, public liability and the response to complaints.

If a complaint is received about a Fitness Trainer, the relevant Council business unit will contact the Fitness Trainer to:

- a) follow up on any breach of the Code of Conduct with a warning,
- b) invoice the Fitness Trainer for the cost of remediation works, if the complaint relates to damage to the park or park facilities, and /or
- c) assess whether the activity is appropriate for the area, and if necessary, determine alternate site options with the Fitness Trainer.

If significant complaints are received about a Fitness Trainer, the relevant Council business unit will issue a further warning and may take legal action to prevent the fitness trainer or exercise class using Council spaces.

The Council encourages you to be receptive and adaptable at all times to the needs of all park users and to cooperate with and provide information to Council staff upon request to assist with the effective management of our open spaces.

General rules

1. Fitness training activities can operate in accordance with this code of conduct in any open spaces other than those restricted in accordance with Reserve Management Plans. Note however, that if the activity is proposed on a sports field then approval and fees will need to be paid as per the standard fees and conditions for sports field use.

2. Fitness training activities should generally be conducted between 5am and 10pm.
3. Any one fitness training session must have a maximum of 30 participants and last for a maximum of 90 minutes.
4. At all times the Fitness Trainer must conduct the fitness training activities in a manner that does not adversely affect the park, any other open space user(s) and local neighbours or businesses.
5. The Fitness Trainer does not have exclusive use of any area at any time. This means the Fitness Trainer can only use any area while a session is in use, can not set up any semi-permanent space, and must take all equipment away from any open space when a session is not in-progress. The Council may, at its discretion, instruct a fitness trainer to relocate their activity.
6. The Fitness Trainer must:
 - a. Conduct themselves in an orderly and considerate manner and must comply with the Council's noise control guidelines and ensure any noise created during the training shall not unduly impact on other users or nearby residential properties.
 - b. Not use obscene or intimidating language.
 - c. Manage the training to minimise wear and tear on grassed areas (this includes avoiding wet and boggy areas, rotating activity within an area and / or alternating activities, if more than one).
 - d. Not cause damage to grass or intentionally mark it permanently (such as through scraping ground or paint).
 - e. Ensure participants do not step on, or walk on, or in any other way inappropriately use the Council's furniture, structures, public art works, shrines or memorials.
 - f. Ensure that any exercise equipment brought on to the park does not create any hazard or obstruction to park users.
 - g. Ensure training activities do not dominate, monopolise and/or obstruct any stairways or pathways and that their participants run in single file when running in narrow areas.
 - h. Ensure that training activities do not interfere with any other Council pre-approved or booked activities, including but not limited to: functions, special events or sporting activities.
 - i. Ensure the natural features, animals, plants or historic resources within the park are not interfered with, removed, damaged or endangered.

- j. Ensure any area used is left clean after each period of use and/or in the same condition it was at the commencement of use.
 - k. Inspect the area used for any hazards before each session and take appropriate action to remove hazard or alter session if required, and
 - l. Notify the Council on 499 4444 of any hazards / issues / park maintenance on or in the vicinity of the area which may constitute a danger to the public or the environment or require the Council's attention.
7. The Fitness Trainer's conduct should at all times reflect best industry practice and the operator shall ensure they and their employees comply with all relevant statutes, regulations, by-laws, the District Plan, and with any operative Reserves Management Plan and relevant open spaces policies or plans.
 8. The Fitness Trainer shall cover the costs of any damage caused to the Council's assets and/or any cleaning required as a result of the training activity.

Health and Safety

9. The Fitness Trainer must ensure they:
 - a. Have a First Aid Kit and Cellphone.
 - b. Have a policy to deal with extreme weather (such as snow, lightning, or temperatures over 35 degrees celsius).
 - c. Satisfy all occupational health and safety legislation and regulations. It is recommended that all trainers be level 2 First Aid qualified.

Fitness Training Equipment

10. Any equipment brought on to the park must be portable by an individual by hand and free standing at all times (ie equipment must not be pegged into the ground or hung from trees).
11. The following equipment is expressly prohibited on the park:
 - a. large gym equipment or anything that attaches to any park fixture or trees, (for example, weight benches, weight stacks, stationary bikes, punching/boxing bags, treadmills, steppers), and
 - b. whistles and megaphones.
12. Small equipment not attached to any park fixture or trees is permitted (for example, small plastic cones, speed ladders or hand-held boxing mitts).

Vehicles

13. All vehicles belonging to or directly associated with the operator must use only designated car park facilities on the park unless otherwise agreed with the relevant Council business unit.

