
ORDINARY MEETING

OF

TRANSPORT AND URBAN DEVELOPMENT COMMITTEE

AGENDA

Time: 9:15 am
Date: Wednesday, 5 August 2015
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

MEMBERSHIP

Mayor Wade-Brown

Councillor Ahipene-Mercer
Councillor Coughlan
Councillor Eagle
Councillor Foster
Councillor Free
Councillor Lee
Councillor Lester

Councillor Marsh
Councillor Pannett
Councillor Peck
Councillor Ritchie
Councillor Sparrow
Councillor Woolf
Councillor Young

Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing 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 focus of the Committee is to direct growth to where the benefits are greatest and where adverse effects are minimised, and to deliver a quality compact urban environment.

The Committee will also lead and monitor a safe, efficient and sustainable transport system that supports Wellington's economy and adds to residents' quality of life with a strong focus on improving cycling and public transport and enhancing Wellington's walkability.

Quorum: 8 members

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1 Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of 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 25 June 2015 will be put to the Transport and Urban Development 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 Transport and Urban Development 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 Transport and Urban Development Committee.

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

2. Petitions

BUILD A CYCLEWAY THROUGH BERHAMPORE

| | |
|------------------------------|---|
| Primary Petitioner: | Curtis Nixon |
| Total Signatures: | 41 as at 14 July 2015 |
| Presented by: | Willemijn Vermaat on behalf of Curtis Nixon |
| Contact Officer: | Paul Barker |
| Director Responsible: | Anthony Wilson |

Recommendation

That the Transport and Urban Development Committee:

1. Receive the information.

Background

1. The ePetition "Build a Cycleway through Berhampore Now!" was initiated by Curtis Nixon on 21 April 2015 and closed on 21 July 2015.
2. The Petition Details read as "Will the Wellington City Council honour its previous commitments, made after extensive public consultation, to build a cycleway through Berhampore as part of the Island bay to CBD cycleway project."
3. To support the petition, the petitioner has also created a petition to gauge the feelings, thoughts and opinions of Berhampore locals about this subject.
4. The ePetition was open to all members of the public with internet access to the Council's website. It received 41 signatures as at 14 July 2015.

Officers' response

1. At its meeting of 24 June 2015 Council adopted a framework for cycling that described how cycleways will connect people to places such as schools, shops and community facilities.
2. The framework included a high level network plan that included Berhampore as a place to be connected.
3. Councillors agreed to the "next steps" in cycleway development and have committed to a working party to develop a "masterplan" of how cycling will be delivered, this will include how to prioritise investment
4. Recommendations from the working party are expected to be reported to the September meeting of the Transport & Urban Development Committee before submitting to the NZ Transport Agency for approval.
5. Adoption of the "Masterplan" and subsequent approval of a "Programme Business Case" by the Transport Agency will enable communities such as Berhampore to gain a greater understanding of when facilities will be provided and Councils commitment to each area.

3. General Business

VERANDAHS BYLAW: REPORT ON SUBMISSIONS AND ADOPTION OF BYLAW

Purpose

1. The Committee is asked to agree amendments to the proposed verandahs bylaw arising from public consultation and recommend the Council adopt the proposed verandahs bylaw (as amended).

Summary

2. The Committee considered a statement of proposal to introduce *Part 10: Structures in Public Places – Verandahs* of the Wellington City Consolidated Bylaw 2008 (the proposed verandahs bylaw) on 16 April 2015.
3. The proposed verandahs bylaw is to address a gap in regulation. The Building Act 2004 can apply to dangerous verandahs, but there are no consistent requirements to maintain all verandahs in good repair and prevent them from becoming dangerous.
4. The main elements of the proposed verandahs bylaw are:
 - a process to construct or alter a verandah
 - requirements for building owners to maintain and repair existing verandahs
 - an official process for the Council to issue notices to building owners for defective verandahs, and
 - provisions authorising Council action to undergo alteration or removal of verandahs.
5. The Council consulted on the statement of proposal from 8 May and 10 June 2015 and received 26 submissions. The Committee heard three oral submissions on 25 June 2015.
6. A summary of submissions and officers responses to points raised is attached (Attachment 2). The main issues are noted in this paper.
7. In response to submissions, officers recommend amendments to the proposed verandahs bylaw (Attachment 1) to:
 - delete the term 'clean' as it is subjective and could be difficult to enforce (Sections 2.2.1 and 2.2.2)
 - delete the term 'weatherproof' and consistently use 'waterproof' (Sections 2.2.1 and 2.2.2)
 - clarify the Council can only seek the alteration or removal of a verandah under for roading purposes, asset protection and/or public safety, and only following consultation with the building owner (Section 2.2.3).
8. Eleven submitters expressed outright support for the proposed bylaw. Seven were opposed. The other 10 submissions addressed detail, without indicating a clear view for or against the introduction of the bylaw.

Recommendations

That the Transport and Urban Development Committee:

1. Receive the information.
2. Note that public consultation has been undertaken for proposed new bylaw *Part 10: Structures in Public Places – Verandahs* of the Wellington City Consolidated Bylaw 2008 in accordance with section 86 of the Local Government Act 2002.
3. Note public consultation submissions and officers responses in the Summary of Submissions (Attachment 2).
4. Agree that proposed new bylaw *Part 10: Structures in Public Places – Verandahs* of the Wellington City Consolidated Bylaw 2008 be amended to:
 - i. delete the term “clean” (Sections 2.2.1 and 2.2.2)
 - ii. delete the term “weatherproof” and replace with “waterproof” (Sections 2.2.1 and 2.2.2)
 - iii. clarify the Council can only seek the alteration or removal of a verandah under for roading purposes, asset protection and/or public safety, and only following consultation with the building owner (Section 2.2.3).
5. Recommend that Council agree to adopt (as amended) *Part 10: Structures in Public Places - Verandahs* of the Wellington City Consolidated Bylaw 2008 (Attachment 1).
6. Note that the new bylaw will be due for review five years after the date of adoption.

Background

9. On 12 March 2015 the Committee considered and agreed a proposal to develop a verandahs bylaw. On 16 April 2015 the Committee considered a statement of proposal to introduce the proposed verandahs bylaw.
10. The proposed verandahs bylaw is to address a gap in regulation. The Building Act 2004 can apply to dangerous verandahs, but there are no general requirements to maintain all verandahs and prevent them from becoming dangerous. Some verandahs have may have conditions in airspace license agreements and consent conditions but there is no consistency.
11. A Council audit of some 900 verandahs in the city found 225 verandahs in need of repair, and about 15 to 20 percent of those very poorly maintained with issues requiring immediate attention.
12. The main elements of the proposed verandahs bylaw are:
 - a process to construct or alter a verandah
 - requirements for building owners to maintain and repair existing verandahs
 - an official process for the Council to issue notices to building owners for defective verandahs, and
 - provisions authorising Council action to undergo alteration or removal of verandahs.
13. The Council consulted on the statement of proposal from 8 May to 10 June 2015 under section 83 of the Local Government Act 2002.
14. Twenty-six submissions were received from individuals, and community and business organisations. The Committee heard three oral submissions on 25 June 2015.

15. All submission comments have been summarised and officers responses provided on each submission point (Attachment 2). The key points from the summary are discussed below.

Discussion

16. The submissions received on the statement of proposal verandahs bylaw fall into the following groups:
- support or do no support for the proposed verandahs bylaw
 - proposals to amend the bylaw, or to question aspects of the bylaw
 - proposals and questions about implementation of the bylaw, and
 - submissions out of scope of the proposed verandahs bylaw.

Submissions in support of, or against the proposed new bylaw

17. Eleven submitters expressed support for the proposed bylaw and seven opposed the proposed bylaw. The other 10 submissions focussed on details without expressing a general view for or against the proposed bylaw.
18. Submitters who did not support the proposed verandahs bylaw said it would create overlap with the Building Act 2004 and with the requirements of the District Plan. Officers disagree because the Building Act only enables the Council to address dangerous verandahs, and the District Plan does not make provision for the maintenance and repair of verandahs.
19. Some submitters expressed concern about the cost of maintaining verandahs. Officers note that maintenance is cheaper than allowing a verandah to deteriorate to the point where significant repairs, removal or replacement is required under the Building Act.

Submissions for specific changes to the scope or text of the bylaw

20. Some submitters queried the inclusion of balconies. Officers confirm that most balconies are out-of-scope. Balconies require guardrails and have higher loading specifications compared to verandahs. If a balcony is over a public space it will (in most cases), have an encroachment license, and these license agreements require encroachments to be maintained in good repair. The proposed verandahs bylaw addresses an imbalance; that many verandahs have no requirements to be in good repair, while balconies are required to be in good repair.
21. Two submissions noted the use of the term 'clean' as subjective and vague. Council officers have reconsidered use of the term and agree it is subjective, and could be problematic to enforce. Officers recommend the term is deleted (Attachment 1, Sections 2.2.1 and 2.2.2).
22. Some submitters queried the use of the terms 'weatherproof' and 'waterproof' in the bylaw. Officers recommend that the term 'waterproof' replace 'weatherproof' where it has been used (Attachment 1, Section 2.2.1 and 2.2.2). Waterproof means free of leaks, either through a verandah onto the street, or into the internal cavity of a verandah.
23. Some submitters commented on water egress, the collection and flow of water off a roof space and into gutters, and thought it should be in the scope of the bylaw. Officers do not recommend this as water egress comes under design considerations. However, the proposed verandahs bylaw will ensure water egress systems are maintained in good repair and are free of leaks.

24. Nine submitters were concerned about proposed Section 2.2.3 which, as drafted in the statement of proposal, provides Council with the authority to require a verandah be altered to allow for the safe conduct of another activity. Submitters thought this could lead to costly requirements for building owners (for example, work requiring resource consent). Officers note the provision would be rarely used, and applies to circumstances like widening a road. In these type of cases costs are usually negotiated between Council and building owners.
25. Council officers agree that Section 2.2.3 in the statement of proposal is too broadly worded and recommend that the clause is amended to clarify that the Council can only request changes for roading purposes, asset protection and/or public safety, and only following consultation with the building owner.

Submissions about implementation and enforcement

26. One submission suggested that the proposed verandahs bylaw require compliance with the District Plan Section 12.2.6.8 (pedestrian shelter). This would be duplication and is not recommended by officers. Instead, officers propose that future Council communications about the proposed bylaw include, where relevant, mention of the District Plan requirements at Section 12.2.6.8 and also Map 49E of the District Plan (which sets out where in the city buildings must have verandahs and display windows).
27. Some submissions were about the design of verandahs. These have been referred to the District Plan team at Council as the District Plan includes design considerations for verandahs.
28. Penalties and dispute resolution were queried. The general provisions of the Wellington City Consolidated Bylaw 2008 provide an appeals process and/or a waiver process. Council will be able to take a building owner to court and seek a court order for an owner to undertake required repairs.

Out-of-scope submissions

29. Aspects of several submissions were out of scope of the proposed verandahs bylaw; for example, pigeon control in the city, altering a balcony, and encroachment fees. For completeness, responses are provided in the summary of submissions.

Next Actions

30. If the Committee recommend that Council adopt the proposed verandahs bylaw, then Council will consider the proposed bylaw on Wednesday 19 August. If Council agree the bylaw it will come into effect on 1 September 2015.
31. Officers have already written to building owners to inform them of consultation on the proposed verandahs bylaw. When the bylaw is adopted officers will write to building owners where defective balconies have been identified seeking repairs under they bylaw.
32. The new bylaw will be due for review five years after the date of adoption.

Attachments

- | | | |
|---------------|--|---------|
| Attachment 1. | Draft Verandahs Bylaw | Page 15 |
| Attachment 2. | Draft Verandahs Bylaw - Summary of Submissions | Page 17 |

| | |
|------------|--|
| Authors | Leila Martley, Senior Policy Analyst Geoff Lawson, Principal Programme Adv, Policy, |
| Authoriser | Greg Orchard, Chief Operating Officer |

SUPPORTING INFORMATION

Consultation and Engagement

The special consultative procedure statutorily required under the Local Government Act 2002 has been complied with in conducting the public consultation including oral hearings.

Treaty of Waitangi considerations

N/A

Financial implications

The proposed bylaw will operate within existing budgets.

Policy and legislative implications

Policy and legislative implications have been considered in the reports presented to the Transport and Urban Development Committee on 12 March 2015 and 16 April 2015.

New Zealand Bill of Rights Act 1990 (NZBORA) considerations were addressed in the statement of proposal and in the report presented to the Transport and Urban Development Committee on 16 April 2015. The proposed verandahs bylaw is not inconsistent with the NZBORA.

Risks / legal

Policy and legislative implications have been considered in the reports presented to the Transport and Urban Development Committee on 12 March 2015 and 16 April 2015.

Climate Change impact and considerations

N/A

Communications Plan

A marketing and communications plan has been developed by the Building Resilience, Policy and Marketing and Communications teams.

Attachment 1

Draft Part 10: Structures in Public Places – Verandahs of the Wellington City Consolidated Bylaw 2008

1. Definitions

Good repair includes the absence of: visible rust; holed, rotted or otherwise damaged materials or elements; loose, visible or exposed electrical wires; and/or projections or other features that pose a danger to persons using a public place.

Verandah a roofed space extending from a building and includes any structure, assembly, machinery or equipment erected on, or attached to the side or underside of, a verandah.

2. Verandahs

2.1 Written approval required

2.1.1 No person may:

- (a) construct a new verandah over a public place; or
- (b) demolish an existing verandah over a public place; or
- (c) enlarge, extend, or add to an existing verandah over a public place;

without prior written approval of the Council.

2.2 Maintenance and repair of verandahs

2.2.1 Any verandah constructed over a public place shall be maintained in a ~~clean and weatherproof~~ waterproof condition and in a state of good repair.

2.2.2 If the Council considers that a verandah constructed over a public place is not in a ~~clean or waterproof~~ condition or a state of good repair, the Council may serve a written notice on the owner of the building to which the verandah is attached, requiring the owner to clean, repair, or alter the verandah so that it complies with this Bylaw.

2.2.3 If the Council considers that the alteration of a verandah constructed over a public place is required for roading purposes, asset protection and/or public safety, ~~necessary to enable or accommodate the safe conduct of another activity in the public place~~, the Council may serve a written notice on the owner of the building to which the verandah is attached, requiring the owner to alter the verandah ~~in the manner, or to the extent,~~ as stated in the notice. Council must consult with the building owner before notice is served.

2.2.4 Any action required by a notice served on an owner under clause 2.2.2 or clause 2.2.3 must be carried out by the date stated in the notice.

2.2.5 If an owner fails to carry out any action required by a notice served under clause 2.2.2 or clause 2.2.3 by the date stated in the notice, the Council may authorise the cleaning, alteration or removal of the verandah in accordance with Part 1, clauses 1.10.1 to 1.10.3 of this Bylaw.

2.2.6 No person shall stand on or otherwise occupy any verandah constructed over a public place, except for the purpose of inspection, cleaning, maintenance, repair, alteration, emergency egress, or carrying out work in accordance with this Bylaw.

2.3 Clarifying Provisions

2.3.1 For the avoidance of doubt, clauses 2.2.1 to 2.2.6:

- (a) are additional to the provisions of any encroachment licence or encroachment lease granted by the Council under this Bylaw or the Local Government Act 1974;
- (b) are additional to any other provisions of this Bylaw, any enactment, or any Council policy relating to or affecting a verandah over a public place;
- (c) do not relieve any person of any duty or responsibility arising under any other provisions of this Bylaw, any enactment, or any Council policy relating to or affecting a verandah over a public place; and
- (d) do not limit the Council's decision-making or enforcement powers under any other provisions of this Bylaw, any enactment, or any Council policy.

DRAFT

Attachment 2

Summary of Submissions: Draft Part 10: Structures in Public Places – Verandahs of the Wellington City Consolidated Bylaw 2008

Background

1. On 16 April 2015 the Transport and Urban Development Committee (the Committee) considered, and agreed to publish, a statement of proposal to introduce *Part 10: Structures in Public Places – Verandahs*, of the Wellington City Consolidated Bylaw 2008 (referred to as the proposed verandahs bylaw).
2. Public consultation on the statement of proposal was open from Friday 8 May 2015 to Wednesday 10 June 2015. Twenty-six submissions were received from individuals and from community and business organisations. Three oral submissions were heard by the Committee on 25 June 2015.
3. The proposed verandahs bylaw will require building owners to repair and maintain their verandahs. At the moment Council can only require verandahs that are dangerous (under the Building Act 2004) to be repaired or removed. The Council previously conducted an audit of the approximately 900 verandahs across the city, and identified that 225 verandahs required some form of repair.
4. Submissions are summarised in this document. Submission points and officer comments are in the tables below; grouped by topic as follows:
 - Table 1: General comments in support of, or against, the proposed verandahs bylaw.
 - Table 2: Proposed amendments to the bylaw, by clause.
 - Table 3: Submissions about implementation.
 - Table 4: Submissions that are out-of-scope.
5. Amendments to the proposed verandahs bylaw are proposed in response to several of the submissions. The proposed amendments are to:
 - remove the term 'clean' (Sections 2.2.1 and 2.2.2)
 - be consistent about the use of the term 'waterproof' (Sections 2.2.1 and 2.2.2)
 - clarify when the Council can require a verandah to be changed (Section 2.2.3).
6. Future communications about the proposed bylaw will be developed in consideration of the submissions. (For example, to address aspects that submitters did not find so clear).

Table 1: Comments in support of, or against, the proposed verandahs bylaw

7. The main concerns submitters raised were duplication with existing laws and the cost of maintaining verandahs. Council officers respond that there **is** a gap in the law, and that maintaining a building is more cost-effective than allowing disrepair to progress to the point that a verandah is dangerous and requires removal or more significant repair. Some submitters suggested the bylaw be introduced after buildings have been upgraded as part of the [Council's Earthquake-prone Buildings Policy](#) implementation, a ten-to-20 year programme of earthquake strengthening.
8. There are no proposed amendments arising from the expressions of support for or against, the proposed verandahs bylaw.

| # | Submitter | Subject | Submission comment | Officers' response |
|----|---|----------------|--|--|
| 2 | Joanne Scott | Support | Safety should be considered first, then aesthetic. | Noted. Eleven submissions expressed support for the proposed bylaw and its objectives. They identified benefits in their submissions; public safety (for example, catching debris in an earthquake), city resilience, protection from the weather, and making the city more attractive. |
| 3 | James Mowat | Support | Will have common benefit. | |
| 4 | Kathleen Logan | Support | Pedestrian safety and protection from weather integral to public transport use and a thriving city. | |
| 5 | Andrew Chisholm | Support | An efficient way to require safe and functional verandahs. Given weather, must work well and safely. Failure is a poor reflection on Wellington's public image. | |
| 12 | Nicholas Somerville | Support | A well maintained verandah can provide some protection of the footpath during seismic events. This is an extra benefit of verandahs. | |
| 13 | Brent Slater | Support | Support, but the bylaw could bring building owners into conflict with the Council and be construed negatively. | |
| 14 | Inner City Association (ICA) ¹ | Support | Most of 20 ICA members, who responded to an ICA members' survey, support the scope and objectives of the proposed bylaw. They ranked as important; public safety, city resilience, protection from the weather and making the city attractive. | |
| 15 | Derek Senior | Support | Think more could be done for weather protection in the city. | |
| 16 | Ralph Titmuss | Support | Great idea and sorely needed in a lot of areas. | |
| 18 | Alison Munro | Support | There should be more emphasis on keeping verandahs clean, especially pigeon droppings. | |
| 22 | Living Streets Aotearoa | Support | The proposed bylaw is a way to enhance the environment and safety for pedestrians and contribute to the vitality and resilience of the city. | |
| 6 | Realized Investments Limited | Do not support | If a building is unsafe, the Council can issue an unsafe building notice. The Council should not get involved if it is not a public safety issue. | Noted. Nine submitters were clear they did not support the proposed bylaw. The most common reason stated was overlap with the Building Act 2004, and with the District Plan. |
| 17 | Linda Meade | Do not support | The bylaw is not necessary as existing laws require buildings to be safe. | |
| 23 | Property Council NZ | Do not support | Existing legislation is adequate, and more use could be made of | |

¹ The Inner City Association conducted a survey amongst members and the organisation's submission reflects views provided by the 20 members who responded.

| # | Submitter | Subject | Submission comment | Officers' response |
|----|-------------------|----------------|--|---|
| | | | the District Plan. | |
| 24 | Grant Corleison | Do not support | There are already bylaws in place that cover this. | Council can only address verandah issues if the whole verandah is dangerous. The proposed bylaw will enable the Council to be proactive about preventing dangerous verandahs, and will have other benefits (for example, a more attractive city centre). |
| 25 | Dorothy Spotswood | Do not support | There are already bylaws in place that cover this. | |
| 26 | Mark Dunajtschik | Do not support | Totally unnecessary. It will achieve nothing new. This is already covered by existing laws especially the unsanitary and unsafe buildings law. | |
| 20 | Eyal Aharoni | Do not support | The proposed bylaw is ultra vires and should be scrapped. | The District Plan sets out which areas in the city have verandah requirements, and some design guidance, but does not have any mechanisms for the maintenance of verandahs. The local Government Act 2002 (LGA) (Section 152(1)) states: <i>A council may not make a bylaw under this Act that purports to have the effect of requiring a building to achieve performance criteria additional to, or more restrictive than, those specified in the Building Act 2004 or the building code.</i> In this case the proposed bylaw does not require anything more onerous than the Building Act. |
| 20 | Eyal Aharoni | Do not support | Most property owners do repair verandahs, so the bylaw isn't needed. | Disagree. Council audited verandahs and found that 225 verandahs of some 900 in the city require some form of repair, and 15% to 20% of those need immediate action to restore to a reasonable and safe condition ² . It is correct to say that most property owners do repair verandahs, but a significant proportion of building owners do not, and a significant number of verandahs are in need of repair. |
| 11 | James Fraser | Do not support | The bylaw is unnecessary and will lead to the destruction of verandahs as owners will remove them for financial reasons. This will be a travesty as verandahs add character and provide protection from the weather. | Disagree. Regular maintenance of verandahs should be cost-effective in the long run, preventing the need for significant repairs or removal. In many areas verandahs are not optional, but are required under the District Plan (Map 49E Verandah Display and Window Requirements). In these areas verandahs may not be removed as an alternative to maintenance without obtaining |