Promotional material

14. The Fitness Trainer shall ensure that, where appropriate, all advertising material produced promoting their training activity shall specify that it is being carried out on a park.
15. The Fitness Trainer shall not erect any advertising material such as signs, 'A' frames or banners on the park. The exception to this is a single sign that indicates a session is in-progress, within 15 minutes either side of any fitness session.
16. Any signs indicating that a session is in-progress must be free-standing, not attached to any park fixture or trees, and not block public access to different spaces.

Public Liability

17. The Council shall not be responsible for any property of the operator its employees or participants that may be left on the park or for any loss of any property.
18. The Council shall not be liable for and does not accept any responsibility for indirect or consequential loss to the operator due to any natural disaster, vandalism, sabotage, fire or exposure to the elements, except where such damage or interference is caused by any wilful act by or negligence on the part of the Council, its employees, agents or contractors.
19. It is recommended the Fitness Trainer takes out an appropriate level of public liability insurance against liability for loss, damage or injury arising out of conducting their fitness training activity.

Recommended Professional Registration

20. Registration with the New Zealand Register of Exercise Professionals at the personal trainer (contractor) level is recommended as a way of ensuring all industry standards are met.

Complaints

21. If a complaint is received in the first instance Council officers will work with the Fitness Trainer to review whether the issue can be addressed through changes to how the fitness training is undertaken. The Fitness Trainer will be responsible for the cost of any remediation works, if the complaint relates to damage to the park or park facilities. The Fitness Trainer may be requested to

relocate their fitness training activity to a more suitable location on the park or to an alternate park.

22. If further significant complaints are received about an operator, the Council may take legal action to prevent the fitness trainer or exercise class using Council spaces.

4. Operational

TRANSFER OF LAND FOR ANOTHER PUBLIC WORK – 110 TREMEWAN ST, TAWA (PART WALL PARK)

Item 4.1

Purpose

1. To obtain Council approval to transfer approximately 2,849m² of reserve land to the New Zealand Transport Agency (NZTA). NZTA proposes to use the land for road purposes in connection with the Kenepuru Interchange.
2. The land forms the rear sloped portion of Wall Park situated at 110 Tremewan Street, Tawa. The proposed transaction does not impact on the flat, usable portion of the park adjoining Tremewan Street which will remain in Council ownership and open to the public.
3. Refer Attachment 1 for an aerial showing the Land outlined red.

Summary

4. NZTA is preparing for the Transmission Gully Motorway Project (Transmission Gully). As part of its ongoing design review, NZTA has identified an additional area of Council owned land required for an interchange at Kenepuru.
5. The area adjoins, and is considered part of, Wall Park however it is a steep overgrown gully that is not easily accessible or used by the public.
6. Council's Parks, Sport and Recreation unit supports the proposal provided appropriate mitigation measures are carried out.
7. The transfer is proposed under Section 52 of the Public Works Act 1981. This legislation allows for the transfer of public reserve for another public work in one step.
8. The land is classified under the Reserves Act 1977 and so the Department of Conservation will also need to be involved.

Recommendations

Officers recommend that the Environment Committee:

1. Receive the information.
2. Recommends that the Council:
 - (a) Agrees to transfer land approximately 2,849 m² being Part Lot 1 DP 7001 CFR WN6A/1049 to the New Zealand Transport Agency for another public work (road) pursuant to Section 52 of the Public Works Act 1981.
 - (b) Authorises the Chief Executive Officer to carry out all necessary steps, including compensation and mitigation, to transfer the land to the New Zealand Transport

Agency for the purposes of construction of the Kenepuru Interchange.

- Notes that transfer of this land for another public work pursuant to Section 52 of the Public Works Act 1981 will simultaneously deal with the recreation reserve status.

Background

Acquisition history and background

- In 1975 the former owners of the land abandoned residential development plans due to the costs involved. They offered the land to the (then) Tawa Borough Council given its proximity to Wall Park. The transaction was completed that year and the Land was combined with the park.

Property details

- Only the rear lot is proposed to be acquired by NZTA. The usable front portion of the park adjoining Tremewan Street will remain unchanged (this is the flat area which users typically consider to be the park).
- The rear lot (the Land) is an irregularly shaped steep gully containing a stream. It is covered in overgrown vegetation and some trees. It is currently zoned Open Space A under the District Plan and held as recreation reserve under the Reserves Act 1977.
- While the Land is currently considered part of Wall Park there are no formed tracks or marked access so is not utilised by the Public.



View of Wall Park from Tremewan Street. View of the Land from Wall Park.