² *Transport and Urban Development Committee, Verandah's Bylaw – Statement of Proposal, 16 April 2015*

| # | Submitter | Subject | Submission comment | Officers' response |
|----|------------------------------|-----------------------------------|---|---|
| | | | | resource consent. |
| 21 | PB & SF Properties Ltd | Earthquake strengthening | No need for a bylaw at this stage. Consider in 10-years-time and after earthquake strengthening issues have been addressed. | <p>Disagree. Earthquake strengthening is not a good reason to delay the bylaw:</p> <ul style="list-style-type: none"> • Many poorly maintained verandahs are attached to buildings that are not earthquake prone buildings. • A building owner may have up to ten to twenty years to complete earthquake strengthening work. • Any structural repairs required to verandahs could be done at the same time as any repairs and maintenance under the bylaw. • The timeframe for verandah repairs will be established on a case-by-case basis. This means planned work for earthquake strengthening can be considered (for example, if repairs are scheduled as part of planned building work). <p>A body corporate will be responsible for repairs in the same way that a single property owner is.</p> |
| 21 | PB & SF Properties Ltd | Earthquake strengthening priority | The cost to commercial property owners is inappropriate coming on top of earthquake strengthening work required. The earthquake strengthening work should have priority. There is no point working on a verandah when the building has earthquake strengthening issues. | |
| 2 | Joanne Scott | Earthquake strengthening | Earthquake and general safety strengthening should come first. | |
| 14 | Inner City Association (ICA) | Earthquake strengthening | One ICA member asked; How will the bylaw be applied when the owner is part of a body corporate progressing earthquake strengthening for a whole building? | |
| 14 | Inner City Association (ICA) | Costs | The ICA noted that coming on top of earthquake strengthening requirements, the costs could be unaffordable for building owners. One ICA member thought the Council should help owners with maintenance and make penalties for non-compliance heavier. | |
| 21 | PB & SF Properties Ltd | Costs | Some building owners were not aware of earthquake strengthening work required as when they purchased buildings LIM reports were not required to include this information. The Council has some responsibility to these owners [not to add costs]. The way properties are valued may prevent owners from raising finance. Government valuations do not reflect the correct value of commercial buildings. Banks require market valuations, which are considerably lower. | |
| 19 | Johnsonville Shopping Centre | Costs | If work is required on the basis of safety there will be more costs on owners, and they could remove verandahs. Building owners are | |

| # | Submitter | Subject | Submission comment | Officers' response |
|---|----------------|---------|--|---|
| | | | already under pressure to upgrade for new building standard ratings. | |
| 4 | Kathleen Logan | Safety | If standards are too high it can stifle economic investment. People should accept a level of risk balanced against cost of safety. | Noted. The cost of verandah construction should not increase, and maintenance should be cost effective (refer above). At the same time there should be safety improvements arising from the bylaw, for example, the Ministry of Business Innovation and Employment (MBIE) has noted that failure to maintain verandahs, particularly stays, can be fatal in an earthquake (<i>MBIE, Codewords, August 2013</i>). |

Table 2: Proposed amendments to the bylaw

9. Many submitters made submissions on specific clauses in the proposed verandahs bylaw. These are discussed in the order they appear in the bylaw.
10. In response to submission comments, officers propose to:
- remove the term 'clean' (Sections 2.2.1 and 2.2.2)
 - make changes to be consistent about the use of the term 'waterproof' (Sections 2.2.1 and 2.2.2)
 - add information about when the Council can require a verandah to be changed (Section 2.2.3).

| # | Submitter | Clause/ subject | Submission comment | Officers' response |
|----|------------------------------|--------------------|--|--|
| 19 | Johnsonville Shopping Centre | 1 | In the definition of good repair, "otherwise damaged materials or elements" is too wide. The definition needs to focus on the principle of safety. | Disagree. The definition includes, "the absence of rust; holed, rotted or otherwise damaged materials or elements ". There needs to be some flexibility to consider other ways in which verandahs may be damaged, without requiring a prescriptive and comprehensive list. |
| 17 | Linda Meade | 1 | The term 'reasonable' should be defined, it is too vague and open to interpretation. | Noted. The term 'reasonable' is not in the bylaw. The term is commonly used and can protect all parties to an agreement from unreasonable expectations. |
| 23 | Property Council NZ | 1 | "Otherwise damaged materials or elements" is a broad statement that should be jointly linked (not severally) to posing "a danger to persons using a public space". | Disagree. The intent is that there should be no visible rust, holes or damaged materials. The rust, holes or damaged materials need not be posing an immediate danger. No change is recommended. |
| 23 | Property Council NZ | 1 | "a roofed space extending from a building" needs further definition as it could also be a definition of balcony. | Disagree. A balcony differs from a verandah in many ways. Balconies: <ul style="list-style-type: none"> • have a guardrail • are designed to be used as an |
| 23 | Property | 1 | Clarify the definition so that | |

| # | Submitter | Clause/ subject | Submission comment | Officers' response |
|----|------------------------------|--------------------|---|---|
| | Council NZ | | balconies are clearly excluded from provision 2.2.6 (people are not to occupy a verandah, unless working on it). | <p>outdoor space</p> <ul style="list-style-type: none"> • have significantly greater loading values than verandah. |
| 7 | Alan McKay | 1 | Could there be a provision for a verandah that is also a deck. | <p>If a structure over a public place is a balcony it will, in most cases, have an encroachment license. In these cases there is a standard clause in all encroachment licenses that structures should be kept in 'good repair'.</p> <p>The proposed verandahs bylaw will ensure that verandahs are treated the same way as balconies. This will address an imbalance – at the moment many verandahs have no requirement to be in good repair (whereas balconies must be in good repair).</p> <p>Some balconies also act as a verandah, providing an outdoor space, and shelter for the sidewalk. In these cases the encroachment licence will apply to maintenance and repair.</p> <p>Decks are an outdoor space at ground level, so cannot also be a verandah. Any decks on public space will have an encroachment license and therefore need to be in good repair.</p> |
| 10 | Hatch Holdings Limited | Water egress | The proposed bylaw should address the egress of water as this is a basic function of a verandah (to protect the public from the weather, for example, wind or rain). Water should collect in a gutter, and then egress via a downpipe into a gutter adjacent to the footpath. | <p>Agree. Protection from rain is a verandah's key function. The bylaw has been amended, for consistency, to require verandahs to be waterproof (Sections 2.2.1 and 2.2.2). This generally means free of leaks, either through the verandah or into any verandah cavity. Holes in guttering would also need to be addressed as this would be 'holed' under the definitions (Section 1).</p> |
| 10 | Hatch Holdings Limited | Water egress | The building owner should be responsible for ensuring the verandah is functional and water egress is not blocked. The tenant should notify the owner of any verandah defects. | <p>Regarding the width of verandahs, the proposed verandahs bylaw only has repairs and maintenance or alterations for public safety, in its scope, so altering existing verandahs to offer more protection from the rain would be out-of-scope. The width of new verandahs is considered at the</p> |
| 14 | Inner City Association (ICA) | Water egress | One ICA member stated 'good repair' should include leaks from verandahs caused by holes, poor joins and badly maintained spouting. | |

| # | Submitter | Clause/ subject | Submission comment | Officers' response |
|----|------------------------------|--------------------|---|--|
| 4 | Kathleen Logan | Water egress | Will drainage of water in storms be added, and if it is, what will the standard be? | building and/or resource consent stage. The District Plan sets standards for verandahs (size, height, setbacks, clearance) for example, Rule 12.6.3.6 for the Central Area and Rule 7.6.2.7 for Centres. |
| 15 | Derek Senior | Water egress | Some new verandahs seem narrow and don't provide much coverage. It would be good to have wider verandahs and also ensure verandahs connect so there aren't waterfalls between them on wet days. | This comment has been noted to the District Plan team. Recommendation: Use the term waterproof consistently in the bylaw (Sections 2.2.1 and 2.2.2) and remove the term 'weatherproof'. |
| 7 | Alan McKay | 2.2.1 | Define 'clean'. It is too vague. | Agree. Officers agree that the term clean is subjective and could cause confusion. The main intent is that verandahs are kept in good repair. Officers recommend removing the term clean from clause 2.2.1 and 2.2.2. By removing the term in the bylaw, we reduce the risk of subjective or unreasonable demands for building owners. Recommendation: Delete 'clean' from Sections 2.2.1 and 2.2.2. |
| 14 | Inner City Association (ICA) | 2.2.1 | Two ICA members asked for "clean" and "good repair" to be more clearly defined. Building owners and Council may have different views. There is a risk the bylaw could be used to place unreasonable demands on owners. | |
| 14 | Inner City Association (ICA) | 2.2.1 | Pigeon droppings could come under the definition of 'clean'. ICA members note they have no control over the pigeon population. The focus on verandahs targets only one group of ratepayers when there are pigeon droppings on all types of building structure. ICA members of the want the Council to focus on using humane methods to reduce the number of pigeons in the city (for example contraception or reducing the supply of food for pigeons). There is no bylaw against feeding birds in the city, and 'don't feed the pigeon signs' can't be enforced. | Noted. Council officers have recommended the removal of the term 'clean' from the bylaw (refer above). The concerns about pigeon droppings are noted. If pigeon droppings are a potential health risk they could be addressed under the proposed verandahs bylaw, but health and safety regulations would be more relevant. The verandahs bylaw is about the condition of the verandah, and officers note that pigeon proofing could be onerous for building owners, and difficult to determine or enforce. |
| 18 | Alison Munro | 2.1.1 | Verandahs should be pigeon proofed and this should be in the bylaw. | Controlling the pigeon population is outside the scope of the proposed verandahs bylaw. |
| 20 | Eyal Aharoni | 2.2.2 | The public benefit from verandahs, so the public should be responsible for the repair, maintenance, cleanliness and water-tightness of verandahs. | Disagree. The Council would incur significant and ongoing costs in this approach. In addition, the Council would still need the owner's permission to do any work and in |

| # | Submitter | Clause/ subject | Submission comment | Officers' response |
|----|------------------------------|--------------------|--|---|
| | | | | many cases verandahs could remain in a poorly maintained state until they became dangerous. |
| 23 | Property Council NZ | 2.2.2 | There should be an agreed timeframe for repairs in the notice to repair. | Noted. Discussed at 2.2.4 (below). |
| 23 | Property Council NZ | 2.2.2 | The term 'waterproof' should not be in the bylaw, 'weather shielding' is more appropriate. | Disagree. The term 'weather shielding' could introduce factors like wind. 'Waterproof' is specifically used to indicate that no water should be able to pass through the structure or enter into any internal cavity of the verandah. The term is sufficiently clear to not require definition in the bylaw. |
| 20 | Eyal Aharoni | 2.2.3 | The Council should not be able to request changes to a verandah constructed in accordance with a Council consent. | Agree the clause appears too broad. Nine submitters are concerned that this clause appears to give the Council powers to demand alterations to a verandah that has a building consent, and that this could place unacceptable costs on building owners (for example, changes could require a resource consent, and all heritage buildings would require a resource consent prior to making changes). Council officers note the intent of the Section 2.2.3 of the proposed bylaw is to replace powers that existed under previous legislation and bylaws, to be able to remove or request a verandah changed. Circumstances when the powers are required are relatively rare, and when they arise there is usually negotiation between building owners and the Council on costs. A case from recent years is where Council sought to remove verandahs that created an alleyway that was becoming unsafe. Despite relatively occasional use of the clause being anticipated, Council officers would like to keep the clause, but agree it is too broadly worded and propose that the clause is qualified to specify under what type of conditions changes can be requested. Council officers note that Council is bound by conditions to review |
| 8 | John Gibbons | 2.2.3 | This clause appears to give Council powers to change an existing approved [through building consent and/or resource consent] verandah at will. Verandahs approved by the Council in the past should be excluded (or up to a time limit after consent). | |
| 8 | John Gibbons | 2.2.3 | The costs of verandahs are high if they comply with the existing codes and are well maintained. Building owners will face even more costs if Council can require a verandah to be changed at will. | |
| 19 | Johnsonville Shopping Centre | 2.2.3 | Use of the term "to accommodate another activity" (for the Council to require alteration to a verandah) is overly wide. | |
| 9 | Malcom Woods | 2.2.3 | This clause is unacceptable. Verandahs provide a public benefit, not a benefit to the building owner. Costs of consenting and inspection should be borne by the party initiating the activity [Council]. | |
| 23 | Property Council NZ | 2.2.3 | This clause allows Council to request a verandah be changed to make way for 'another activity'. If a verandah received a consent then the Council should not be able to require the owner to make changes purely at the owner's cost. | |
| 6 | Realized | 2.2.3 | In case of heritage buildings it is | |

| # | Submitter | Clause/ subject | Submission comment | Officers' response |
|----|------------------------------|--------------------|---|---|
| | Investments Limited | | not possible to make alterations without resource consent, and a range of experts need to be involved. | decisions under the general provisions of the Wellington City Council Consolidated Bylaw (Section 1.12 - Discretionary Powers) and building owners could also apply for a waiver (Section 1.11 – Compliance Waiver). |
| 6 | Realized Investments Limited | 2.2.3 | If a verandah had a Council consent when built, Council has no right to alter in retrospect. | |
| 6 | Realized Investments Limited | 2.2.3 | Will Council force owners of old verandahs to set them back (the way new verandahs are), so they cannot be hit by trucks and buses? | Recommendation: Amend the proposed bylaw to clarify that the Council can only request changes to a verandah for roading purposes, asset protection and/or public safety, and only following consultation with the building owner (Section 2.2.3). |
| 19 | Johnsonville Shopping Centre | 2.2.4 | The date by which work should be carried out should allow sufficient time for the owner to undertake a review of what is required and costs, to enable best choice for the owner's investment and building outcomes (design and Wellington's character). | Noted. Work requested under the proposed verandahs bylaw will usually be for repairs and maintenance (and only very occasionally under 2.2.3 for changes to the structure). In most cases therefore case design and character considerations won't be needed. |
| 23 | Property Council NZ | 2.2.4 | The date stated in the notice by which work should be carried out should allow sufficient time for the owner to undertake a review of what is required and costs, to enable best choice for the owner's investment and building outcomes (design and Wellington's character). | Officers recommend that the clause stand as is. This will allow Council officers flexibility to set the timeframe for repairs on a case-by-case basis in line with the urgency and scale of proposed maintenance and repairs (for example, potential danger). |
| 20 | Eyal Aharoni | 2.2.6 | If a verandah is able to carry a person from a structural and health and safety point of view, a person should have a right to stand on it. | Disagree. A verandah has a significantly lower load ratio than a balcony, and is not required to have guardrails. Therefore there are safety issues with people occupying verandahs. |
| 15 | Derek Senior | Penalties | It is not clear in the bylaw what the penalties will be (for failure to repair). | Noted. The bylaw does not have specific infringements or penalties for non-compliance. However, in cases of non-compliance the Council may take a party to court and seek court order for an owner to undertake the required repairs. |
| 14 | Inner City Association (ICA) | Dispute resolution | The proposed bylaw is silent on dispute resolution. How will disputes between Council and building owners on maintenance requirements be resolved? | Noted. The general provisions of the Wellington City Council Consolidated Bylaw (Section 1.12 - Discretionary Powers and Section 1.11 – Compliance Waiver) provide for building owners to appeal decisions, and for Council to consider a waiver where a business will be severely |

| # | Submitter | Clause/ subject | Submission comment | Officers' response |
|---|-----------|--------------------|--------------------|--------------------|
| | | | | affected. |

Table 3: Proposals about the scope and implementation of the proposed verandahs bylaw

11. Some submitters made submissions about implementing the proposed verandahs bylaw and the scope. Several of these submissions have been noted to the Council's District Plan and Communications teams. No changes to the proposed verandahs bylaw are proposed for these proposals.

| # | Submitter | Subject | Submission comment | Officers' response |
|----|------------------------------|--------------------------|---|--|
| 22 | Living Streets Aotearoa | District Plan compliance | The District Plan Map 49E, Section 12.2.6.8 sets out areas where pedestrian access should be continuous. This should be reflected in the bylaw. Propose add: "require verandahs to provide continuous shelter consistent with Section 12.2.6.8 of the District Plan". | Disagree. Under the Local Government Act a bylaw should not duplicate enactments or Council policies. In addition, there are exceptions to continuous shelter requirements, for example, for heritage purposes (Map 49E), so it could be misleading to provide a partial reference. Officers conclude it would not be legal or practical to create a bylaw rule provision to comply with the District Plan. |
| 14 | Inner City Association (ICA) | District Plan | The ICA noted that some members who responded to a survey did not seem aware that verandahs were compulsory in some areas (District Plan Map 49E). | Noted. District Plan Map 49E Verandah Display and Window Requirements sets out where in the city buildings must have verandahs and display windows, and where there are exceptions for heritage buildings. Section 12.2.6.8 Pedestrian Shelter of the District Plan. The Council's communications team will consider noting these requirements in general communications about the proposed verandahs bylaw. |
| 4 | Kathleen Logan | Clarify the scope | There is a risk of scope creep for other external building features like masonry or chimneys. | Noted. The proposed verandahs bylaw cannot be used to address anything other than verandahs. All other building features come under the scope of the Building Act 2004. |
| 14 | Inner City Association (ICA) | Consent | One ICA member proposed that the resource consent process be used to control verandahs. For example, resource consent will not be issued for new signage until redundant clutter is removed. | Noted. The resource consent process may apply when a building owner wishes to alter a verandah. The problem the proposed verandahs bylaw addresses is a lack of maintenance or repair, or in other words, owners doing nothing. This proposal is unlikely to be effective as it relies on the building owner actually applying for a resource and/or building |

| # | Submitter | Subject | Submission comment | Officers' response |
|----|------------------------------|--------------------------|--|---|
| | | | | consent to do something. The bylaw is to address cases where building owners are not maintaining verandahs. |
| 19 | Johnsonville Shopping Centre | Consent | The Council should consider materials and aesthetics at the consent stage. | Noted. The proposed verandahs bylaw does not specify materials or aesthetics; it's about maintenance and repair. The District Plan includes design considerations, and these are considered at the consent stage. |
| 14 | Inner City Association (ICA) | Duplication | The Council has not provided any data on the use of existing mechanisms to assure public safety; including the Building Act and the Building (Earthquake Prone Buildings) Amendment Bill. There is a risk of duplicating mechanisms and creating more confusion. | The Council has identified some 225 verandahs in need of repair that cannot be addressed under current laws. The Building (Earthquake Prone Buildings) Amendment Bill will make changes to the Building Act to make it easier to progress earthquake repairs. For example, the Bill will enable territorial authorities (that are building consent authorities) to issue building consents for required work on buildings that are earthquake prone without requiring other upgrades (eg for access and facilities for people with disabilities and for means of escape from fire). However, there is nothing in the Bill to enable a council to require maintenance (to prevent buildings becoming dangerous or earthquake prone). |
| | Don Hollander | Implementation | The consultation documents state that building owners will receive a letter telling them to repair verandahs before the bylaw is invoked. Why doesn't the Council tell them now if buildings are defective? | Noted. Letters have already been sent to building owners encouraging them to make a submission on the proposed bylaw. Some owners have been contacted to remind them that they are responsible for the repair and maintenance of their verandahs. Further correspondence will be sent as soon as the Council has adopted the bylaw. |
| 14 | Inner City Association (ICA) | Implementation | The process for monitoring how officers apply the bylaw must be clarified before approving the bylaw. | The process for monitoring officer's application of the bylaw will be done as part of the bylaw review process. |
| 10 | Hatch Holdings Limited | Maintenance access | Maintenance should not be hindered by authorities. For example, the Labour Department restricts access to clean and clear their gutters on verandahs. | Noted. Any operational difficulties encountered when complying with the proposed verandahs bylaw, when it's implemented, should be referred to Council. |
| 22 | Living Streets Aotearoa | District Plan compliance | Some verandah space is not available for pedestrians due to other use (outside seating at the Old Bailey pub on Lambton Quay, and parking outside ANZAC | Noted. The bylaw addresses the state of verandahs, and not the use of space underneath the verandah. |

| # | Submitter | Subject | Submission comment | Officers' response |
|----|------------------------------|---------------|--|---|
| | | | House on Willis Street). These should be made available, and all areas should be audited. | |
| 14 | Inner City Association (ICA) | District Plan | One ICA member proposed the District Plan design requirements should cover heat pumps and exhausts on verandahs. | Noted. The design and materials used in verandah construction is not in the scope of the verandahs bylaw, only the repair and maintenance of materials used. |

Table 4: Proposals out-of-scope of the proposed verandahs bylaw

12. Some submission proposals cannot be appropriately addressed in the bylaw and are therefore out-of-scope of the proposed verandahs bylaw. Comments will be considered by Council Committee.