Transmission Gully Motorway Project

- The Transmission Gully Project has been in the planning stage for several decades. The most recent completion date is 2020.
- The Government has recently announced the Wellington Gateway Partnership (WGP) as the preferred public private partner for the construction of Transmission Gully.

15. As a result of a WGP review of the Project's land requirements, the Land has been identified as being needed for the Kenepuru Interchange.

Discussion

Consultation and Engagement

16. The proposal is to transfer the Land to the Crown for Transmission Gully (another public work), NZTA obtained a final resource consent decision from the Environmental Protection Authority on 22 June 2012. Given the public consultation already undertaken by NZTA no additional external consultation by Council was considered necessary for the Land.
17. NZTA may however need to undertake further public consultation. Since obtaining the consent in 2012 there are proposed design changes which are outside of the designation boundaries. WGP is currently preparing information for Councils to determine whether there are any affected parties to these changes. This will determine what consenting process needs to be followed for approval of these changes – i.e. non notified, limited notified or full notification.
18. The Land has reserve (recreation) status under the Reserves Act 1977. Given the proposal is to transfer it for another public work, the reserve classification would be extinguished at the time of transfer.
19. The Tawa Community Board considered and endorsed this transfer proposal at their meeting held on 12 June 2014.

Park Assessment

20. Wall Park is comprised of three land parcels which make up a total area of 7853m². The area to be acquired by NZTA includes a stream and a variety of vegetation including some large exotic trees.
21. The stream is in a degraded state with significant weed infestation on the adjoining NZTA land. Access to the stream is difficult and it appears antisocial behaviour is an issue in this area. At the time of preparing this report it is uncertain what affect the construction of the Kenepuru Interchange would have on improving the current antisocial behaviour.
22. The neighbourhood is characterised by residential housing with the rail corridor to the north and the motorway corridor to the east. The park provides a pleasant space with a northerly aspect and a wide street frontage that contributes to neighbourhood amenity. This is expected to continue post-NZTA acquisition.
23. Access to the park directly from the train station is restricted by fencing in the north western corridor, but it is otherwise unfenced.
24. The proposed acquisition area provides some amenity value for Wall Park, but it also fosters negative behaviour.
25. On balance, Council's Parks, Sport and Recreation unit supports the proposal to transfer the Land with the proviso that the loss of amenity and ecological value is mitigated by NZTA eg park re-contouring (earthworks), fencing, planting, stream restoration and weed control.

Statutory Criteria

26. Section 52 of the PWA provides that land held for an existing public work and being reserve can be transferred by the local authority to the Crown if it is to be held for another public work.
27. The transfer of land from one public work to another public work under Section 52 of the PWA also transfers Section 40 offer back obligations with the land. The Section 40 offer back obligations will only be triggered once the land is no longer required for any public work.

Financial Considerations

28. NZTA will be responsible for all costs related to the proposed transfer. Compensation will be based on an up to date current market valuation.

Climate change impacts and considerations

29. The proposed transfer will have no impacts on any climate change considerations.

Long-term plan considerations

30. Compensation income received will be used to offset Council borrowing.

Significance Policy / Strategic Assets

31. Under Council's Significance Policy the sale of the Land would not be deemed significant.

Agreement and Transfer Process

32. In broad terms the proposed next steps of the transfer process would include:
- Council pass the necessary resolution under Section 52 of the PWA approving the transfer to enable NZTA to construct the Kenepuru Interchange
 - Obtain Ministerial consent for land transfer under Section 52 of the PWA
 - Obtain a current market valuation
 - Finalise Agreement and settlement
 - Construction survey undertaken
 - Transfer amended title

Conclusion

33. It is recommended that the Environment Committee recommend to Council that the approximately 2,849m² Council owned land at 110 Tremewan Street, Tawa (part of Wall Park) be transferred to NZTA under Section 52 of the PWA.

Attachments

- Attachment 1. Aerial map outlining the land proposed for transfer.

Author	Paul Davidson, Property Advisor
Authoriser	Greg Orchard, Chief Operating Officer

SUPPORTING INFORMATION

Strategic fit / Strategic outcome

The proposal relates to a major road infrastructure project that will benefit the wider Wellington region. The project is consistent with the Regional Land Transport Strategy and Western Corridor Plan, both of which support the Transmission Gully Motorway Project. The Kenepuru Interchange is an integral part of the Transmission Gully Motorway Project which is a Road of National Significance (RONS).

LTP/Annual Plan reference and long term financial impact

The proposed transfer is not contained within the LTP. There are no adverse financial implications imposed on the Council arising from this proposed transfer. Council will receive a compensation payment and the wider Wellington region will benefit from major road improvements.