| # | Submitter | Subject | Submission comment | Officers' response |
|----|------------------------------|------------------------|---|--|
| 14 | Inner City Association (ICA) | Council responsiveness | <p>One member wanted to strengthen a balcony that did not have a Section 124 notice [which declares a building unsafe], but opted not to do anything because the Council put further hurdles in the way.</p> <p>At oral submission the ICA noted that the 'hurdles' mentioned were consent requirements, and then a full building inspection was proposed by Council. The member decided not to progress strengthening work at that point. The ICA has concerns that the bylaw could be used in this way.</p> | <p>Balconies are not in the scope of the verandahs bylaw. However, Council officers note the submitter's concern that Council officers could use the proposed verandahs bylaw to do internal inspections of a building, and require further changes to the building including changes under the Building Act 2004.</p> <p>Council officers will not be empowered to conduct building inspections under the proposed verandahs bylaw. Only verandahs over public space are in the scope of the bylaw, and are to be inspected from the public space.</p> <p>With regard to strengthening balconies, Council officers note that the Building (Earthquake-prone Buildings) Amendment Bill, now before Parliament, will introduce amendments to the Building Act 2004... "enabling territorial authorities (that are building consent authorities) to issue building consents for required work on buildings that are earthquake-prone without requiring other upgrades (for access and facilities for people with disabilities and for means of escape from fire)".</p> |
| 13 | Brent Slater | Encroachment licenses | Balconies should be encouraged by doing away with encroachment licenses. Balconies are beneficial to occupiers providing outdoor space, and beneficial to the city providing natural surveillance of the street below. | <p>Balconies and encroachment fees are out-of-scope of the proposed verandahs bylaw.</p> <p>Refer above (Table 2, Section 1 – definitions) balconies are different structures and the repair and</p> |

| # | Submitter | Subject | Submission comment | Officers' response |
|----|------------------------------|-----------------------|---|--|
| 13 | Brent Slater | Encroachment licenses | Encroachment licenses are not necessary and reflect multiple taxing by having encroachment fees, including: 1) direct encroachment fees, 2) rates increases on properties because balconies add value, and 3) GST on rates. | maintenance of balconies is required under the standard encroachment license. |
| 1 | Don Hollander | Māori language | A Māori email address did not work. Why doesn't council support use of Māori language? | Noted. Wellington City Council is committed to articulating Māori perspectives and language in all city publications, promotional material and other means of communication. This includes the use of te reo Māori in email. Please note: For Māori words or names used within email addresses, the user is able to choose to use double vowels or single vowels only as macronised vowels are not recognised by internet servers working to direct email traffic internationally. |
| 22 | Living Streets Aotearoa | Smokefree | Propose bylaw is amended to: "make all areas under verandahs smoke free". | The use of space underneath verandahs is not in the scope of the proposed verandahs bylaw. The Council will consider smoking in the city center as part of its upcoming consultation on increasing smoke free areas. |
| 14 | Inner City Association (ICA) | Third party damage | One ICA member notes that damage is often by third parties who can't be identified or held accountable. | Liability for damage is outside the scope of the proposed verandahs bylaw. Third party damage may be covered in insurance arrangements. |

TRAFFIC BYLAW REVIEW - STATEMENT OF PROPOSAL

Purpose

1. The Committee is asked to agree to public consultation on a statement of proposal presenting a review of *Part 7: Traffic* of the Wellington City Consolidated Bylaw 2008 (the traffic bylaw). The Committee is also asked to agree proposed amendments to the traffic bylaw discussed in the statement of proposal.

Summary

2. The Local Government Act 2002 (LGA) requires local authorities to review all bylaws at least every 10 years. Any bylaw not reviewed is automatically repealed.
3. The traffic bylaw must be reviewed by February 2016. The Land Transport Act 1998 (LTA) empowers the traffic bylaw, and the LGA sets out the processes for the development and review of bylaws. Council officers have reviewed the traffic bylaw and determined it remains fit for purpose and is an appropriate bylaw and the most appropriate form of bylaw under the LGA and LTA. In this case no repeal or significant amendment of the traffic bylaw is recommended.
4. Public consultation is required as part of the review regardless of whether the bylaw is amended or not. It is therefore practical to use the review as an opportunity to make improvements to the traffic bylaw. Accordingly, officers propose amendments to:
 - clearly allow for the use of electronic technology to monitor whether parking spaces are occupied and the use of electronic parking receipts.
 - provide more flexibility for road marking (for example removing the requirement that spaces be marked out).
 - address public submission proposals that were out of scope of a review in 2011 and referred to this review
 - make minor clarifications and remove references to repealed legislation.
5. Amendments to the traffic bylaw were made in 2011 and in 2012 to address specific issues, and the associated reviews were not structured to meet the LGA requirements for 10-yearly reviews. However, because of the recent reviews the traffic bylaw has remained current and no significant issues have been identified.

Recommendations

That the Transport and Urban Development Committee:

1. Receive the information.
2. Agree that *Part 7: Traffic* of the Wellington City Consolidated Bylaw 2008 (the traffic bylaw) remains the most appropriate way of addressing these traffic and parking matters and that the proposed traffic bylaw is the most appropriate form of bylaw under the Local Government Act 2002 and Land Transport Act 1998.
3. Agree that the proposed traffic bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
4. Agree to the proposed amendments to the traffic bylaw to;
 - i. ensure the traffic bylaw more clearly provides for the use of electronic technology to monitor parking space occupancy and the use of electronic parking receipts

- ii. introduce more flexibility on road marking (mainly by removing the requirement that parking spaces be marked out)
 - iii. address public submission proposals that were out of scope of a review in 2011 and referred to this review
 - iv. make minor clarifications and remove references to repealed legislation (the Transport Act 1962).
5. Agree that the proposed amendments to the traffic bylaw described in the statement of proposal (Attachment 1) undergo public consultation in accordance with sections 83 and 86 of the LGA.
 6. Agree to delegate to the Chair of the Transport and Urban Development Committee and the Chief Executive the authority to amend the statement of proposal to include any amendments agreed by the Committee, and any associated minor consequential edits.

Background

6. This statement of proposal (Attachment 1) relates to a review of *Part 7: Traffic* of the Wellington City Consolidated Bylaw 2008 (the traffic bylaw).
7. The LGA Amendment Act 2006 introduced requirements into the LGA for local authorities to review bylaws at least every 10 years. Any bylaw not reviewed is automatically repealed. The traffic bylaw must be reviewed by February 2016 in order to remain in force.
8. The Land Transport Act 1998 (LTA) empowers a local authority to make traffic bylaws and the LGA specifies the bylaw development and review processes.

Discussion

9. The traffic bylaw provides the Council with powers to:
 - create parking meter areas, residents parking areas and coupon parking areas
 - specify times for parking and set parking fees
 - control vehicle traffic on any road in Wellington city (excluding state highways).
10. The Council's Parking Policy 2007 sets Council's intent for parking in Wellington, including principles that:
 - on-street parking is prioritised for shoppers rather than commuters, and
 - residents should be able to park near their homes in designated areas.
11. A review requirement is to consider if the traffic bylaw is still an appropriate and relevant bylaw for Wellington. Council officers consider that if there were no traffic bylaw the Council could not ensure that on-street parking was available for shoppers and residents and there would be no mechanism for the Council to give effect to the Parking Policy. In this context officers recommend the current traffic bylaw be retained and that it remains the most appropriate bylaw to address these issues and the most appropriate form of bylaw under the LGA and LTA.
12. As part of the review process Council staff have identified gaps and opportunities to improve the traffic bylaw and have proposed amendments in order to:
 - ensure the traffic bylaw provides for the use of electronic technology to monitor parking space occupancy, and to make payments electronically. The bylaw is

sufficiently broad to allow for electronic parking monitors as it stands but the proposed amendments will provide more clarity (for example, inserting a definition of an electronic parking monitor and making it an offence to tamper with an electronic parking monitor).

- provide more flexibility on road marking by removing a traffic bylaw requirement that parking spaces must be marked out. The requirement under the bylaw limits urban design options because if parking spaces are marked out, then LTA regulations apply that require markings to be made using white paint. Without the requirement in the bylaw Council could use brick or other ways to mark out spaces – in these spaces all parking infringements could be enforced with the exception of parking across more than one space (a relatively rare offence). Only parallel parking will be affected as LTA regulations require angle parking to be marked out in white.
13. Some proposals made by the public during a review of the bylaw in 2011, and deemed out-of-scope, are also addressed in this review. These proposals are mainly to improve clarity of the traffic bylaw. Other minor amendments are noted in the statement of proposal, for example, to remove an out of date reference to the Transport Act 1962.
 14. The amendments made in 2011 were to:
 - clarify if motorcycles could use pay and display parking areas
 - clarify exemptions for residents parking schemes
 - remove offences specific to taxis that were unenforceable
 - amend the resolution making process (prior to this amendment resolutions had to be notified and an objection period also applied after resolutions were adopted. Following amendment a notification period with a right to submit now applies prior to adoption of a resolution under the bylaw)
 - editorial changes to improve the clarity of the bylaw.
 15. Further changes to the traffic bylaw were made in 2012 to introduce taxi restricted areas.
 16. The review in 2011 was to address specific issues and was not structured to meet the terms of the LGA 10-yearly reviews (which require consideration of whether a bylaw is still appropriate). However because of the 2011 review the traffic bylaw has remained current and no significant issues have been identified.
 17. The proposed amended traffic bylaw has been assessed against the New Zealand Bill of Rights Act 1990 (NZBORA) and is not inconsistent with the NZBORA.

Options

18. If the Council does not complete a review of the traffic bylaw by February 2016 then the bylaw will be void and no parking spaces could be enforced in the city, for metered, residents or coupon parking. Not reviewing the traffic bylaw is not a viable option.
19. The Council could choose not to progress any amendments, but the decision to retain the bylaw would still need to be considered through a public consultation process. It is therefore practical to use the review as an opportunity to progress amendments to improve the traffic bylaw.

Next Actions

20. The timeline for the traffic bylaw review process is:

| Dates | Activity |
|---------------------------------------|---|
| 5 August 2015 | Transport and Urban Development considers this statement of proposal and decides whether to send this proposal out for external consultation. |
| 21 August 2015 – 25 September 2015 | Consultation period. |
| 8 October 2015 | Transport and Urban Development Committee hears oral submissions. |
| 19 November 2015 | Transport and Urban Development Committee considers the report on all written and oral submissions and decides whether to adopt the proposed bylaw. |
| 16 December 2015 | Council considers whether to adopt the proposed bylaw. |
| 17 December 2015 | Bylaw (as amended) comes into force. |

Attachments

Attachment 1. Statement of Proposal

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| | |
|------------|--|
| Authors | Leila Martley, Senior Policy Analyst Geoff Lawson, Principal Programme Adv, Policy, |
| Authoriser | Greg Orchard, Chief Operating Officer |

SUPPORTING INFORMATION

Consultation and Engagement

The special consultative procedure statutorily required under the Local Government Act 2002 will be complied with in conducting the public consultation including oral hearings.

Treaty of Waitangi considerations

N/A

Financial implications

The proposed amended bylaw will operate within existing budgets.

Policy and legislative implications

The proposed amended bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Risks / legal

The statement of proposal and draft amendments has been reviewed by DLA Piper.

Climate Change impact and considerations

N/A

Communications Plan

A marketing and communications plan for the consultation stage will be managed by the Policy and Marketing and Communications teams.

Statement of Proposal

Review and amendments to *Part 7: Traffic* of the Wellington City Consolidated Bylaw 2008

Summary of information

This statement of proposal relates to a review of *Part 7: Traffic* of the Wellington City Consolidated Bylaw 2008 (referred to as the traffic bylaw).

All bylaws must be reviewed every 10 years under the terms of the Local Government Act 2002 (the LGA). The traffic bylaw is due for review by February 2016. The review is composed of a review by Council, and then public consultation on findings and proposals.

The traffic bylaw is made under the Land Transport Act 1998 (LTA) and the LGA, and enables the Council to specify different types of parking (for example, metered parking and residents parking) and to set times and fees for parking, as well as offences against the bylaw (for example, failure to display a valid coupon or pay and display receipt). The traffic bylaw is enforced by Council parking officers, alongside other legislation, such as the Land Transport (Road User) Rule 2004.

Council has reviewed the traffic bylaw and found it remains an appropriate bylaw and the most appropriate form of bylaw under the terms of the LGA and the LTA to address parking related matters in Wellington. Minor amendments to the traffic bylaw are proposed in order to:

- ensure the traffic bylaw provides for the use of electronic technology to monitor parking, and to pay for parking
- provide more flexibility on road markings (for example, removing the requirement that parking spaces be marked out)
- address public submission proposals that were out of scope of a review in 2011 and referred to this review
- make minor clarifications and remove references to repealed legislation.

The review findings are summarised in this statement of proposal document, and proposed amendments to the current bylaw are attached (Appendix B).

Have your say

The Council is keen to know what residents, ratepayers and stakeholders think about the review and proposed bylaw amendments.

Please make a submission online at wellington.govt.nz, email your submission to policy.submission@wellington.govt.nz or complete the attached submission form and send it to Traffic Bylaw Review, Freepost, Wellington City Council, P O Box 2199, Wellington.

You can get more copies online at wellington.govt.nz, the Service Centre, libraries, by emailing policy.submission@wellington.govt.nz or phoning 04 499 4444.

If you wish to make an oral submission to Councillors, please indicate this on the submission form and ensure that you have included your contact details. We will contact you to arrange a time for you to speak. Submissions will be heard by the Transport and Urban Development Committee on 8 October 2015.

Written submissions open on 21 August 2015 and close at 5pm on 25 September 2015.

1. Introduction and reasons for statement of proposal

This statement of proposal relates to a review of *Part 7: Traffic* of the Wellington City Consolidated Bylaw 2008 (referred to as the traffic bylaw).

All bylaws must be reviewed every 10 years under the terms of the Local Government Act 2002 (the LGA). The traffic bylaw is due for review by February 2016.

Land Transport Act 1998 (LTA) authorises a local authority to make traffic bylaws, and the LGA specifies that a bylaw should be an appropriate response to a defined problem.

Given the traffic bylaw has been in force for many years the review discussion covers what could happen without the traffic bylaw (ie, the problems that would arise). Council officers have reviewed the bylaw and note that the traffic bylaw remains an appropriate bylaw under the LGA and LTA and is the most appropriate form of bylaw to address parking related matters in Wellington. It also gives effect to the Council's parking policies and provides for controls on vehicle traffic on any road in Wellington city with the exception of state highways. Council has proposed amendments to the traffic bylaw in order to:

- ensure the traffic bylaw provides for the use of electronic technology to monitor parking, and to pay for parking
- provide more flexibility on road markings (for example, removing the requirement that parking spaces be marked out)
- address public submission proposals that were out of scope of a review in 2011 and referred to this review
- make minor clarifications and remove references to repealed legislation.

This document contains:

- background information;
- process and proposed timeline for proposed bylaw amendments;
- bylaw review discussion and amendment proposals, and
- proposed draft bylaw amendments (Appendix B).

2. Have your say

The Council is keen to know what residents, ratepayers and stakeholders think about the review and proposed bylaw amendments.

Please make a submission online at Wellington.govt.nz, email your submission to policy.submission@wellington.govt.nz or complete the attached submission form and send it to Traffic Bylaw Review, Freepost, Wellington City Council, PO Box 2199, Wellington.

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If you wish to make an oral submission to Councillors, please indicate this on the submission form and ensure that you have included your contact details. We will contact you to arrange a time for you to speak. Submissions will be heard by the Transport and Urban Development Committee on 8 October 2015.

Written submissions open on 21 August 2015 and close at 5pm on 25 September 2015.

3. Background (the context of the traffic bylaw and the review requirement)

This section describes the traffic bylaw and review requirements. A summary of Council policy and legislation that applies to traffic management is provided (Appendix A).

- ***Traffic bylaw***

The traffic bylaw mainly provides the Council with powers to:

- create parking meter areas, residents parking areas and coupon parking areas
- specify times for parking, set parking fees
- control vehicle traffic on any road in Wellington City (excluding state highways).

The traffic bylaw also sets out how the Council should provide information about parking in different parking areas; from road markings and signs to what goes on print receipts from pay-and-display machines. The bylaw also establishes the Council mechanism for making decisions; by Council resolution and the processes required.

The traffic bylaw includes a list of offences. The penalties for offences are set out in LTA regulations, and are not controlled by the Council.

The traffic bylaw was adopted in 2004 before being consolidated in 2008. It was last amended in 2012.

- ***Parking Policy***

The Wellington City Council Parking Policy 2007 (the Parking Policy) sets out the Council's intentions for managing the supply and demand for parking and other traffic matters. Key principles of the Parking Policy are:

- on-street parking is prioritised for shoppers rather than commuters
- residents should be able to park near their homes in designated areas.

- ***Land Transport Act 1998 (LTA)***

The content of the traffic bylaw is empowered by the LTA ([Section 22AB](#)), which states that a local authority can make a bylaw on specific traffic and parking matters.

The traffic bylaw should be read alongside the [Land Transport \(Road User\) Rule 2004](#) (the Road User Rule – a government regulation made under the LTA, which establishes detailed traffic rules, eg traffic signals, pedestrian crossings, parking, speed limits) and the LTA.

- ***Local Government Act 2002 (LGA)***

The LGA sets out procedural requirements for making or amending a bylaw. Provisions were added to the LGA in 2006 to require bylaws to be reviewed every 10 years. The government's intent in creating the new provisions was to ensure a regular cycle of review for bylaws.

Bylaws that are not reviewed within two years of a review becoming due are automatically revoked ([Sections 158–160A](#)). The traffic bylaw became eligible for review on 25 February 2014 and the review must be completed by 25 February 2016.

The LGA procedural requirements for reviewing a bylaw are the same as those for creating a bylaw ([Section 155](#) of the LGA). At review, a local authority must consider whether a bylaw is the most appropriate way of addressing a perceived problem and whether the proposed form of the bylaw is appropriate. The Council must also show that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

Section 22AD of the LTA states that the special consultative procedure set out in section 83 of the LGA is to be used for making a bylaw under section 22AB of the LTA.

After deciding to adopt any amendments to the bylaw, the local authority must give public notice of when the bylaw or amendments come into operation.

4. The process and timeframe for review

The process for review that meets the consultation requirements of the LGA is as follows:

The proposed bylaw review assessment and amendments have been developed through internal consultation with Council officers from the Policy and Research, Transport Planning and Parking Services teams.

External consultation will be done under the special consultative procedure required under sections 83 and 86 of the LGA.

The timeline for the consultation and development process is:

| Dates | Activity |
|------------------|---|
| 5 August 2015 | Transport and Urban Development considers this statement of proposal and decides whether to send this proposal out for external consultation. |
| | Consultation period. |
| 8 October 2015 | Transport and Urban Development Committee hears oral submissions. |
| 19 November 2015 | Transport and Urban Development Committee considers the report on all written and oral submissions and decides whether to adopt the proposed bylaw. |
| 16 December 2015 | Council considers whether to adopt the proposed bylaw. |
| 17 December 2015 | Bylaw (as amended) comes into force. |

5. Review discussion and proposals

This discussion reflects analysis of the traffic bylaw by Council staff. The public consultation process is designed to bring any public concerns or suggestions into the review process.

• **5.1 Is the traffic bylaw still appropriate under the LTA and LGA?**

As the traffic bylaw scope is defined by the LTA, Council officials note that there have been no significant changes to the LTA that would require material changes to the traffic bylaw.

The perceived problem

Under the LGA requirements for a bylaw to address a problem, officials have considered the question:

What if there was no traffic bylaw?

Thousands of cars, service vehicles, buses and taxis use parking in the city every day. This includes around 3400 metered parking places and some 5900 residential and coupon parking spaces. The enforcement of the bylaw is undertaken by Parking Services teams at the Council.

Without the bylaw, the Council would not be able to create different parking types (coupon, residents, pay-and-display) or charge fees for parking in the city. On-street parking would quickly fill with commuters, leaving little to no parking for shoppers and residents. Without the traffic bylaw there is no mechanism to give effect to the Council's intentions set out in the Parking Policy (as noted, to prioritise on-street parking for shoppers and residents).

Is the traffic bylaw the most appropriate way of addressing that problem?

If the traffic bylaw were repealed, the Council would be unable to ensure the availability of on-street parking for retail shoppers and for residents in the city. The provisions of the bylaw are appropriate under the LTA, and do not duplicate any other legislation or traffic controls. If repealed, the only controls that could be enforced are those in the LTA and regulations made under the LTA (for example, no parking on a pedestrian crossing). There would also be no power for restrictions to be imposed by resolution.

The bylaw is the unique instrument for the provision and enforcement of metered parking, residents parking, and coupon parking.

Therefore, the Council does not recommend repeal of the traffic bylaw.

The traffic was reviewed in 2011 and amended to:

- clarify if motorcycles could use pay and display parking areas
- clarify exemptions for residents parking schemes
- remove offences specific to taxis that were unenforceable
- amend the resolution making process (prior to this amendment resolutions had to be notified and an objection period also applied after resolutions were adopted. Following amendment a notification period with a right to submit now applies prior to adoption of a resolution under the bylaw)
- editorial changes to improve the clarity of the bylaw.

Further changes to the traffic bylaw were made in 2012 to introduce taxi restricted areas.

The review in 2011 was to address specific issues and was not structured to meet the terms of the LGA for the 10-yearly reviews (which require consideration of whether a bylaw is still appropriate). However because of the 2011 review the traffic bylaw has remained current.

Since 2011 there have been some technological developments and some interpretation issues have been raised with Council. These matters and proposed

amendments are discussed below (Section 5.2). The proposed amendments are the most appropriate way to address problems that could arise if the amendments are not made; mainly uncertainty around the use of some new electronic technology and a lack of flexibility in urban design.

Is the proposed bylaw the most appropriate form of the bylaw?

The traffic bylaw is part of the consolidated bylaw and there are no reported issues to warrant changing it to a stand-alone bylaw. Subject to the proposed amendments addressed below, the Council considers that the form of the bylaw as proposed is the most appropriate form of bylaw.

5.2 Does the traffic bylaw require amendment?

The traffic bylaw went through a review in 2011 to address specific issues, and was amended to provide for taxi restricted areas in 2012. Amendments made in 2011 have kept the bylaw current and flexible enough for emerging technology.

In this LGA review, officers have identified ways to improve the traffic bylaw to better cater for technological developments since 2011, and to address some interpretation issues that have arisen. Amendments to the traffic bylaw are proposed in this review to:

- ensure the traffic bylaw provides for the use of electronic technology to monitor parking, and to pay for parking
- provide more flexibility on road markings (for example, removing the requirement that marking of parking spaces is to be only in white paint)
- address public submission proposals that were out of scope of a review in 2011 and referred to this review
- make minor clarifications and remove reference to repealed legislation.

These matters are discussed below and the amendments proposed in the traffic bylaw (Appendix B).

5.3 Electronic technology

Electronic technology to monitor parking space occupancy

The Council is conducting trials of electronic parking technology that can monitor whether a parking space is occupied or not. This type of technology has the ability to change the way on-street parking is managed and enforced in Wellington. In the future, information from electronic parking technology could be used to:

- let drivers know where on-street parking is available

- remind shoppers when their paid parking is due to expire
- provide parking officers with reliable information about how long cars have been parked.

There are several potential benefits associated with electronic monitoring of parking space occupancy, for example:

- those trying to find a park will have access to “real time” information on parking availability
- parking officers will know how long a car has not moved for and have evidence
- parking users will be able to top up their parking remotely and not need to estimate their use at the start or return to a vehicle to top up.

The current bylaw does not explicitly mention the use of electronic parking monitors. While the bylaw as drafted can support their use, if they are not mentioned it may encourage a situation where a parking infringement (in an area monitored electronically) is challenged. To avoid uncertainty it would be prudent to ensure electronic monitors are provided for, if they are to be relied on for parking enforcement and to support remote payment (topping up parking by text, email or other electronic communication).

Electronic receipts

The current bylaw refers to pay-and-display parking, and that parking users have to display evidence in the vehicle that they have paid for the parking.

If a parking space is electronically monitored, receipts will not need to be displayed, as there will be a record of when a car entered or left a parking space.

The bylaw should note that electronic receipts may be issued, so that there does not appear to be a contradiction against pay-and-display provisions in the bylaw if only an electronic receipt is required (as an electronic receipt will not be capable of being “displayed”).

Proposed amendments

Proposed amendments to more clearly address electronic monitoring of parking space occupancy and electronic receipts are mainly (Appendix B):

- a definition of the term “electronic communications” based on the provisions in the [Electronic Transactions Act 2002](#)

- an amendment to the definition of a pay and display machine so it can issue a receipt by print or *electronic communications*
- referral to state “if a print receipt is required”
- a definition of an *electronic parking monitor*, and
- amending offences to include tampering with electronic parking technology.

5.4 Road markings for parking

The traffic bylaw specifies that the Council must *mark out* parking spaces, and the Land Transport Rule 2004: Traffic Control Devices (TCD) specifies that marked out spaces must be marked out in white lines (or yellow in the case of loading zones and disabled parking). The TCD specifies that all angle parking must be marked out, but does not specify that parallel parking must be marked out.

The Council has used brickwork in some areas to mark out parking places, and would like to have the flexibility to use brickwork in some urban areas as a design aesthetic. Council officers have noted that most people park within the brick-marked parking space boundaries, and they are no more or less well observed than white lines. Across the city approximately 200 infringements are issued every year for parking across the boundaries of a parking space.

At the moment, the Council has to paint white lines in bricked areas, or avoid enforcement of pay and display related parking offences in the bricked areas.

The Council has asked the Government to consider amending the TCD to provide more flexibility around road marking to enable the use of brick or other marking in future.

Council officers recommend that the traffic bylaw is amended to remove the requirement to mark out parking places. The effect of the amendment would be:

- parallel parking spaces will not have to be marked out (unless it is covered by a single meter)
- parking area limits for multiple parking meter areas would still need to be indicated in signs (no change), and
- Council could use brick or other methods to indicate parallel parking limits
- where white lines do not indicate parking space limits, Council officers will still be able to enforce bylaw time restrictions and fees payment, but

will not be able to enforce the offence of parking in more than one space because technically there would be no parking spaces 'marked out' in terms of the TCD (unless white lines are used).

The change would not affect angle parking road markings. These need to be in white for any enforcement to take place, as the TCD specifies that angle parking must be marked out.

The Council is still likely to mark out parallel parking in most places, but the changes will provide the option for more flexible urban design.

Council officials propose to repeal section 2.2(a) of the bylaw (Appendix B) in order to address this issue. Consequential amendments are also proposed to other provisions to ensure that they apply to parking areas even when there are no marked spaces.

5.5 Submissions made in 2011 (and other enquiries)

- During the review of the traffic bylaw in 2011 to address specific issues, one submitter¹ raised several matters that were deemed out of scope, and referred to this review by the Council and addressed below (Table 1).

Table 1: Submissions made in 2011 referred to this review of the bylaw

| Submission Summary | Officer Comment |
|--|---|
| The requirement to display a coupon immediately if you are going to be parked for more than the free parking period is too onerous [refers 8.4 (b)]. | The intention is that there is no grace period once the free parking period (for example, two or three hours) has ended and a coupon needs to be displayed. The wording has been amended to make this clearer (Appendix B, Section 8.4(b)). |
| The wording of 8.12a (exemptions from coupon parking) is unclear, particularly in relation to the exemption for residents (8.12(a)) and the other exemptions in 8.12(d). | Agree. The ordering of the section has been changed for clarity and minor text amendments made (Appendix B, Section 8.12(a) – (d)). |
| The bylaw should be amended so that language is gender neutral (for example 8.10) | Agree. Gender neutral language is standard in modern drafting. No other cases of non-gender neutral language were found (Appendix B, Section 8.10). |
| The mechanisms for giving notice of work on the road | Road signage for road works is now governed by the <i>Code of Practice for Temporary Traffic Management</i> |

¹ All submission points referred from 2011 were made by Mr Michael Taylor.

| Submission Summary | Officer Comment |
|---|--|
| (including resealing etc) should include a sign in the street, and the use of these signs should be compulsory. | <i>(COPTTM): Part 8 of the Traffic Control Devices Manual 2.</i> Officials do not recommend creating any overlap or duplication with the manual. |
| Part 7, 3.2 and 3 should be amended so that where there is a conflict between signage and the meter; the motorist should be given the benefit of the doubt. | Photographs of signage and meters are taken and placed on record when infringements are issued, so records are clear with little scope for conflict. The bylaw provides a starting point for resolving conflict. Some wording improvements are proposed, but officials propose conflict continue to be managed on a case-by-case basis (Appendix B, Section 3.3). |
| The definition of road should be clarified to confirm whether it applies to private roads. | <p>The bylaw refers to the Local Government Act 1974 for a definition of 'road', and in the Act 'private road' is not part of the definition of a road, so it is not a part of the definition for the bylaw. The bylaw does specifically mention where private roads are included; at Sections:</p> <ul style="list-style-type: none"> • 9.9 removal of bulk bins not in compliance with bylaw • 9.10 powers to declare a private road a no parking area (with the agreement of all residents), and • Section 13(n), offence to leave a vehicle that cannot be driven, for more than 7 days, in a private road. <p>Officials recommend no change. The bylaw is sufficiently clear about when private roads are in the scope of the bylaw.</p> |
| The working of Part 5: 14.2 and 14.3 contains a contradiction. | Amendments to Part 5: Public Places of the Wellington City Consolidated Bylaw 2008 are not in the scope of this review. |

Two other minor amendments are proposed:

- The word 'except' is deleted in Section 8.4 (Appendix B) following correspondence with Council that the wording of the section was confusing.
- An out of date reference to the Transport Act 1962 is deleted and replaced with the correct reference to the LTA in Section 6.3 (Appendix B).

² <http://www.nzta.govt.nz/resources/code-temp-traffic-management/copttm.html>

6. New Zealand Bill of Rights Act 1990 (NZBORA) implications

Under section 155(3) of the LGA the Council is obliged to consider whether the proposed bylaw creates any implications under the NZBORA. The LGA expressly requires that bylaws are consistent with the NZBORA.

The only right or freedom recognised under the NZBORA that the Council considers could potentially be impinged by the bylaw is freedom of movement. However, even if it could be established that the bylaw restricts freedom of movement, it is considered to be a reasonable restriction of that right.

The Council considers that the proposed bylaw is not inconsistent with NZBORA and does not give rise to any implications under the NZBORA.

The bylaw amendments do not go beyond what is required to achieve the objectives discussed in this paper and adheres to LGA requirements of amending a bylaw.

7. Appendices

- **Appendix A: Council policy and legislation for traffic management**
- **Appendix B: Proposed amended traffic bylaw**

• **Appendix A: Council policy and legislation for traffic management**

| Legislation/Bylaw/ Policy | Scope | Relevance to the traffic bylaw review |
|--|--|---|
| Land Transport Act 1998 (LTA) | Local government can make bylaws on specific traffic and parking matters. | <ul style="list-style-type: none"> Legislation that provides the mandate for Council to make traffic bylaws. Ensure any proposed amendments are still in the scope of LTA Section 22AB. |
| Land Transport (Road User) Rule 2004 (Road User Rule) | Rules about all on-road traffic matters. Stationary and moving vehicle offences. Stationary vehicle offences can be enforced by Council Parking Officers (examples; parking on intersections or pedestrian crossings). | <ul style="list-style-type: none"> LTA Regulations that operate alongside the traffic bylaw. |
| Land Transport (Offences and Penalties) Regulations 1999 (Schedule 1B) | Fees for parking offences. From \$12 for parking over the time limit (not more than 30 minutes), \$60 for parking on clearways and other restricted areas, and \$40 for most other offences. | <ul style="list-style-type: none"> LTA Regulations that operate alongside the traffic bylaw. |
| Land Transport Rule: Traffic Control Devices 2004 | Rules about how restrictions should be reflected (eg, markings and signage). | <ul style="list-style-type: none"> LTA Regulations that operate alongside the traffic bylaw. |
| Local Government Act 2002 (LGA) | Local government can make bylaws, terms and conditions for making and reviewing bylaws. | <ul style="list-style-type: none"> The LGA sets out the process and terms for bylaw reviews. |
| Traffic Bylaw | Made under terms and conditions of the LTA and the LGA. Enables the Council to control on-street parking, set different types of regimes to charge for parking, and enforce parking. | <ul style="list-style-type: none"> The traffic bylaw under review. |
| WCC Parking Policy | Sets the Council's intentions for managing on-street parking spaces in central, inner residential and suburban areas. | <ul style="list-style-type: none"> The traffic bylaw is relied on to give effect to policy decisions (for example, enables to Council to charge for parking). |

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Appendix B: Proposed amended traffic bylaw

Part 7: Traffic of the Wellington City Consolidated Bylaw 2008

Proposed review amendments are indicated in ~~strike through~~ and underlined text

Purpose

The purpose of this Part of the Bylaw is to set the requirements for parking and control of vehicle traffic on any road in Wellington City, excluding State Highways controlled by the New Zealand Transport Agency.

This Part of the Bylaw is made pursuant to section 22AB of the Land Transport Act 1998. In addition, traffic and parking issues are also regulated and controlled by other Acts and Regulations. This includes the Land Transport (Road User) Rule 2004, which should be referred to in conjunction with this Bylaw.

1. Definitions and interpretation

1.1 In this Part of the Bylaw, unless the context otherwise requires:

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and includes any Parking Warden appointed under section 128D of the Land Transport Act 1998 or Police Officer.

Coupon Parking Space means a space in a coupon parking area which is suitable for the accommodation of a motor vehicle.

Coupon Parking Area is a "zone parking control" under the Land Transport Rule: Traffic Control Devices 2004 and means any area of land or building belonging to or under the control of the Council which is authorised by resolution of the Council pursuant to clause 11 of this Bylaw as a place where vehicles may be parked using parking coupons.

Parking Coupon or Coupon means a coupon issued by or on behalf of the Council to any person authorising the parking of a vehicle in a coupon parking space in accordance with these Bylaws.

Driver of a vehicle includes any person in charge of the vehicle.

Electronic Parking Monitor means a form of technology used to monitor whether a vehicle is occupying a parking space.

Electronic communications shall have the same meaning as the Electronic Transactions Act 2002

Footway or Footpath means as much of any road or public place that is laid out or constructed by the authority of the Council for pedestrian use.

Metered Area means a road, area of land or building owned or controlled by the Council which is authorised by resolution of the Council to be used as a parking place and at which parking meters or multiple parking meters are installed and maintained, but does not include any Multiple Parking Meter area as defined herein.

Multiple Parking Meter means a parking meter which functions in respect of more than one parking space and includes pay and display parking meters.

Parking means:

- a. in relation to any road where parking is governed by the location of parking meters or multiple parking meters placed pursuant to this Bylaw, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes; and
- b. in relation to any other road, the stopping or standing of a vehicle on a portion of the road.

Parking Meter means a device, in relation to the time for which a vehicle may be parked in a parking space or in accordance with this Bylaw, designed to either:

- a. measure and indicate the period of time paid for and which remains to be used; or
- b. issue a receipt, by print or electronic communications, showing the period of time paid for and accordingly which remains to be used;
and includes single, multiple and pay and display parking meters and any other device (for example, electronic application) that is used to collect payment in exchange for parking a vehicle in a particular place for a limited time.

Parking Meter Area means a road, area of land or building owned or controlled by Council which is authorised by resolution of council to be used as a parking place and at which parking meters are installed and maintained.

Parking Space means a space or section in a parking meter area indicated by and lying within any markings made by the Council (whether by paint or otherwise) for the accommodation of a vehicle, and "metered space" and "metered parking space" have a corresponding meaning.

Pay and Display Parking Meter means a parking meter designed for the purpose of issuing a receipt, by print or electronic communications, indicating the date and time of payment of a fee, amount of fee paid and time until which a vehicle may be parked within a parking meter area controlled by that pay and display parking meter.

Permit means a permit to park a vehicle on a road supplied by the Council, under this Bylaw.

Prescribed Fee means New Zealand coin, or token, card, prepaid parking device, or other system of payment prescribed by resolution of Council pursuant to this Bylaw as the fee payable for parking **in** a parking meter area.

Reserve shall have the same meaning as in the Reserves Act 1977.

Resident, in respect of a particular road the subject of a Residents Parking Scheme Resolution under this Bylaw, means a person whose only or principal residential accommodation is a dwelling or other building which has its only or principal legal access from that particular road, or which has such access in the vicinity of that road.

Residents' Parking Scheme means the provision by the Council of parking places for residents pursuant to a Resolution passed under this Bylaw which may be in conjunction with any ancillary parking or loading resolutions for all vehicles used by non-residents.

Road shall have the same meaning as in section 315 of the Local Government Act 1974 and shall where the context requires include a street (excluding State Highways) and any place the public has access to, whether as of right or not.

Single Parking Meter means a parking meter designed for the purpose of measuring and indicating the time for which a vehicle may be parked in a particular parking space.

Taxi means a motor vehicle that is:

- a. a small passenger service vehicle; and
- b. fitted with a sign on its roof displaying the word 'taxi' and any other signs required by law.

Taxi Restricted Parking Area means the area or areas of Road identified as such by Council resolution from time to time.

1.2 Notwithstanding anything in Part 1 of this Bylaw, but subject to clause 1.1, any words, phrases or expressions used in this Part of this Bylaw which have meanings assigned to them by the Local Government Act 1974, the Land Transport Act 1998, and Rules made under the Land Transport Act 1998 or any amendments thereof, shall have the meanings as are respectively assigned in those Acts/Rules, unless those meanings would be repugnant to, or inconsistent with, the context in which such words, phrases or expressions, occur.

2. Creation of parking meter areas

2.1 The Council may from time to time pass a resolution to:

- a. Declare that any road or land controlled by the Council is a parking meter area.
- b. Declare the times and for how long vehicles may park in parking spaces or parking meter areas.
- c. Fix the fees that must be paid for the parking of vehicles within parking spaces or parking meter areas.
- d. Provide for and regulate the operation, maintenance, control, protection, use or discontinuance of parking spaces, parking meter areas, and parking meters.

2.2 In accordance with any resolution under clause 2.1:

- a. ~~The Council shall mark out parking spaces in parking meter areas~~ [repealed]
- b. Single parking meters (~~except multiple parking meters~~) shall be placed on and firmly fastened to the kerb or footway adjoining each parking space and

each parking meter shall clearly display the period of time for which a vehicle may be parked in that parking space and the prescribed fee required to activate the meter.

- c. Multiple parking meters shall be located within the parking meter area which they are to control. A multiple parking meter shall be erected in a position where it is clearly visible. Details of the period of time for which a vehicle may park within the area and the prescribed fee required to activate the meter shall be clearly indicated on the meter.
- d. The limits of parking meter areas controlled by single parking meters shall be indicated by white markings painted on the street or area, or otherwise marked, by the Council. The limits of parking meter areas controlled by multiple parking meters shall be indicated by signs.

3. When parking by meter applies

3.1 A parking meter shall apply during the hours set by resolution of the Council and shown on the meter.

3.2 Subject to any parking time limits and restrictions, any metered parking space or area may be occupied without charge on any days, hours, or in any locations where there are specific exceptions made by resolution of the Council.

3.3 If any conflict arises between a resolution regarding the application of any parking meter (as it may be shown on the meter) and any other resolution regarding traffic control (as may be shown on any sign erected), then the provisions of the ~~latter~~ resolution shown on ~~such~~ the signs shall apply.

4. Parking at parking meters

4.1 In respect of areas controlled by parking meters:

- a. No driver of a vehicle shall park:

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- i. a vehicle on or over any marking indicating the limits of the parking space or area, or
- ii. so that the vehicle is not entirely within the any markings which indicate the limits of the parking space or area.

However, where a vehicle has a trailer attached, the driver of it may park the vehicle and trailer in two adjacent parking spaces which are in the same alignment, paying the fees as are required for both spaces.

- b. In an angle park, the front or the rear of the vehicle (as the case may be) shall be as near as is practical to the kerb.
- c. No driver of a vehicle shall park it in a parking space which is already occupied by another vehicle, provided that more than one motor cycle may be parked in a parking space.
- d. Where more than one motorcycle occupies a parking space only one parking fee for any authorised period shall be required. However, no motorcycle shall remain parked in the parking space while the parking meter placed at that parking space shows the authorised period has expired, or for a time in excess of the maximum authorised period.
- e. Subject to paragraph (f) of this clause, if the parking space or area is parallel to the kerb or footpath, the driver of any vehicle (except a motorcycle) shall park the vehicle so that it is headed in the general direction of the movement of the traffic on the side of the street on which it is parked.
- f. A motorcycle may be parked otherwise than parallel to the kerb or footpath provided that during the hours of darkness it shall be sufficiently illuminated so as to be visible from at least 50 metres.

- g. A taxi may not stop, stand or park in any metered area in the taxi restricted parking area, unless it is on a designated stand as defined in the Land Transport Rule: Operator Licensing 2007 or it is waiting for a hirer who has already hired the vehicle.

5. Payment of fees

5.1 When any vehicle is parked in a parking space or area the driver of that vehicle shall immediately:

- a. insert in the parking meter installed at that space, or area, the prescribed fee so that the meter mechanism is activated, or
- b. activate a prepaid parking or other payment device (for example, making payment using an electronic application) approved by Council.

Any vehicle may be lawfully parked in a parking space or area during the period which has been paid for.

5.2 It shall be lawful for the driver of a vehicle during, or when the period which has been paid for expires, to insert another prescribed fee in the parking meter and set the parking meter in operation for a further period. However, where a maximum authorised period has been declared by resolution of the Council and is indicated on the parking meter, it is an offence for the driver of the vehicle to occupy the parking same space in that area for a time in excess of the maximum authorised period.

6. Parking at multiple parking meters

6.1 No driver of a vehicle shall park that vehicle in a parking meter area controlled by a multiple parking meter without complying with the directions and requirements indicated by any multiple parking meter and relevant notices installed at the area. Compliance will include paying the prescribed fee to cover the period of parking, receiving and (if a print ticket is required) displaying a ticket

from the multiple parking meter in respect of that payment, or activating a prepaid parking or other payment device approved by Council as the case may be.

6.2 The driver of a vehicle shall:

- a. park that vehicle so that it is contained wholly within a parking space where marked, or area.
- b. (if a print ticket is required to be displayed) place the ticket authorising the vehicle to be parked at the multiple parking meter, on the inside of the vehicle's windscreen closest to the kerb, so that the information is visible to inspection from outside the vehicle, or in the case of other payment devices approved by the Council, as directed in that approval.
- c. not display an obsolete ticket.

6.3 In a parking meter area controlled by a multiple parking meter, an Authorised Officer may exercise any of ~~all of the powers conferred under section 68BA of the Transport Act 1962 and any of the relevant powers under section 113,~~ section 128E and section 139 of the Land Transport Act 1998.

6.4 No person shall park any vehicle in any aisle, entry or exit lane of any parking meter area controlled by a multiple parking meter.