Iwi considerations

No consultation for this individual land transfer proposal has been undertaken given NZTA's previous consultation for the larger project, and their current review of any implications resulting from recent design changes.

Decision-making

This is not a significant decision. Parks, Sport and Recreation being Council's asset owner do not consider it necessary to retain the Land.

Consultation

a) General consultation

The relevant Council business unit has been given the opportunity to demonstrate whether they have an interest in this property.

b) Consultation with Maori

No consultation for this individual land transfer proposal has been undertaken given NZTA's previous consultation for the larger project, and their current review of any implications resulting from recent design changes.

6) Legal implications

It is proposed that any sale and purchase agreements will be prepared by NZTA solicitor and reviewed and finalised to the satisfaction of Council's solicitors.

7) Consistency with existing policy

The recommendations of this report are consistent with Council policy.

Item 4.1 Attachment 1



NEW LICENCE UNDER RESERVES ACT 1977: VICTORIA UNIVERSITY OF WELLINGTON

Purpose

1. This paper seeks to legitimise Victoria University's occupation of a small area (measuring approximately 8 sqm) on the South Coast. The small area (highlighted yellow on Appendix B) contains a pump shed that supplies salt water to the nearby coastal ecology laboratory.

Summary

2. Victoria University of Wellington Coastal Ecology Laboratory (VUCCEL) is a research facility of the School of Biological Sciences that supports research in coastal ecology and marine biology. It is located at 396 The Esplanade, Island Bay.
3. Salt water is supplied to VUCCEL courtesy of a small pump shed (measuring approximately 8 sqm) located on part of the South Coast foreshore. The foreshore is managed as a pleasure ground (recreation).
4. Officers propose to grant Victoria University of Wellington an occupation licence for the area.

Recommendations

Officers recommend that the Environment Committee:

1. Receives the information.
2. Agrees to grant a new licence to Victoria University of Wellington under the Reserves Act 1977 (subject to the usual terms and conditions noted below).
3. Notes that any approval to grant the licence is conditional on:
 - (a) appropriate Iwi consultation
 - (b) public notification under s119 and s120 Reserves Act 1977
 - (c) no sustained objections resulting from the above consultation and notification; and
 - (d) legal and advertising costs being met by the licensee (where applicable)

Discussion

5. The coastal laboratory was first established in the 1960s and occupied a building that was originally constructed as a shark liver processing plant by the Glaxo Company. This was later demolished to make way for the new purpose-built coastal ecology laboratory which was completed in 2009.
6. Animals and fish which are housed in VUCCEL are kept in salt water, supplied from the south coast, courtesy of the pump shed. The heating in the building also uses sea water via a heat exchanger.

7. VUCEL proposes to replace the existing pump shed, which has reached the end of its usable life (an image of the proposed location and replacement is attached as Appendix A).
8. The Wellington South Coast Management Plan outlines a very high threshold for allowing structures of any sort within the coastal environment and in particular on the seaward side of the road. Opportunities to relocate the shed to the opposite side of the road were explored, however, they were deemed impractical. A stone cladding has been chosen to help mitigate the visual impact of the building and to make a visual connection between the pump shed and the lab across the road that is partially stone clad.
9. A peppercorn rental is proposed because the pump shed and equipment has been in place on the site for many years and supports the marine lab work on the coast.
10. The proposed terms of the licence are as follows:

Activity: Pump station
Legal instrument: Occupation Licence
Legal description: Part Section 9 Town District 26 Owhiro held in gazette 1907, p 3321.
Term: 10 + 10 years
Rent: \$1 + GST per annum (if demanded)
Final expiry: 30 September 2034

Conclusion

11. Officers recommend that the Environment Committee approves the proposed licence.

Attachments

- Attachment 1. Proposed Location and Pump Station
Attachment 2. Proposed license area to Victoria University of Wellington

Author	Grace Clapperton-Rees, Property Advisor
Authoriser	Greg Orchard, Chief Operating Officer

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The research laboratory is acknowledged within the South Coast Management Plan.

2) LTP/Annual Plan reference and long term financial impact

The proposals outlined in this report will have no substantial long-term financial impact.

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations

4) Decision-making

This is not a significant decision

5) Consultation

a) General consultation

Public consultation will be undertaken as required under the Reserves Act 1977

b) Consultation with Maori

Iwi will be consulted

6) Legal implications

The proposals will be subject to the provisions of the Reserves Act 1977

7) Consistency with existing policy

The proposals will be broadly consistent with relevant Council policies



Proposed Location: Photograph courtesy of street view



Proposed Pump Station