6.5 No person shall park a motorcycle in any parking meter area controlled by a multiple parking meter, other than in any part specifically set aside for motorcycles.

6.6 The Council may from time to time set aside any parking space in a parking meter area controlled by a multiple parking meter for reserved parking upon payment of a fee. This fee shall be set by resolution of the Council and is payable as specified in that resolution.

7. Residents' parking schemes

7.1 Every resolution under clause 11 setting aside an area for a Residents Parking Scheme may specify:

- a. The roads, or parts of road, subject to the scheme.
- b. A form of vehicle sticker to identify the vehicles of residents holding a permit to park in terms of the scheme and where the sticker shall be fixed to the windscreen.
- c. The hours and days of the week during which the scheme shall operate (which may be expressed to differ on different parts of a road, and which may apply all the time).
- d. The fees it will charge to cover the reasonable cost to the Council of the service involved in granting a permit to park, instituting and maintaining and policing the scheme, erecting traffic signs and placing road-markings, and otherwise in relation to the reserving of the parking places.
- e. The form or declaration to be used by residents applying for a permit, together with the evidence required to support the application.
- f. That parking on a road is limited only to the vehicles of residents. All other vehicles, or specified classes or types of vehicles, shall be subject to the parking or loading restrictions, in respect of that road.
- g. The number of residents in any one building, or in specified sizes or types of buildings, that may be entitled to a permit.
- h. Any other matters that the Council considers relevant.

7.2 Residents permits act as an exemption permit to the coupon parking charges within the areas to which they apply and holders are able to park in:

- a. Residents parking areas; and
- b. Coupon parking areas.

7.3 No permit is capable of being assigned or transferred to any person or vehicle, unless specifically issued by the Council for that purpose.

7.4 A permit holder shall immediately destroy the permit on ceasing to own the subject vehicle, or on ceasing to be a resident.

7.5 If a resident obtains a different vehicle from the subject of a current permit, he or she upon making a new application, shall be supplied with a new permit for that different vehicle for the balance of the permit period without paying a further fee.

7.6 A permit shall not be construed to mean that:

- a. a resident is assured of a parking place by the Council

or

- b. the Council is liable for any loss of, or damage to, a vehicle or its contents merely because it is parked pursuant to that permit.

7.7 Property owners not residing on the property and requiring unrestricted access may apply for an annual resident's parking permit. This also gives them the right to use a resident's parking space for the maintenance of property and related activities.

7.8 Exemptions from residents parking may be granted by the Council as follows:

- a. The Council may issue, on application, a permit exempting a vehicle from the requirements of the Residents Parking Scheme.

- b. The fee for the residents parking exemption permit will be set by resolution under clause 11. The fee will be calculated taking into account the cost of processing an application, issuing the exemption and policing the scheme.
- c. Exemptions to residents parking can be made in the case of trades people / Service Authorities carrying out work, and needing to park in one of these areas to undertake the work. The owner of the vehicle must apply for a Trade Coupon from the Council and pay any fee set by the Council by resolution. The Trade Coupon must be displayed on the vehicle in a location readily visible from the kerbside when the vehicle is parked in a residents' parking area.

8. Coupon parking

8.1 The Council may by resolution specify:

- a. The roads, or parts of road, designated as a coupon parking area.
- b. A form of coupon to identify that a vehicle is parking lawfully in the coupon parking area.
- c. Where the coupon shall be displayed on the vehicle.
- d. Fees payable for parking vehicles in any coupon parking area.
- e. The operation, maintenance, control, protection, use or discontinuance of coupon parking areas.
- f. A form of vehicle windscreen sticker to identify the vehicles of residents holding a permit to park pursuant to a parking scheme and which will exempt vehicles from coupon parking.

- g. The hours and days of the week during which coupon parking shall operate (~~the hours and days may apply at all times, and may~~ be expressed to differ on different parts of a road), ~~and which may apply at all times~~).
- h. The free period a vehicle may park or remain parked without displaying a coupon or a valid permit.
- i. When and how coupons may be used in parking meter areas.
- j. Any other matters that the Council considers relevant.

8.2 [repealed]

8.3 Where a coupon parking space is also a metered space, the driver or person in charge of any vehicle may park that vehicle in that space in accordance with the provisions of this Bylaw if, pursuant to a Council resolution under clause 11, the meter is marked indicating that coupons are acceptable.

8.4 The provisions of this clause shall apply to any coupon parking area, ~~except~~ during the hours which the Council has resolved, under clause 8.1(g) of this Bylaw, to be the hours during which parking by coupon ~~applies~~ shall operate in that coupon parking area.

- a. When a vehicle is parked in a coupon parking area, the driver of that vehicle shall also comply with any other restriction identified as applying to that area.
- b. When a vehicle is parked in a coupon parking area, the driver of that vehicle shall display on that vehicle a valid parking coupon, from the time that any if ~~the vehicle is to be parked for more than the duration of the free parking~~ period approved by the Council in accordance with clause 8 (h) has ended. The coupon is to be displayed ~~on that vehicle at all times the vehicle~~ ~~remains parked in the coupon parking area and~~ in accordance with the

instructions printed on the coupon or on the booklet from which the coupon has been detached. For avoidance of doubt, the coupon may be displayed from the time of parking, and must be displayed from when any free parking period has ended.

- c. A parking coupon shall only be valid if:
- i. The coupon is not torn, defaced or mutilated to such extent that any indicator, figure or other particular is not legible; and
 - ii. The coupon has no alteration, erasure or other irregularity; and
 - iii. The coupon has been activated in accordance with clause 7.6 of this Bylaw; and
 - iv. The coupon is not for any other reason invalid.

8.5 Subject to clause 8.3 no driver of any vehicle shall cause, allow, permit or suffer such vehicle to be parked or remain parked in a coupon parking area without a valid parking coupon being displayed on that vehicle in accordance with the provisions of this Bylaw.

8.6 A parking coupon, shall be activated by indicating on the coupon, in accordance with the instructions printed on the coupon or the booklet in which the coupon is attached, the date of the commencement of parking the vehicle on which the coupon is to be displayed in the parking coupon area.

8.7 The Council, or any Authorised Officer, may issue parking coupons on payment of the appropriate fees which shall from time to time be fixed by the Council in accordance with clause 8.1(d).

8.8 All parking coupons shall be issued with printed instructions as to the display and activation of such coupons.

8.9 No refund shall be allowed for any unused coupons, except in such circumstances as the Council may allow and only then if the coupons are not defaced, mutilated or in any other manner rendered invalid.

8.10 Any Authorised Officer may, for the purposes of this Bylaw, require the driver of any motor vehicle parked in any coupon parking area, to produce for ~~his~~ their inspection any parking coupon displayed on such motor vehicle and that Authorised Officer may retain any such parking coupon.

8.11 A coupon may not be construed to mean that:

- a. A driver is assured of a parking space by the Council; or
- b. That the Council is liable for any loss of, or damage to, a vehicle or its contents merely because it is parked pursuant to that coupon.

8.12 Exemptions from coupon parking may be granted by Council as follows:

- a. The Council may issue, on application, a permit exempting a vehicle from the requirements of coupon parking (a coupon exemption permit). The coupon exemption permit allows a person living in a coupon parking area to be exempt from displaying a coupon in their vehicle.
- b. The coupon exemption permit must be displayed on the windscreen of the vehicle when the vehicle is parked in a coupon parking area.
- c. The fee for the coupon ~~parking~~ exemption permit will be set by resolution under clause 11. The fee will be calculated taking into account the cost of processing an application, issuing the exemption and the cost of policing the scheme.
- ~~d. A coupon parking exemption does not allow the permit holder to park in a residents parking area.~~

- e. Exemptions to coupon parking can also be made in the case of:
- i. Businesses with no off-street parking located outside the metered Central District time restricted area. One free coupon exemption permit may be granted on application.
 - ii. Schools with no off-street parking which require vehicles to overcome any proven operational difficulties enabling the school to function free from coupon parking. Five free coupon exemption permits may be granted on application.
 - iii. Registered Community Service Groups with no off-street parking which can demonstrate a need for a vehicle to carry out community work. One free coupon exemption permit may be granted on application.
 - iv. Tradespeople/Service Authorities carrying out work, and needing to park in one of these areas to undertake the work. The owner of the vehicle must apply for a Trade coupon from the Council and pay any fee set by the Council by resolution. The Trade coupon must be displayed on the vehicle in a location readily visible from the kerbside when the vehicle is parked in a coupon parking area.
- f. A coupon parking exemption or Trade coupon does not allow the permit holder to park in a residents parking area.
- g. The Council may withhold exemptions in the case of those persons or organisations with possible alternative options open to them, as in the case of shift workers. Such options would include:
- i. Carpooling one way and public transport the other way.

- ii. Workers or employees are able to purchase a common coupon, making it available on a rotation basis.

9. Vehicle removal

9.1 Any vehicle, which is parked in a parking space, [parking area](#), building, transport station, on a road or on a footpath in any manner not in conformity with this Bylaw or resolutions passed under this Bylaw, may be removed at the request of an Authorised Officer. Such a removal will be to a nearby lawful place for vehicle parking, or to any Council vehicle pound, or to any yard in the city occupied by any company engaged by the Council to remove such vehicles, as he or she thinks fit. All charges relating to the removal of the vehicle or bulk bin or container shall be met by the owner.

9.2 Vehicles may also be removed by the Council or their appointed agents from a parking space, [parking area](#), building, transport station or road where these facilities require resealing or any other type of repair or maintenance. The removal of vehicles will be undertaken where the vehicle obstructs such activity or by its position, prevents the activity from taking place.

9.3 If Council is to remove vehicles under clause 9.2, they must give notice at least 48 hours prior to the resealing, repair or maintenance indicating Council's intention to undertake the activity. Notice of the activity may be provided either through residential post boxes or on vehicles parked in the street in which the activity is to take place or through notices in a local newspaper or any combination of these. The notices will request that vehicles be removed from the road, parking space, building or transport station to allow the resealing, repair or maintenance activity to occur. After issuing a notice, the Council will not be obliged to make any further contact with the owners of the vehicles prior to their removal.

9.4 Any vehicle may be detained at the place to which it has been removed by the Council or its appointed agents, until the reasonable costs of the removal and

of any subsequent daily storage are paid by any person requesting the possession of that vehicle.

9.5 The Council may authorise the removal of any cycle left in a parking space, or any motor-cycle or power-cycle left leaning against a parking meter, in contravention of this clause. The owner of the motor-cycle, power-cycle or cycle may be required to pay to the Council any cost of removal.

9.6 Owners of vehicles removed or impounded in terms of clause 9.1 may obtain access to storage premises for the purposes of recovering their vehicles once the costs of removal and storage of the vehicles have been met.

9.7 The minimum hours during which the owners of impounded vehicles, or their appointed agents, have access to storage premises to recover their vehicle are those set out in Regulation 7(b) of the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999.

9.8 Access to storage premises may also be obtained outside of these times provided any such arrangement is mutually agreed between the parties concerned. The tow company / storage provider is entitled to charge for allowing access to vehicles after these hours. The tow company / storage provider involved must make known their access hours as well any additional charges for access after the hours for access by owners to vehicles.

9.9 Any bulk bin or container, which is on a road or private road, in breach of this bylaw may be removed in accordance with clause 9.1.

9.10 Council may declare by resolution any private road to be a no parking area. In order that a no parking area may be declared, Council must:

- a. Obtain written consent of all adjoining landowners of the area concerned;
- and

- b. Erect signage as required under the Land Transport Rules.

9.11 The powers that may be exercised under this clause are in addition to those provided in section 128E of the Land Transport Act 1998 and sections 348 and 356 of the Local Government Act 1974.

10. Temporary discontinuance of a parking place

10.1 If an Authorised Officer is of the opinion that any parking place should be temporarily discontinued as a parking space or area the Authorised Officer may cause a sign / signs or meter-hoods to be placed or erected which indicate "No Stopping". It shall be unlawful for any person to stop or park a vehicle at the parking space or area affected while any sign/signs or meter-hoods are placed or erected.

10.2 If the Authorised Officer is of the opinion that any parking place should be temporarily discontinued, except for the use of a trade vehicle (as defined by the Council from time to time by resolution) or other specified vehicle, the Authorised Officer may place or erect or cause to be placed or erected a sign or signs, temporary barricades, or meter-hoods sufficiently indicating "Reserved Parking" for a specific trade or other specified vehicle and it shall be unlawful for any person other than a person specifically authorised by the Authorised Officer to stop or park a vehicle at the parking space or area affected while any sign / signs or meter-hoods are placed or erected or to remove any sign or signs, temporary barricades or meter-hoods so placed or erected.

10.3 The Council may from time to time by resolution fix fees payable for users or classes of users authorised by an Authorised Officer to parking spaces or areas reserved in the manner prescribed by clause 10.2 hereof.

11. Provision for resolutions

11.1 The Council may by resolution impose such prohibitions, restrictions, controls, or directions concerning the use by traffic or otherwise of any road or

other area or building controlled by the Council unless the restriction / control / prohibition / direction is already provided for in a relevant enactment or Land Transport Rule (in which case a Council resolution is not required).

11.2 Any resolution may:

- a. Be made in respect of a specified class, type or description of vehicle, and may be revoked or amended by the Council.
- b. Be expressed or limited to apply only on specified days, or between specified times, or in respect of specified events or classes of events, or be limited to specified maximum periods of time.
- c. Also, where appropriate, prescribe, abolish or amend fees, whether annual, hourly or otherwise, as the Council may reasonably require for any parking space, parking area, building, transport station, or residents coupon parking scheme; and may prescribe the methods of displaying appropriate receipts for payments, or other authority to use or park in such spaces buildings or areas.
- d. In respect of any resolution made in terms of this Bylaw, specify a minimum number of occupants in any private motor vehicle.
- e. Be made in respect of any defined part of a road, including, any defined footpath, carriageway or lane.

12. Public notification

12.1 Any resolution proposed under this Part shall be placed on the Council's website at least 14 days before the Council considers it. Any person may provide comments, in writing, on the proposed resolution and those comments will be considered by the Council before it makes a resolution. Any person who has made written comments may request to be heard by the Council and it is at the Council's sole discretion whether to allow that request.

13. Offences

13.1 The provisions of Part 1 of this Bylaw notwithstanding, every person commits an offence against this Bylaw who:

- a. Fails to comply in all respects with any prohibition or restriction or direction or requirement indicated by the lines, domes, areas, markings, parking meters, multiple parking meters, traffic signs, or other signs and notices, laid down, placed, or made, or erected, in or on any road, building, or other area controlled by the Council, pursuant to any provision of this Bylaw, or of any resolutions made thereunder.
- b. Fails to comply with any resolution made under this Bylaw or fails to comply with any duty, obligation, or condition imposed by this Bylaw.
- c. Drives a vehicle on any street in a manner which interferes with or obstructs any funeral or civic or State or authorised procession.
- d. Drives any vehicle over any hose in use in connection with an outbreak or alarm of fire provided that it shall not be an offence under this clause so to drive if hose bridges are provided or the driver is directed by a traffic officer, police officer or New Zealand Fire Service officer.
- e. Drives or parks a vehicle so as to hinder or obstruct any member of the New Zealand Fire Service engaged in connection with any outbreak or alarm of fire, the Police, Ambulance Service, or other emergency services in carrying out their respective duties.
- f. [repealed]
- g. [repealed]
- h. [repealed]
- i. [repealed]

- j. Drives or parks any vehicle on a street where it is in such a condition that an undue quantity of oil, grease or fuel drops from such vehicle.
- k. Unloads any vehicle so as to cause or, be likely to cause, damage to the pavement or any footpath.
- l. Drives any motor vehicle onto any property of the Council other than a road or permits the vehicle to stand or remain standing on any such property, without the consent of the Council.
- m. Drives or parks a vehicle on any grassed or cultivated area under the control of Council.
- n. Leaves in or on any road or private road within the City for a period exceeding 7 days, any vehicle having no effective motive power in or attached to it, or in such a state that it cannot be safely driven, or so disabled or damaged that it cannot be driven.

It shall not be a defence to a charge under this paragraph that the vehicle is under repair, if that repair exceeds 7 days.

For the purposes of this paragraph "vehicle" also includes caravans, trailers, boats, and the shell or hulk of a vehicle.

- o. Parks in a road in front of any property in the Residential Area under the Council's District Plan, where the size of the vehicle parked, or the continual nature of the parking, unreasonably prevents occupants from parking outside their property, excluding commercial vehicles parked on the road temporarily for business purposes.

-
- p. In relation to residents parking:
- i. Makes a false application or supplies false details in an application;
 - ii. Places a permit on a vehicle for which it was not issued;
 - iii. Places or maintains a permit, or allows a permit to be placed or maintained, on a vehicle which is no longer being used by a resident;
 - iv. Parks a vehicle in a place that is the subject of a Residents Parking Scheme without a current windscreen sticker for the Residents Parking Scheme being displayed on the vehicle; or
 - v. Parks a vehicle in a place that is subject to the Residents Parking Scheme, without displaying a current exemption permit on the vehicle.
- q. In relation to coupon parking:
- i. Parks within the coupon parking area for longer than the free period without displaying a clearly validated coupon on the vehicle; or
 - ii. Displays a coupon on the vehicle for a date other than the date indicated; or
 - iii. Parks in excess of any other time restriction or contrary to any other parking restriction in place within the coupon parking area; or
 - iv. Parks within the coupon parking area, without displaying a current exemption permit on the vehicle.

- r. Fails to produce a coupon on demand pursuant to clause 8.10.
- s. Causes, allows or permits any vehicle to be parked in any parking space or area except in accordance with, or pursuant to, the provision of this Bylaw and of any resolutions.
- t. Causes, allows or permits any vehicle to remain parked in a parking space or area for more than 24 hours where no other maximum authorised period is specified in a Council resolution or on a parking meter or signs in its vicinity.
- u. Causes to be inserted in any parking meter anything other than the prescribed coin or coins or does not comply with any other card or token system prescribed by resolution of the Council as a method of making payment of the parking fee.
- v. Fails to activate an approved parking device while parked in a parking space or area, adjusts the tariff to make it different from that required at that space, or displays the tariff incorrectly so that it cannot be read for enforcement purposes.
- w. Places or leans a motor-cycle or power-cycle on or against a parking meter.
- x. Places or leaves a cycle on any parking space.
- y. Misuses any parking meter.
- z. Interferes or tampers with the working or operation of any parking meter or pay and display machine or electronic parking monitor.
- aa. Without due authority from the Council affixes any placard, advertisement, notice, list, document, board or thing on, or paint, or writes upon any parking meter or electronic parking monitor.

- bb. Wilfully damages any traffic control sign or parking meter or electronic parking monitor.
- cc. Parks a motor-cycle or power-cycle between parking spaces.
- dd. Operates or attempts to operate any parking meter by any means other than as prescribed by this Bylaw.

14. Parking defences

14.1 It shall be a defence to any person who is the driver, or is in charge of any vehicle and who is charged under this Bylaw with a breach of any condition imposed by this part of this Bylaw relating to any parking space if such person proves that the act complained of was done:

- a. in compliance with the directions of a police officer or traffic officer, or that the vehicle was engaged on a public work and was being used on the road with due consideration for other road users; or
- b. with a vehicle used by an Ambulance Service or the Fire Service, Police or other emergency service in the urgent carrying out of their respective duties.

BUS RAPID TRANSIT - BUSINESS CASE FUNDING

Purpose

1. To request that funding be bought forward in the Long-term Plan (LTP) for the Wellington City Council contribution to the Bus Rapid Transit Detailed Business Case study.

Summary

2. Wellington City Council has previously made a commitment to being a party to the implementation of a Bus Rapid Transit (BRT) solution along a core spine from the Railway Station via the Golden Mile, to the Hospital and to Kilbirnie.
3. The business case approach is being utilised to determine the final configuration and cost of a preferred BRT option.
4. The Strategic and Programme Business Case work were completed as part of the Ngauranga to Airport Corridor Plan and the Public Transport Spine Study respectively.
5. The Indicative Business Case has just been completed and funding is now being sought for the Detailed Business Case.
6. There may be opportunity for Wellington City to host the development of the detailed business case. There are good reasons related to integrating BRT with other projects as to why this opportunity should be taken up should it become available.

Recommendations

That the Transport and Urban Development Committee:

1. Receive the information.
2. Recommend that the Council adopts the Bus Rapid Transit Indicative Business Case as approved by the Ngauranga to Airport Governance Group.
3. Recommend to the Council that it agree to the resolutions of the Ngauranga to Airport Governance Group Bus Rapid Transit in relation to the Indicative Business Case.
4. Recommend to the Council that it approves bringing forward \$1.5m of CAPEX funding for the Bus Rapid Transit Detailed Business Case and other BRT related works (*noting that GWRC will contribute \$372,000 and NZTA will contribute \$750,000*) and agrees any project overspend.

Background

7. The strategic context for the Public Transport Spine Study is the Ngauranga to Airport Corridor Plan.
8. On 14 May 2014 the Transport & Urban Development Committee was presented with the findings of the Public Transport Spine Study and resolved to:
 1. *Receive the report.*
 2. *Agreed to appoint two members to the proposed PTSS Governance Board.*

3. *Agree to the intent of the requests from the RLTC to WCC in relation to the implementation of the PTSS.*
4. *Agree to undertake the following in order to address the RLTC requests:*
 - a. *Develop and agree a governance and joint project management structure with NZTA and GWRC to oversee the work programme for the implementation of enhanced bus priority and Bus Rapid Transit (BRT), as referenced in Appendix B and C.*
 - b. *As a priority undertake core spine assessments to determine:*
 - i. *Physical corridor constraints; and*
 - ii. *Centre versus edge running and advise GWRC of the outcomes of those assessments.*
 - c. *As a priority undertake concept planning for Kent/Cambridge Terraces and Adelaide Road to facilitate the Network Integration Plan for the Basin Reserve.*
 - d. *Note that funding is included in the 2014/15 Annual Plan to undertake preliminary design in order to achieve b) and c) above.*
 - e. *Undertake detailed assessment, vehicle trials, options evaluation, design, costing and business plans of physical carriageway, streetscape, interchange facilities and other works necessary to deliver bus priority and BRT outcomes, particularly for the core corridors identified.*
 - f. *Assess and where practicable implement options to achieve the targeted maximum 60 buses each direction per hour within the “Golden Mile”.*
 - g. *Agree that it is essential that the BRT vehicles servicing the core spine also serve at least the full length of the routes identified in the Regional Passenger Transport Plan from Johnsonville to Island Bay and from Karori Park to Miramar and Seatoun.*
 - ii. *Agree that BRT has an upper end capacity that may in future be exceeded, and therefore the potential for LRT in the future should not be foreclosed, and the Constable Street corridor protected.*
 - h. *Obtain approval and funding for the various stages of bus priority and BRT implementation as identified in e), f) and g) above.*
 - i. *Include funding in the 2014/15 Annual Plan, the 2015 – 2025 Long Term Plan and the 2015 – 2025 Regional Land Transport Plan (local share) to undertake e), f) and g) above with staged implementation resulting from h) above.*
 - j. *Review and where necessary reinforce the urban growth corridor through policies and other planning instruments.*
 - k. *Review the supply of inner city commuter parking and the potential for congestion pricing and evaluate the policies to ensure agreed outcomes are delivered.*
 - l. *Assess and report upon the BRT implications for the Mt Victoria Tunnel duplication project and how this impacts upon both the local road network and the Town Belt. (Note that in the absence of established evidential need*

to the contrary WCC will not support any additional intrusion into the Town Belt for BRT purposes.)

9. Since that time the following has occurred:
 1. A project structure including Governance Group, Steering Group and workgroups to advance both Bus Rapid Transit (BRT) and the Ngauranga to Airport (N2A) Corridor Plan has been established. *(Note that BRT is a subset of N2A.)*
 2. An N2A programme manager and a BRT project manager have been engaged on a fixed term basis to advance both projects. The funding for the programme manager has been provided by NZTA and all three parties have funded the BRT project manager.
 3. The decision of the Board of Inquiry declining the Basin Reserve Flyover was released. This is current under appeal before the High Court.
 4. An “Indicative Business Case” for BRT jointly funded by WCC, GWRC and NZTA has been completed. This was approved by the Governance Group on 27 July 2015. The executive summary of that document is attached as Attachment 2.
 5. Wellington City has undertaken a geometric assessment of core BRT and extended BRT routes and is currently working on the impact of different vehicle axle configurations on city streets. The core spine and its relationship to the other transport networks are shown on the map attached as Attachment 3.
10. The full business case process is attached as *Appendix One*.
11. The Indicative Business Case considered the following key elements as options along the core spine:

| Option | Type of Dedication to BRT | Intersection Priority Level |
|--------|---|-----------------------------|
| 1 | Improved bus priority | Limited Priority |
| 2 | Bus lanes along whole route at peak | Limited Priority |
| 3 | Bus lanes in targeted locations 24/7 | Limited Priority |
| 4 | Bus lanes along whole route 24/7 | Full Priority |
| 5 | Physically separated busways along whole route 24/7 | Full Priority |

12. For each of those options the total costs and benefit cost ratios are as follows:

| Option | Total Estimated Cost | Relative Benefit Cost Ratio |
|--------|----------------------|-----------------------------|
| 1 | \$30.9m | 0.5 |
| 2 | \$97.5m | 0.8 |
| 3 | \$58.8m | 2.3 |
| 4 | \$127.2m | 1.5 |

| | | |
|---|----------|-----|
| 5 | \$173.5m | 1.2 |
|---|----------|-----|

13. These capital costs include physical works within the road corridors as well as very modest improvements to stops.
14. A quote from the Indicative Business Case:

“Wellington can have the highest quality BRT system considered (Option 5), but this comes at a cost. Our analysis of intermediate options shows that there is an opportunity for Wellington to achieve a significant proportion of the benefits of a high-quality solution for a much lower cost.”
15. The Steering Group and Governance Group agree that options 1, 2 and 5 are eliminated based on the economic analysis in the Indicative Business Case.
16. It must also be noted that the “*reference case*” analysis used in the economic modelling for the Indicative Business Case was based upon a number of assumptions including (but not limited to):
 - The current network of bus lanes and bus priority across Wellington City
 - Currently planned road improvements, in particular:
 - The Basin Bridge and associated improvements; or another grade separated solution
 - Mt Victoria tunnel duplication, and associated improvements to Ruahine Street
 - All other Wellington Roads of National Significance
17. The calculated benefits will reduce if the assumptions used in the “*reference case*” do not happen.
18. The next process is to develop the BRT Detailed Business Case based upon 3 and 4 as ‘book end’ options.

Budgetary Implications

19. For context funding for BRT business case development and associated works was not specifically included in the first 3 years of the LTP. This is based upon there being no robust proposals or costs available at the time of LTP preparation for which definitive financial forecasts could be made.
20. Nevertheless there are projects included in the LTP which provide the capacity to deliver BRT outcomes as part of a more integrated network/corridor improvement approach. For example with Kent/Cambridge Terraces and Adelaide Road it is envisaged that once the integrated transport needs along those routes have been resolved the final outcomes will include an urban design overlay which will reflect the broader urban growth and place making aspirations of WCC and the community. Funding for these is staged over the 10 years.
21. Additionally there is funding within the 10 year LTP for both bus priority and non-specified BRT works.

| Financial Years | Bus Priority CX492 | Kent/Cambridge CX527 | Adelaide Road CX527 |
|-----------------|-----------------------|-------------------------|------------------------|
| 2015-16 | \$36,630 | | |
| 2016-17 | \$77,248 | | \$396,858 |
| 2017-18 | \$977,138 | | \$384,635 |
| 2018-19 | \$1,661,617 | | \$11,195,358 |
| 2019-20 | \$2,814,771 | \$270,027 | \$9,085,147 |
| 2020-21 | \$2,264,968 | \$262,467 | \$5,333,591 |
| 2021-22 | \$2,339,368 | \$12,711,864 | \$84,247 |
| 2022-23 | \$2,304,997 | \$12,315,271 | |
| 2023-24 | \$2,189,299 | \$9,833,466 | |
| 2024-25 | \$3,025,169 | | |

22. The recommendation in this report proposes bring forward funding of \$375,000 from CX492 as the WCC contribution to the BRT Detailed Business Case with the balance of the \$1.5m being contributions of \$375,000 from GWRC and \$750,000 from NZTA.
23. At the meeting of the Ngauranga to Airport Governance Group on 27 July 2015 resolved the following:
- a. *Accepts the Bus Rapid Transit Indicative Business Case.*
 - b. *Agrees that Bus Rapid Transit Indicative Business Case demonstrates that there is a case for investment in further development of Bus Rapid Transit through a Detailed Business Case phase.*
 - c. *Agrees that options that the Detailed Business Case phase should examine the potential solutions within a range between option 3 (bus lanes in targeted locations, 24/7) and option 4 (bus lanes, along the whole route, 24/7), including the potential to move from option 3 to 4 over time.*
 - d. *Recommends to the Wellington City Council, the Greater Wellington Regional Council and the NZ Transport Agency that each organisation formally 'support/agree' the Bus Rapid Transit Indicative Business Case.*
 - e. *Notes that the key activities to be conducted during the Detailed Business Case phase include: scoping, preliminary design, detailed operating model, detailed network effects modelling, safety assessment, stakeholder engagement/public consultation, consenting and delivery strategy.*
 - f. *Notes that the Detailed Business Case phase is expected to cost approximately \$1.5m.*
 - g. *Recommends to the Wellington City Council and the Greater Wellington Regional Council that each organisation agree to fund 50% of the local share of the Bus Rapid Transit Detailed Business Case phase and jointly apply to the NZ Transport Agency for National Land Transport Fund investment.*
 - h. *Notes that final agreement to progress BRT to the DBC phase is not obtained until Wellington City Council, Greater Wellington Regional Council and the NZ Transport Agency have all concluded their respective approval processes.*
 - i. *Updates the Regional Transport Committee on the results of the Bus Rapid Transit Indicative Business Case and the decisions and recommendations of the N2A Governance Group.*

- j. Notes that Bus Rapid Transit Indicative Business Case relates primarily to the physical infrastructure along the PT spine but is complemented by a wider programme of work under the Ngauranga to Airport programme and Public Transport Transformation programme.*

Discussion

24. Using the NZTA variation of the Treasury Better Business Case approach the Indicative Business Case has identified 5 core BRT options which have a range of CAPEX requirement from \$30.9m to \$173.5m. They also deliver a range of benefit cost ratios from 0.5 to 2.3 (*noting that the most expensive doesn't have the best benefit cost*).
25. It is proposed that the Detailed Business Case takes options 3 and 4 forward for more analysis and then recommends a preferred option for implementation. This will include geometric design, traffic modelling and economic analysis.
26. The value of the Detailed Business Case is that it helps inform decisions over which option delivers optimal outcomes given that the current cost range is significant. The Detailed Business Case, by its very nature, will undertake most of the design work required to implement the preferred BRT outcome.
27. The Detailed Business Case is estimated to cost \$1.5m. The current funding split is 25% each for GWRC and WCC with NZTA funding 50%.
28. The WCC contribution for the Detailed Business Case is estimated to be \$375,000 however there are as yet unquantified additional works which are likely to be required before the Detailed Business Case can be finalised.
29. There is no provision within the LTP to fund this level of expenditure in the current financial year. However it is the view of council officers that the outputs of the Detailed Business Case (geometric design, detailed modelling and economic analysis) are such that they can be capitalised.
30. In addition the Indicative Business Case phase of the project has been hosted by NZTA. There is advantage in moving this hosting role (which requires the agreement of all three parties) to WCC for the following reasons:
 - a. The bulk of the project as now defined in the Indicative Business Case relates to decisions which WCC in its role as road controlling authority can only make; with
 - b. One of the key decision areas being the allocation of corridor space and time in order to discharge the responsibility of delivering integrated multi modal transport outcomes; and
 - c. It is the simplest option for achieving integration between competing transport modes, land use and urban development; and
 - d. With GWRC hosting the PTSS, NZTA hosting the Indicative Business Case it has always been envisaged that WCC would assume this role at some point.
31. Irrespective of hosting the funding applicant for the Detailed Business Case should be WCC as the outputs will be used for assets which the Council will construct and own.
32. This report forms the basis of a funding request from the Transport & Urban Development Committee to the Council to bring forward CAPEX to fund the BRT Detailed Business Case and associated but yet to be defined works.

Options

33. The Council has made a commitment to this project through the resolutions of the Transport & Urban Development Committee on 14 May 2014 and well as a BRT Project Memorandum signed by the Mayor and Chief Executive.
34. On the basis of those commitments both financial and staff resource need to be allocated to the BRT Project.
35. Activity expenditure within the transport budgets has been reviewed and it has been determined that the hosting cost for the next phase of the project can be met from those budgets.
36. However the contribution to the Detailed Business Case cost is unable to be met from existing budgets hence the need to bring forward CAPEX.

Next Actions

37. The overall funding for the BRT Detailed Business Case is being considered by the Board of NZTA later in August. An indication of support (or otherwise) for this project is required before that meeting.

Attachments

| | | |
|---------------|---|----------|
| Attachment 1. | Bus Rapid Transit Business Case & Approvals Process | Page 83 |
| Attachment 2. | Indicative Business Case: The executive summary | Page 84 |
| Attachment 3. | Map: Core spine and it relationship to the other transport networks | Page 103 |

| | |
|------------|--|
| Author | Geoff Swainson, Manager Transport and Waste Operations |
| Authoriser | Anthony Wilson, Chief Asset Officer |

SUPPORTING INFORMATION

Consultation and Engagement

None required

Treaty of Waitangi considerations

Not applicable

Financial implications

This is a request for approval to spend funds on an activity not funded within the first 3 years of the LTP. In terms of delegations the decision to commit to this expenditure can only be made by Council.

This is funding which can be capitalised

The funding mix for the Detailed Business Case is WCC 25%, GWRC 25% and NZTA 50%.

Policy and legislative implications

Consistent with the Council's previous resolutions on BRT as well as aligning with the aspirations outlined in the Wellington Towards 2040 Smart Capital (Connecting Places) and the Urban Growth Plan.

Risks / legal

There are no legal implications however there would be reputational risks if a decision was made to not fund the WCC share of project costs given commitments already made.

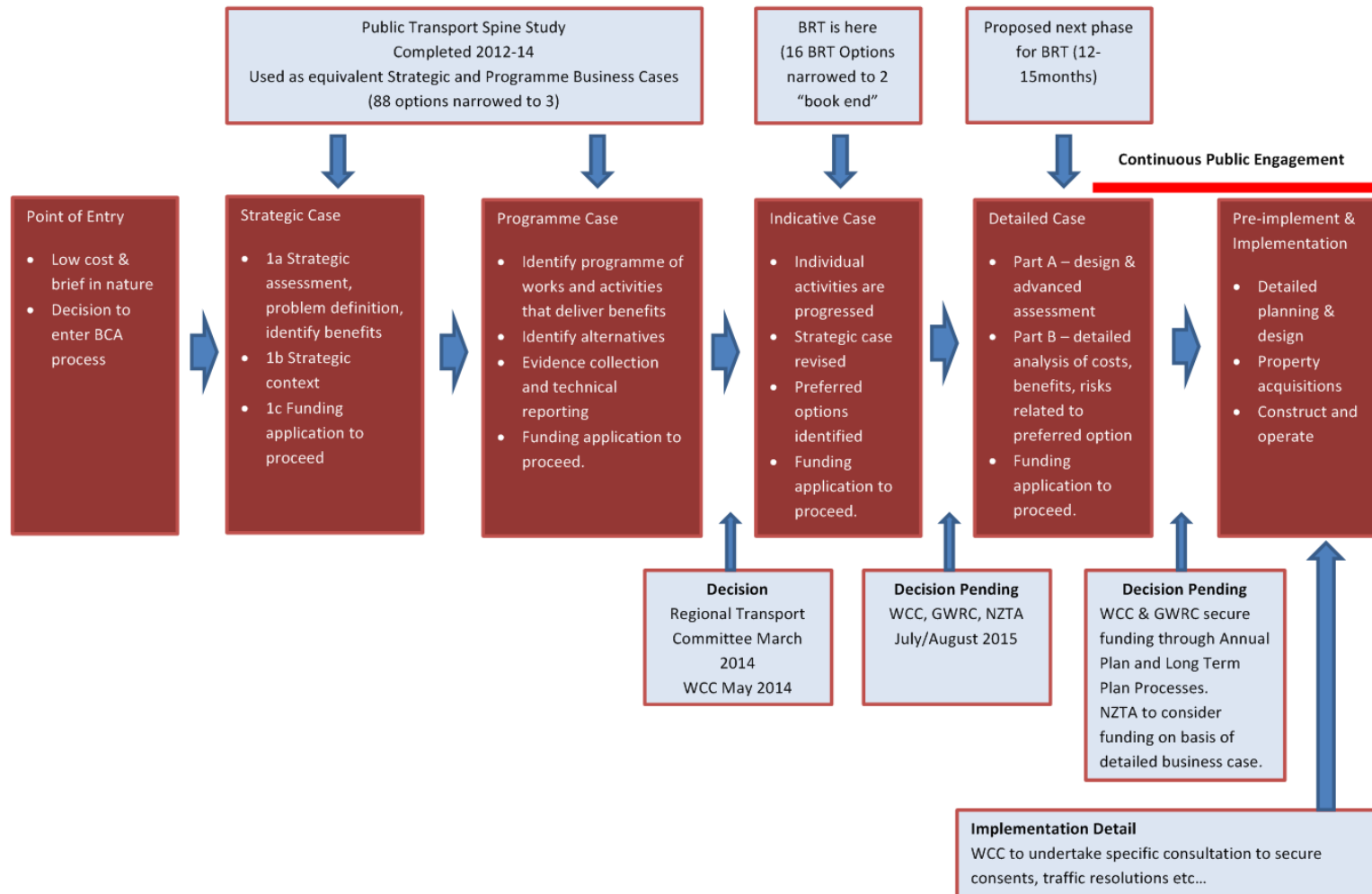
Climate Change impact and considerations

BRT will result in fewer buses travelling the Golden Mile with less emissions per passenger carried and therefore has a positive impact on climate change

Communications Plan

A joint communications plan to outline the next stage of the BRT business case programme is being developed in conjunction with WCC, GWRC and NZTA.

Bus Rapid Transit Business Case & Approvals Process



pwc.co.nz

Indicative Business Case for Wellington Bus Rapid Transit

A report for the NZ
Transport Agency,
GWRC and WCC

July 2015

*BRT – Indicative
Business Case*

July 2015

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Chrissie Little
Project Manager, Bus Rapid Transit
New Zealand Transport Agency
Private Bag 6995
Wellington 6141

22 July 2015

Indicative Business Case for Wellington Bus Rapid Transit

Dear Chrissie,

We are pleased to provide our report setting out the indicative business case for Bus Rapid Transit in Wellington.

This report is provided in accordance with the terms of our engagement letter dated 29 May 2014 and the change of scope letter dated 17 February 2015, and is subject to the restrictions set out in Appendix E of this report.

If you have any queries please do not hesitate to contact us.

Yours sincerely

A handwritten signature in blue ink that reads 'Bruce Wattie'.

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A handwritten signature in blue ink that reads 'Craig Rice'.

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Glossary

| | |
|--------------|---|
| AML | Average minutes late |
| BCR | Benefit-cost ratio |
| BP | Bus priority |
| BRT | Bus Rapid Transit |
| CBA | Cost benefit analysis |
| CSF | Critical success factor |
| D&C | Design and construct |
| DBB | Design, bid and build |
| DBC | Detailed Business Case |
| DCM | Design, construct and maintain |
| ECI | Early contractor involvement |
| EEM | The Transport Agency's Economic Evaluation Manual |
| EL | Equivalent time to a minute late |
| GPS | Government Policy Statement on Land Transport Funding |
| GT | General traffic |
| GWRC | Greater Wellington Regional Council |
| IBC | Indicative Business Case |
| ILM | Investment logic mapping |
| KPI | Key performance indicator |
| LRT | Light Rail Transit |
| LTP | Long-Term Plan |
| MCA | Multi-criteria analysis |
| N2A Plan | Ngauranga to Wellington Airport Corridor Plan 2008 |
| N2A Strategy | Ngauranga to Wellington Airport Corridor Strategy |
| NLTF | National Land Transport Fund |
| NLTP | National Land Transport Programme |
| NPV | Net present value |
| O&M | Operations and maintenance |

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| | |
|----------------------|---|
| PPP | Public-private partnership |
| PT | Public transport |
| PTOM | Public Transport Operating Model |
| PTSS | Wellington Public Transport Spine Study |
| RLTP | Wellington Regional Land Transport Plan 2015 |
| RLTS | Wellington Regional Land Transport Strategy 2010-40 |
| RONS | Roads of National Significance |
| RPTP | Wellington Regional Public Transport Plan 2014 |
| SH1 | State Highway 1 |
| The Transport Agency | New Zealand Transport Agency |
| VKT | Vehicle kilometres travelled |
| VOC | Vehicle operating costs |
| VoT | Value of time |
| WCC | Wellington City Council |

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Executive summary

This business case assesses the case for a proposed investment in Bus Rapid Transit (BRT) in Wellington City.

BRT in its most comprehensive form is a high-quality, high capacity bus system that improves upon traditional bus systems. Modern, comfortable, high-capacity buses travel in dedicated lanes, separated from general traffic, parking, turning traffic and other impediments. Passengers board from raised platforms (slightly higher than street level), having paid their fares electronically.

BRT is the proposed solution to improving public transport (PT) through the PT Spine, from the Railway Station to Newtown and Kilbirnie. In its entirety, BRT will involve increasing the amount of roadspace dedicated to buses, increased intersection priority for buses, using high-capacity buses and delivering operational and user improvements. This business case focuses on BRT infrastructure only that will provide dedicated roadspace and intersection priority for buses.

This business case follows the New Zealand Transport Agency (the Transport Agency) business case approach. This approach is based on the Treasury Better Business Cases guidelines, which are organised around the five case model designed to systematically test whether an investment proposal:

- is supported by a robust case for change – the ‘strategic case’
- will deliver optimal value for money – the ‘economic case’
- is commercially viable – the ‘commercial case’
- is financially affordable – the ‘financial case’, and
- is achievable – the ‘management case’.

This document is an **Indicative Business Case** (IBC). Its objectives are to confirm the preferred way forward for the proposal and to develop a short-list of options for further detailed analysis. It focuses on developing the strategic and economic cases for the project and includes an outline of the financial, commercial and management cases.

It is anticipated that this IBC will be followed by a Detailed Business Case (DBC), which will develop the preferred BRT option in detail, including detailed design and a detailed economic evaluation, as well as detailed consideration of financial, commercial and management aspects.

The IBC has been developed collaboratively between three partner organisations – the Transport Agency, Greater Wellington Regional Council (GWRC) and Wellington City Council (WCC).

Strategic Case

Background

The Ngauranga to Wellington Airport Corridor Plan 2008 (N2A Plan), developed by GWRC in collaboration with WCC and the Transport Agency and now included in the Regional Land Transport Plan 2015 (RLTP), outlined a multi-modal strategic plan to improve the way people travel around Wellington City and their access to key destinations and amenities.

The Wellington Public Transport Spine Study (PTSS) was a key action arising from the N2A Plan. The PTSS investigated the feasibility of a large number of different options for creating a high-quality ‘PT spine’, arriving at a short-list of three options: bus priority, BRT and Light Rail Transit.

BRT was identified as the preferred option. Following community consultation in March 2014, the Regional Transport Committee agreed to progress BRT detailed planning and design, and to enable its

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implementation to be included in the 2015 RLTP¹. GWRC, WCC and the Transport Agency agreed to work together to develop an IBC for BRT to provide clarity on the option to be taken forward for detailed design.

The BRT solution proposed for Wellington, developed for Wellington's unique context, involves:

- running of low-emission high-capacity buses:
 - along dedicated bus lanes, separate from general traffic (at grade, and using the same intersections)
 - between the Railway Station and Newtown/Kilbirnie (see Figure 1 below)
 - at a frequency sufficient to cater for demand and growth
- signal priority for buses at intersections (where deemed feasible)
- improved stop and station facilities
- integration with the new simpler and more efficient bus network for Wellington City
- a number of operational improvements, including integrated fares and ticketing, the development of mobile timetables and improvements in the provision of real-time bus location information.

Figure 1. Proposed BRT route



Source: PTSS presentation to stakeholders and interest groups (August 2013)

¹ Greater Wellington Regional Council (13 May 2014), Minutes of the Regional Transport Committee, 4 March 2014; minute 3.2.b.

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This business case is for one part of this BRT solution – the physical infrastructure (roadspace and intersection priority, and stop/station infrastructure). The other elements of the BRT solution are currently undergoing their own assessment processes. For example, a business case for integrated fares and ticketing has been recently prepared.

The physical BRT infrastructure is a key element of the wider solution, as it is the part that enables faster and more reliable PT journeys. However, it is only one element – it needs to be considered as part of the full BRT solution. The full benefits of the physical infrastructure can only be achieved with the implementation of all the other parts of BRT.

In addition, the BRT solution is itself just one part of a wider transport solution planned for the Ngauranga to Airport corridor. Other aspects of this transport solution include state highway improvements, cycling infrastructure improvements, and addressing conflicting traffic demands at key locations.

The case for change

People travelling in Wellington consistently experience congestion, particularly at peak periods and at key network bottlenecks. The PT Spine corridor is particularly congested.

Bus users who travel along the PT Spine currently experience longer journey times compared to private vehicles. Bus services can also be unreliable. This is primarily a result of congestion along the PT Spine and buses having to compete with general traffic (and other buses) along the majority of the route. This limits the attractiveness of PT services to Wellington commuters. It restricts the ability for PT to attract new users and to shift private vehicle users to PT.

Together, these issues harm productivity – both for commuters who spend longer getting to and from work, and for organisations for which moving from place to place is a key part of their business. Congestion also impacts on freight movements. This limits Wellington's economic growth potential.

Giving buses priority both over roadspace and at intersections will enable faster and more reliable PT journeys. This will help make bus travel more attractive relative to private vehicles, which will remain in general traffic congestion. Because buses can carry far more people than private vehicles, giving them priority increases the carrying capacity of the whole corridor, and allows more people to travel along the PT Spine at peak periods.

Faster and more reliable journeys via BRT will drive improvements in the productivity of workers and businesses, and drive increases in Wellington's economic growth. Empirical evidence suggests that the economic benefits from even relatively small improvements to speed and reliability could be substantial, particularly for individual businesses².

Relatively slow and unreliable PT services, and the lack of a coherent and permanent PT Spine, has not helped the development potential of land around the PT Spine for higher-value uses, which is part of WCC's land-use plans. Consequently, Wellington is not maximising the potential land-use along the PT Spine corridor.

There are benefits to acting now. Congestion is already heavy at peak times and is limiting productivity and economic growth. Future population and economic growth will exacerbate it, but the problem exists today. Furthermore, PT patronage has begun to plateau.

However, one of the key benefits of BRT as a PT initiative is that it can be implemented incrementally. There may be merit in staging the implementation, or altering the timing to coordinate with other transport projects.

² See for example: Eddington, R. (December 2006), The Eddington Transport Study: Main report: Transport's role in sustaining the UK's productivity and competitiveness.

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Implementation of BRT, along with other planned PT initiatives, has the potential to create a major step-change in the delivery of PT in Wellington. PT will become increasingly attractive and competitive with private vehicle travel, allowing more people to travel along the PT Spine corridor at peak times, with many achieving much faster and more reliable journeys, as well as freeing up road space on other corridors.

As an example of the impact that investment in PT can have, significant recent investment in Wellington's rail network has seen corresponding increases in patronage, as potential users respond to improved levels of service.

If Wellington wants to be a 21st century city, it needs to have a 21st century transport network, of which a 21st century PT network is a vital component. Wellingtonians and their goods need to be able to move around the city quickly, reliably, comfortably, and in large numbers. This is how Wellington can continue to grow, while still providing a high quality of life for its residents.

Strategic context

BRT is consistent with the strategic direction set by Central Government, the Transport Agency, GWRC and WCC, as outlined in the relevant strategic and planning documents. It is consistent with the plans for increasing PT mode share, and it will help alleviate congestion and improve productivity and economic growth. The relevant strategic and planning documents include:

- The Government Policy Statement on Land Transport Funding (GPS)
- The Transport Agency Statement of Intent 2014-18
- The Wellington Regional Land Transport Plan 2015 (RLTP)
- The Wellington Regional Public Transport Plan 2014 (RPTP)
- WCC's 2015-25 Long-Term Plan (LTP)
- WCC's draft Urban Growth Plan.

The GPS has increasing economic growth and improving productivity as the primary objectives for land transport expenditure. The expectation is that land transport funding will be directed into high-quality projects and activities that will support this objective. Consistent with this, economic growth is a key objective in the RLTP.

The RLTP notes a number of regional pressures, including traffic congestion and network capacity constraints, reliability of the transport network, and PT capacity and mode share.

Making quality investments in the area of public transport is highlighted in the GPS as an important strategic response to the goals of improved productivity and economic growth. Increasing peak period PT mode share is stated as a key outcome desired by the RLTP, as is reducing severe road congestion.

The N2A Plan is now included as a chapter in the RLTP, titled the Ngauranga to Airport Corridor Strategy (N2A Strategy). One of the seven strategic responses set out in the N2A Strategy is "developing a high quality and frequency PT priority 'spine'". Other strategic responses relate to capacity improvements on State Highway 1 (SH1) and addressing conflicting transport demands at the Basin Reserve.

The RPTP sets out the current programme for improvements to Wellington's PT services over the next 10 years. The PT Spine, from the Railway Station to Newtown and Kilbirnie, is central to the delivery of the overall plan. Implementing BRT along the PT Spine is considered the "immediate priority" for the Ngauranga to Airport corridor, alongside addressing conflicting transport demands around the Basin Reserve.

While BRT is clearly well-aligned with the relevant strategic documents, a key issue is the alignment and dependencies with the Transport Agency's Roads of National Significance (RONS) programme – in particular, the Basin Bridge and Mt Victoria tunnel duplication projects. These projects are another part of the response to the N2A Strategy.

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The PTSS assumed that both of these projects would occur before BRT was implemented and the BRT option was assessed as such. However, resource consent for the Basin Bridge has since been declined (this is currently under appeal), and this has led to the Transport Agency re-evaluating the Mt Victoria tunnel duplication (this process is ongoing). In the economic case, we consider options that allow for a BRT solution without these RONS projects.

Key findings

There is a demonstrable problem with the current PT network along the PT Spine.

- The corridor is congested, particularly at peak times and this is forecast to worsen.
- It is difficult to increase PT patronage and mode share under the current circumstances. Buses are not segregated from general traffic. Wellington's bus services are perceived by the public as being less attractive and less reliable than private vehicle journeys.
- The issues with PT are restricting envisaged redevelopment of land around the southern and eastern ends of the PT Spine into higher-value uses, and limiting the potential economic activity in these areas.

A BRT solution can help address these problems. BRT can:

- provide faster and more reliable bus journeys along the PT Spine
- increase the corridor carrying capacity along the route
- help improve the bus user experience
- contribute to increasing PT patronage and PT mode share along the PT Spine
- help grow the total number of people able to travel along the PT Spine during peak periods.

This will help drive Wellington's economic and productivity growth. It will also encourage greater economic activity in the areas surrounding the PT Spine.

BRT is consistent with the strategic direction set out by Central Government, GWRC and WCC. It is a key initiative in terms of implementing Central Government's focus on improving productivity and economic growth. BRT will also help achieve a number of GWRC's and WCC's objectives, in particular economic growth, urban regeneration and improved accessibility. BRT along the PT Spine is the most important and most beneficial PT project currently being considered for Wellington, and is a key element of all current transport plans for the Wellington region.

Economic Case

This economic case is based on a best practice decision making approach for infrastructure projects and the level of detail appropriate for an IBC. A small set of options have been developed, differing across the key areas of material difference. These options are subjected to two types of economic assessment:

1. A qualitative assessment against a set of agreed criteria, typically referred to as a multi-criteria analysis (MCA).
2. A quantitative assessment, involving the development of benefit-cost ratios for the options. For a transport project such as this, this assessment is undertaken with reference to the Transport Agency's Economic Evaluation Manual (EEM).³

³ NZ Transport Agency (1 July 2013), Economic evaluation manual.

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Options considered

The reference case

In the economic assessment, all options are assessed relative to a 'base case' scenario. This represents what is expected to happen if the project does not go ahead. The costs and benefits of the BRT options are determined relative to this reference case.

The reference case is not a 'do nothing'. It is a 'do minimum', and includes other projects along the PT Spine and ongoing maintenance spending for example.

The reference case for BRT includes or assumes:

- the current network of bus lanes and bus priority across Wellington City
- currently planned roading improvements. In particular:
 - The Basin Bridge and associated improvements; or another grade separated solution
 - Mt Victoria tunnel duplication, and associated improvements to Ruahine Street
 - All other Wellington RONS
- changes to Wellington bus services as a result of the Wellington City Bus Review, including:
 - Revisions to bus network running patterns
 - Optimisation of bus stops locations
 - Other user improvements
- the complete implementation of the Public Transport Operating Model (PTOM) contracts
- the introduction of integrated fares and ticketing (as currently envisaged by that project's business case)
- the use of high-capacity buses (eg double-decker) on some Wellington City bus routes, where warranted by demand
- buses will run at a frequency necessary to cater for demand and growth.

The BRT options

The Working Group considered that the most material features of the options, and hence those where different variants should be considered, were the degree of dedication of the bus lanes and the degree of intersection priority given to buses.

The BRT option in the PTSS assumed complete dedication and intersection priority, such that buses could essentially move freely throughout the route without congestion. The Working Group wanted to consider some variants of this BRT solution that involved lower degrees of dedication and priority. In effect, the Working Group wanted to assess options that spanned a continuum from the PTSS BRT option to the PTSS Bus Priority option.

Four distinct options were developed to reflect this continuum:

- Physically separated bus lanes along the full route, operating at all times (in effect, the PTSS BRT option)
- Bus lanes along the full route, operating at all times
- Bus lanes along selected parts of the route to target key congestion areas, operating at all times

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- Bus lanes along the full route, but only operating at peak times.

In addition, a separate option was considered, based on a detailed possible plan recently developed by WCC, for bus priority improvements along the Central and Newtown branches.

Table 1 sets out the type of roadspace and intersection priority assumed for each of the core options.

Table 1. Key elements of core options

| Option # | Type of roadspace dedication | Level of intersection priority |
|----------|---|--------------------------------|
| 1 | Improved bus priority | Limited priority |
| 2 | Bus lanes, along the whole route, at peak periods | Limited priority |
| 3 | Bus lanes in targeted locations, 24/7 | Limited priority |
| 4 | Bus lanes, along the whole route, 24/7 | Full priority |
| 5 | Physically separated bus lanes, along the whole route, 24/7 | Full priority |

BCR and MCA results

Table 2 presents the estimated benefits, costs and the benefit-cost ratios (BCRs) for the core BRT options. All dollar values shown are net present values over 40 years. Table 3 shows the MCA scores for the core options.

Table 2. Costs, benefits and BCRs – core BRT options

| \$m NPV | 1 | 2 | 3 | 4 | 5 |
|--|-------------|-------------|-------------|-------------|--------------|
| Benefits: | | | | | |
| Travel time benefits | 5.9 | 15.3 | 19.0 | 28.1 | 32.9 |
| Additional PT user benefits | 0.0 | 0.0 | 0.0 | 5.8 | 6.0 |
| Reliability benefits | 5.9 | 15.3 | 19.0 | 28.1 | 32.9 |
| Walking benefits | 0.1 | 0.3 | 0.3 | 16.4 | 17.1 |
| Emissions reductions benefits | 0.1 | 0.3 | 0.3 | 0.3 | 0.4 |
| Agglomeration benefits | 0.9 | 2.3 | 2.8 | 4.2 | 4.9 |
| Decongestion (dis)benefits | (4.9) | (4.4) | (4.3) | (4.0) | (3.7) |
| Reduction in vehicle operating cost benefits | 3.8 | 10.7 | 11.0 | 13.3 | 17.5 |
| Total benefits | 11.8 | 39.7 | 48.0 | 92.2 | 108.1 |
| Costs: | | | | | |
| Capex | 24.3 | 72.1 | 43.4 | 97.2 | 132.9 |
| Opex (savings) | (2.4) | (20.8) | (22.8) | (36.8) | (45.4) |
| Total costs | 21.9 | 51.3 | 20.6 | 60.4 | 87.5 |
| Benefit-cost ratio (benefits/costs) | 0.5 | 0.8 | 2.3 | 1.5 | 1.2 |

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Table 3. Results of multi-criteria analysis – core BRT options

| | Ref case | 1 | 2 | 3 | 4 | 5 | |
|---|----------|---|---|---|---|---|-------------------------|
| 1. Increased economic activity | ● | ● | ● | ● | ● | ● | |
| 2. Improved multi-modal network efficiency | ● | ● | ● | ● | ● | ● | |
| 3. Improved accessibility | ● | ● | ● | ● | ● | ● | |
| 4. Increased PT patronage | ● | ● | ● | ● | ● | ● | |
| 5. Improved PT user experience | ● | ● | ● | ● | ● | ● | |
| 6. Minimise emissions | ● | ● | ● | ● | ● | ● | |
| 7. Minimise impacts on physical environment / amenity | ● | ● | ● | ● | ● | ● | |
| 8. Affordable / value for money | ● | ● | ● | ● | ● | ● | |
| 9. Alignment / integration with other infrastructure & services | ● | ● | ● | ● | ● | ● | |
| Negative effects | | ● | ● | ● | ● | ● | Positive effects |

Discussion of trade-offs

The options involve a range of different types of BRT solution, each with different pros and cons.

Wellington can have the highest quality BRT system considered (Option 5), but this comes at a cost. The analysis of the intermediate options shows that there is an opportunity for Wellington to achieve a significant proportion of the benefits of a high-quality solution for a much lower cost.

For example, Option 4 is cheaper than Option 5, but still enables significant benefits to be achieved through having dedicated bus lanes along the full BRT route. Option 3 is considerably cheaper still, but still enables a considerable improvement over the reference case in terms of the ability to move people around the city.

All the options move people along the PT Spine faster and more reliably, to varying levels, than is currently the case. But they vary quite a lot according to the other objectives and strategic goals they satisfy.

Option 3 enables considerable improvements in moving people around the network. However, the discontinuous nature of the bus lanes means that it is unlikely to have the type of transformational effect that Option 5, and to a lesser extent Option 4, would have. Options 4 and 5 could provide a material step-change in Wellington’s PT infrastructure.

BRT can be implemented incrementally. Instead of a one-off transformational step-change, incremental improvements could be made over time. For example, it is possible to deliver Option 3 now and then further develop the infrastructure by effectively moving to Option 4 or 5 at a later date.

As well as significant financial implications, high-quality BRT solutions also have costs in terms of their effects on other road users. As more dedication and priority is allocated to PT, more of the roadspace must be taken away from general traffic and/or parking (or the road is widened, with consequent environmental effects).

Finding a solution to conflicting transport demands at the Basin Reserve is critical to implementing a high-quality BRT system. Without such a solution, the Transport Agency will not duplicate the Mt Victoria tunnel and the Kilbirnie branch of the proposed BRT solution will not be able to proceed.

Strictly confidential

The BCRs for the option variants without the Kilbirnie branch are substantially lower than those that include it. Also, the option variants without the Kilbirnie branch are likely to overstate the true BCR of implementing BRT in the absence of the RONS – without the Basin Bridge (or a solution of similar effectiveness), the actual traffic outcomes for trips from Newtown will likely be inferior to those modelled.

Preferred options

The preferred options from the economic analysis are Options 3 and 4.

The PTSS envisaged a BRT solution with physically separated lanes along the full route from the Railway Station to Newtown and Kilbirnie. However, the economic analysis has demonstrated that this is not the only sensible approach to implementing a BRT solution.

The majority of the travel time benefits can be achieved by providing additional priority to buses at and around key intersections along the route. The economic analysis has shown that a targeted approach to BRT could provide a cost effective improvement to bus services along the PT Spine.

Option 3 will deliver a very good outcome in terms of moving people around Wellington City faster and more reliably, for an up-front capital investment of \$59m (compared to \$174m for Option 5). It also has lower adverse impacts on traffic and parking than Options 4 and 5.

Options 3 and 4 have indicative benefit-cost ratios of 2.3 and 1.5 respectively. These are relatively high for a PT project. The roadspace dedication of Option 3 could also be combined with the intersection priority of Option 4 to deliver even greater benefits.

The economic analysis suggests that Options 3 and 4, or a combination of them, are appropriate options for further consideration. Option 3 appears the best value-for-money approach – a good outcome for a relatively low cost. But if a high-quality, more transformational, outcome is desired, Option 4 appears the best approach – this is a lower cost version of Option 5, achieving a large proportion of the benefits.

Wellington can have the highest quality BRT solution possible (Option 5) if it desires. However, it will cost a lot more than Options 3 and 4 and involve more substantial effects on other road users and the physical environment. The economic analysis suggests that Option 5 may not be the best use of resources.

Options 3 and 4 have been identified as the preferred options on the basis that they deliver much of the benefits of Option 5 but with a more efficient use of resources.

These options also do not preclude upgrades to a higher-quality solution in the future. If Option 3 is chosen today, Options 4 or 5 could still be implemented at a later date if warranted.

It is also recommended that, if physically possible, only options that include the Kilbirnie branch are considered further. A key result from the consideration of the different option variants is that the Kilbirnie branch is essential to the viability of a BRT solution. This helps to partially illustrate the effect of complete transport networks. Designing a network as a whole enables optimisation across the PT network, as well as other road users.

Financial Case

Expected costs

BRT is expected to involve a capital investment of between \$31m and \$174m, depending on the option chosen. This may be spread over time, depending on the form and timing of the implementation.

Assuming the current funding arrangements for PT in Wellington are retained, the Transport Agency will fund 51% of BRT, with the remainder to be funded by GWRC and WCC. It is expected that WCC will fund the majority of this remainder, as current arrangements involve WCC funding road-related infrastructure, which comprises most of the expected capital cost.

In addition, operating savings are expected from BRT due to more efficient bus operations. These savings will benefit GWRC, as the funder of bus operations.

Strictly confidential

Current funding status

The National Land Transport Programme (NLTP) sets out the items to be funded by the Transport Agency via the National Land Transport Fund (NLTF) for a 3-year period, based on the programmes and activities submitted through RLTPs. This is set every 3 years, but can be varied during that period. The NLTP 2015-18 includes two BRT related activities: GWRC's Bus Rapid Transit Implementation Plan 2015-18 (intended for DBC phase, total cost approximately \$3m) and WCC Wellington City BRT Infrastructure Improvements (total cost \$60m). Both activities have 'proposed' status, which means that funding approval may be given when an application is made in 2015-18 provided further evidence is required to confirm the assessment profile and provide confidence in the funding priority and availability of funds.

The DBC phase will provide further certainty about the total cost of BRT implementation. To ensure enough local share is available for BRT implementation, WCC and GWRC will need to continue to factor the results of the IBC and future DBC phase into their respective annual and long term planning processes.

Commercial Case

There is a range of possible procurement models across a spectrum of public and private sector participation with associated risk transfer. These models include: traditional models, relationship based models, privately financed models, and managing contractor procurement models.

The most appropriate procurement model for BRT will be determined in the detailed business case. Factors that will impact the assessment of the procurement approach will include:

- Implementing BRT could be relatively straight forward with well-defined objectives and tangible outcomes. There might be few identifiable factors that would of themselves suggest a change from a traditional procurement model.
- The BRT project is likely to be funded through standard methods by the Project Partners.
- The BRT project is not overly complex. Costs, risks and scope can be well defined. Traditional models fare better in these situations, and there are not likely to be factors which would prohibit traditional models from being applied.
- There are three Project Partners. However, this can be well managed as roles and responsibilities are clearly defined, for example continuing existing policy delineating local roads, state highways and PT operations. The BRT project should be able to follow existing policy.
- The cost of designing and constructing the BRT infrastructure will vary considerably depending on the preferred option chosen. Option 3 is a low cost for an infrastructure project. Option 5 is far more substantial.
- The practicalities, or otherwise, of bundling the design and construction of the BRT infrastructure with the delivery of BRT services (and allied services as appropriate).

Management Case

There are a number of projects along the PT Spine and wider Ngauranga to Airport corridor that the BRT project needs to coordinate with. A separate workstream is currently underway, developing a sequencing and programming plan for all the corridor projects. At the moment, it makes sense for the BRT project team to continue to be a part of that workstream. However during any subsequent DBC the specifics around timing and integration with other projects will need to be determined.

The physical BRT infrastructure could be delivered as a single project or in multiple stages. It could also be combined with the delivery of other projects in the same location, including potentially combining consenting processes.

Strictly confidential

There are a number of project risks, many of which could lead to BRT not being fully delivered. However, these should be able to be adequately managed.

There is nothing in terms of delivery which, at this stage, appears prohibitively difficult or likely to suggest that this project should not proceed. There is nothing in the management case that suggests that the next stage of more detailed assessment should not be undertaken.

The next step in the assessment process is a DBC. Key items not undertaken at the IBC stage are: detailed design and optimisation of BRT options; detailed transport modelling of all options; fully quantifying all the costs and benefits for all options; and detailed development of the financial requirements, and the funding, procurement and management plans. These will all be part of a DBC.

A key decision to be made before any DBC begins is whether the different elements of the detailed assessment are to be undertaken together or separately. The entire DBC, including all the design work, could be procured and undertaken as one project. Alternatively, it could be split into multiple pieces and undertaken in stages.

Recommendations

This IBC provides support for more detailed analysis of BRT to be undertaken in a DBC. The economic analysis suggests that the options that are most appropriate for further consideration are Options 3 and 4.

Furthermore, nothing in the financial, commercial or management cases has indicated that a DBC should not proceed. There are a number of items that will need to be addressed at that stage, such as approval of funding, determining the appropriate sequencing and coordination with other projects and determining a procurement strategy. However none of these are sufficiently problematic that a DBC should not proceed.

Finding a solution to conflicting transport demands at the Basin Reserve is critical to the ability to implement a high-quality BRT system. Without such a solution, the economic viability of the BRT project is reduced considerably. We understand that the Transport Agency is committed to finding such a solution and it is recommended that the BRT project continue to proceed on that basis (with additional consideration given during a DBC).

A DBC for BRT is recommended – of Options 3 and 4, or a combination of both, or Option 3 moving to Option 4 at a later date.

Strictly confidential

The Indicative Business Case

What is an IBC?

The role of the IBC is to identify the preferred way forward for an investment proposal. It is used to provide evidence of reducing a long list of investment options to a short list, ensuring that only investment options which present a compelling case are investigated further. In doing so, the IBC attempts to avoid significant time and expense being dedicated to options which should not proceed.

The IBC re-confirms the preferred option's (from previous analysis, in this case the PTSS) alignment with the strategic context of the organisation(s), confirming the case for change and the need for the investment. It demonstrates the effectiveness of the proposed investment in and indicates the efficiency of the proposal.

Furthermore, a feature of the IBC is that key issues and risks are highlighted at an early stage. This can help to identify options which should not proceed or to frame detailed analysis at the DBC stage. In addition, it can guide stakeholder engagement after issues have been highlighted.

An IBC does not investigate each option in the level of detail necessary to approve implementation. That will occur at the subsequent DBC stage. The IBC involves an indicative assessment only, whereas a DBC will analyse the effects of the options in much more detail.

What does this IBC aim to do?

BRT was the option preferred by the PTSS for improving PT along the PT Spine corridor from the Railway Station to Newtown and Kilbirnie.

This IBC for a BRT solution recommends a preferred way forward for further investigation. It considers a set of possible options, and recommends an approach for detailed analysis which justifies the time and expense of the investigation. Analysis is at a broad level for each of the options, recognising the work that has been previously completed and the value of the potential investment.

In particular, this IBC aims to:

- re-confirm the strategic context and BRT's role within the strategic context (in the strategic case)
- confirm the rationale for BRT and the case for change (in the strategic case)
- recommend the preferred options for further analysis (in the economic case)
- demonstrate the effectiveness of the options (in the strategic case and the economic case)
- show the indicative costs, benefits and disbenefits of the options, thereby demonstrating the potential efficiency of the options (in the economic case)
- highlight risks and trade-offs of the BRT options (in the economic case).

Information base

To determine the costs and the transport effects of the options considered, we have relied on analysis undertaken for the PTSS. We have not undertaken additional analysis of costs or transport effects in this regard. The PTSS evidence was considered suitable for an IBC. This information:

- was peer reviewed as part of the PTSS
- was obtained relatively recently, and within a timeframe where traffic patterns may have changed but are not likely to have changed significantly as to materially affect the validity of the IBC conclusions

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- is detailed enough to allow analysis at an IBC, including interpolations for different options.

We note that the options considered in this IBC are slightly different from the options considered in the PTSS. We have used professional judgement, tested with relevant experts including GWRC's transport modelling team, to make assumptions and interpolations to derive estimates for our options from the PTSS information.

This evidence was considered sufficiently robust to undertake an indicative assessment of the options. A more detailed evidence base will be required to consider any options in detail as part of any subsequent DBC.

The Better Business Case approach

The business case approach, following Treasury's Better Business Case guidelines, is relatively new. Less than a handful of IBCs have been completed to date, and benchmarks for the level of the analysis and the level of the evidence base required have not yet been determined.

While this IBC was being developed, the Transport Agency released the 2015-18 NLTP Investment Assessment Framework, which includes updated expectations regarding the preparation of IBCs. The broad framework for investment decisions under an IBC is the same as we previously understood it to be. Identifying the strategic fit of the problem, the issue or opportunity to be solved, the effectiveness and economic efficiency of the proposed solution, to drive value for money investments, remain key elements of the investment assessment framework.

The analysis in this IBC supports the decision making process under the 2015-18 NLTP Investment Assessment Framework. The final decision for funding will not take place until after a DBC is prepared.

How does this IBC align with the new IBC guidelines?

The aim of the IBC is to recommend the preferred way forward for further investigation – this has not changed. However, the expectations of the IBC have been clarified. These expectations, and the extent to which this IBC aligns with them, are outlined below.

The size of the report commensurate with the complexity of the exercise

Implementing BRT is likely to be a relatively simple transport project, with clear roles and responsibilities for the Project Partners, following existing policy. There is not significant scope for novelty, in terms of the options developed or the procurement process. The level of funding is toward the low end of the scale of transport projects subjected to the business case process.

This IBC takes an approach for preparing analysis commensurate with the level of complexity, ensuring that the analysis is fit for purpose.

Continue the progressive case and include a clear line of sight to support evidence collected

This IBC documents the re-confirmed alignment to strategic objectives, and confirms the problem identified and the case for change. It was determined that the PTSS evidence was appropriate to use as a basis for this IBC, with additional information provided by GWRC's transport modelling team as appropriate. We note that it could be considered that more detailed evidence, particularly for the 'intermediate' options, than that collected for this IBC would better satisfy these new expectations.

Detail the long list of options, ensuring a wide range of options has been considered

We outline the list of options considered in the economic case. The long list of options was developed by the project Working Group and takes into consideration a range of quality levels for BRT (ie the degree of intersection and road priority), with variants based on a range of possible timings.

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Show that the options optimise value for money

The indicative economic efficiency of the options is shown in the cost-benefit analysis. The cost-benefit analysis was taken a step further than the PTSS economic evaluation, assessing a broader range of benefit categories where this has been possible.

Justify how the short listed options were selected and why the other options were rejected

The five cases document the process that was undertaken to select the preferred option. The MCA and the CBA, within the economic case, provided the primary information used to consider the relative merits of the options. The discussion and conclusions sections set out the rationale for the options considered to be worth further analysis.

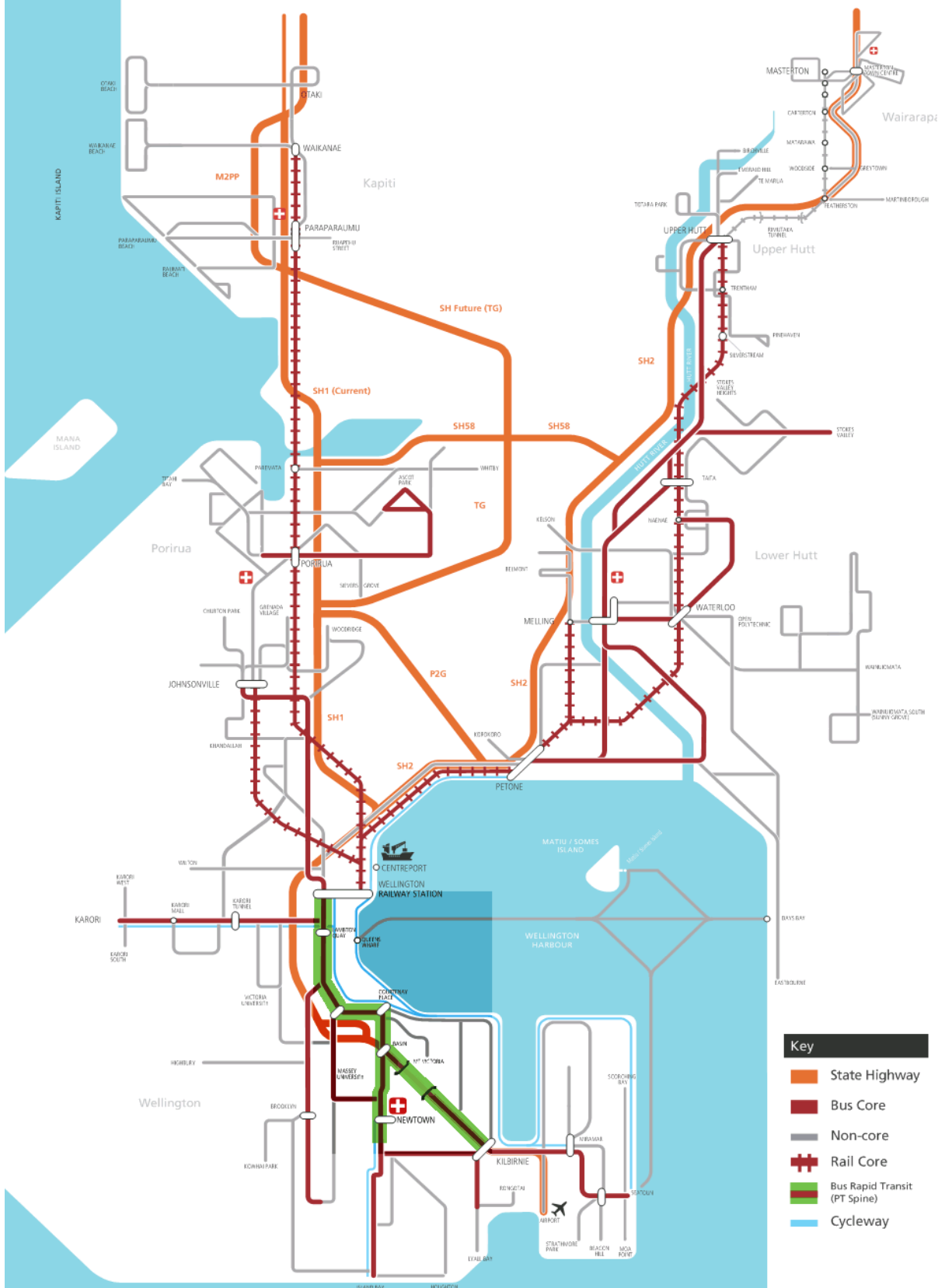
Demonstrate the short list of options aligns with the other elements of the programme within the programme business case as well as within the overall case for change

The preferred options identified align strongly to the strategic context and propose a value for money solution to the problem identified. This is set out in the strategic case, as well as the discussion of the trade-offs between options.

A collaborative, no surprises approach

The project Steering Group and Working Group, made up of officials from the Project Partners, met regularly while developing the IBC. The IBC was developed in a collaborative manner, with input from the Project Partners.

Wellington's integrated transport network



BUILT HERITAGE INCENTIVE FUND ROUND 1 (OF 3) 2015/16

Purpose

1. The Built Heritage Incentive Fund (BHIF) is a key initiative of the Wellington Heritage Policy 2010. The policy demonstrates Council's "commitment to the city's built heritage to current owners, the community, visitors to the city and to future generations". The BHIF helps meet some of the additional costs associated with owning and caring for a heritage property.
2. This is the first round of the increased BHIF using the eligibility and assessment criteria adopted at the April 2015 TUD meeting.

Summary

3. Five applications were received this round seeking funding of \$293,462. The original information provided through the online applications has been made available to Councillors through the Hub dashboard.
4. A total of \$750,000 is available for allocation over the three rounds of the 2015/16 financial year.
5. The recommendation is that a total of \$165,000 is allocated to three applications in this round.
6. A summary of each of the five applications is outlined in Attachment 1. This includes the project description, outcomes for the heritage building and commentary relating to previously allocated grants.
7. Officers are satisfied that there are no conflicts of interest involved in any of the applications.
8. Attachment 2 contains the current BHIF eligibility and assessment criteria.

Recommendations

That the Transport and Urban Development Committee:

1. Receive the information.
2. Agree to the allocation of Built Heritage Incentive Fund Grants as recommended below and summarised in Attachment 1.

Background

9. During the 2012/22 Long Term Plan deliberations it was agreed that the BHIF will focus "*on remedying earthquake prone related features or securing conservation plans / initial reports from engineers.*" As such, funding has been prioritised accordingly with 15% of the allocation going toward projects conservation projects (e.g. repairs to joinery or glazing, protective works on archaeological sites, and maintenance reports) and 85% to seismic strengthening projects annually.
10. In accordance with the current eligibility and assessment criteria the following factors are considered in determining the support of BHIF applications:
 - the risk of the heritage value diminishing if funding is not granted

Item 3.4

- confidence in the proposed quality of the work/professional advice
 - the project is visible and/or accessible to the public
 - the project will provide a benefit to the community.
11. Continuing on from above, consideration is then given to the following when recommending the amount of funding:
- the value of the funding request
 - the value of the funding request when considered against the total project cost
 - parity with similar projects in previous rounds
 - equitable distribution in the current round
 - the amount of funding available for allocation.
12. There are additional allocation guidelines for conservation and seismic applications as follows:
- For conservation, restoration, repair or maintenance works:
 - The heritage significance of the buildings³ and the degree to which this significance will be enhanced or negatively impacted by the works
 - If the building is on the Heritage New Zealand list
 - For seismic strengthening projects:
 - The heritage significance of the buildings⁴ and how the works will benefit or negatively impact its heritage significance.
 - If the building is on the Heritage New Zealand list.
 - If the building is on the WCC Earthquake-prone building list
 - The expiry date of an s124 Notice under the Building Act 2004.
 - The building being in one of the following focus heritage areas: Cuba Street, Courtenay Place or Newtown shopping centre heritage area.
 - Joint strengthening applications – a project that strengthens more than one attached building.
13. To ensure funds are used appropriately, conditions may be suggested in certain circumstances should funding be approved.

Discussion

14. It is recommended that:
- Three applicants are allocated \$165,000 from the 2015/16 BHIF. The three eligible applications recommended for funding have provided the necessary information and meet the criteria for the fund. The two applications recommended for decline did not satisfy current eligibility criterion 2 as the proposals related to property and objects that were either owned by Wellington City Council or ownership has not been established.
15. The officer panel (consisting of Heritage & Urban Design, Funding, Building Resilience and District Plan Team officers) have assessed the five applications received this round against the current priority and stated criteria of the BHIF (Attachment 2).

³ The Council has assessed all heritage buildings and a heritage inventory report is available from the Heritage Team.

⁴ The Council has assessed all heritage buildings and a heritage inventory report is available from the Heritage Team.

⁵ This focus is based on high numbers of earthquake-prone buildings in one heritage area as well as the levels of traffic that occur in these areas.

Assessment summaries are included at Attachment One. As agreed by all of the above teams, it is recommended that applications be allocated funding as follows:

| | Project | Project Total Cost | Amount Requested | Amount eligible for funding | Amount Recommended ex GST if applicable |
|---|---|---------------------------|-------------------------|------------------------------------|--|
| 1 | 40 Ferry Street, Seatoun -Seismic assessment and design | \$41,055 | \$15,000 | \$40,376 | \$15,000 |
| 2 | Fort Buckley 166 Barnard Street, Wadestown – Graffiti removal conservation advice | \$1910 | \$1910 | \$0 | Decline (not eligible works on Council owned property) |
| 3 | Fort Buckley 166 Barnard Street, Wadestown – GPR survey to relocate and recover historic guns | \$1552.50 | \$1552.50 | \$0 | Decline (not eligible ownership of object not established) |
| 4 | 7 Moncrieff Street, Mt Victoria | \$341,305 | \$75,000 | \$281,605 | \$50,000 |
| 5 | 26 The Terrace | \$6.3 million | \$200,000 | \$605,850 | \$100,000 |

Options

16. The Transport and Urban Development Committee can chose to agree to the recommendations as above, or propose an alternative recommendation in accordance with Committee procedures.

Next Actions

17. Successful applicants have 18 months to undertake the work and provide evidence of completion to Officers before the allocated funding is paid out. Meanwhile the remaining rounds of BHIF 2016/16 will proceed.

Attachments

- Attachment 1. Summary of Applications to the Built Heritage Incentive Fund 2015/16 Round 1 (of 3) Page 109
Attachment 2. Proposed Eligibility Criteria and Assessment Guidelines Page 116


| | |
|------------|---|
| Author | Vanessa Tanner, Senior Heritage Advisor |
| Authoriser | Anthony Wilson, Chief Asset Officer |


SUPPORTING INFORMATION

Financial implications

- The recommended allocations for this round of the BHIF are within the funding levels provided for in the 2015/16 Annual Plan.
- The recommended allocations for this round of the BHIF are consistent with the priorities of the 2012/22 Long Term Plan.

Summary of Applications to the Built Heritage Incentive Fund 2015/16 Round 1 (of 3)

| | |
|--|--|
| Project 1 | 40 Ferry Street, Seatoun |
| Applicant | Fiona Roberts |
| Project: | Seismic assessment and design |
| Total project cost | \$41,055 |
| Amount requested | \$15,000 |
| Amount eligible for funding | \$40,376 |
| Recommended Grant ex GST if applicable | \$15,000 |
| Building Information | |
|  <ul style="list-style-type: none"> • Constructed in 1924 this building makes use of the English Domestic Revival style to create the impression of an English country village vicarage. • The building is historically associated with Seatoun's Anglican community and the neighbouring St George's church. • Because of the role it has played as the vicarage for the building contributes to the identity of Seatoun's Anglican community. | |
| The Issue | This building is not within the scope of WCC's Earthquake Prone Policy as such it has not been assessed by Council or listed on the Earthquake Prone Buildings list however it is a two story unreinforced masonry building considered to be earthquake prone. |
| Review of Proposal | The proposed work fits with the current priority of the BHIF and previous grants for similar works include: <ul style="list-style-type: none"> • \$20,000 towards seismic design for the Abermarle Hotel, 59 Ghuznee Street; November 2014 round. • \$15,00 towards seismic assessment and design 251-255 Cuba Street March 2015 round |
| BHIF Outcome | The grant will: <ul style="list-style-type: none"> • Acknowledge the additional costs associated maintaining a heritage building; • Acknowledge and protect the heritage values of this heritage building. |
| Additional condition(s) BHIF | Release of funds is subject to: <ul style="list-style-type: none"> • Relevant drawings and reports to be submitted to WCC • Proof of ownership of the building being finalised |

| | |
|--|---|
| Project 2 | Fort Buckley, 166 Barnard Street, Wadestown |
| Applicant | Greg Hyland, Highland Park Progressive Association |
| Project | Graffiti removal conservation advice and plan |
| Total project cost | \$1910.00 |
| Amount requested | \$1910.00 |
| Amount eligible for funding | \$0 |
| Recommended Grant ex GST if applicable | Decline |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">  </div> <div style="width: 50%;"> <p>Object Information</p> <ul style="list-style-type: none"> • Fort Buckley was the first operational coastal defence site in Wellington (1880s) and associated with a time of rapid change in armaments and coastal artillery. It is associated with the New Zealand Government, which had been forced to acknowledge that they could not rely upon the British alone for protection and it is a tangible reminder of New Zealand's first step towards independence from the British Crown. • Fort Buckley is held in high public esteem as it is a physical reminder of the response to the first serious threat to New Zealand since colonisation. • The fort was the site of a heritage battle in 1989 over the ownership, won by Wellington City Council, which made the area a reserve. </div> </div> | |
| The Issue | The Highland Progressive Association is concerned about the graffiti on the Fort Buckley gun pit and would like to remove it. Conservation advice is required in order that graffiti management techniques do not compromise heritage values at the sensitive site. |
| Review of Proposal | Conservation advice and a plan for graffiti removal are necessary to appropriately manage the heritage values of Fort Buckley. The Highland Park Progressive Association have identified the need for a Conservation Plan by which to manage the site in the long term but at this stage are applying to Council to fund the graffiti management component. |
| BHIF Outcome | This project cannot be funded through the BHIF as it is a Council owned property and therefore does not meet BHIF eligibility Criteria 2. |
| Additional BHIF condition(s) | . |

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|--|--|
| Project 3 | Fort Buckley, 166 Barnard Street, Wadestown |
| Applicant | Greg Hyland, Highland Park Progressive Association |
| Project | Locate and recover the original Fort Buckley guns |
| Total project cost | \$1552.50 |
| Amount requested | \$1552.50 |
| Amount eligible for funding | \$0 |
| Recommended Grant ex GST if applicable | Decline |

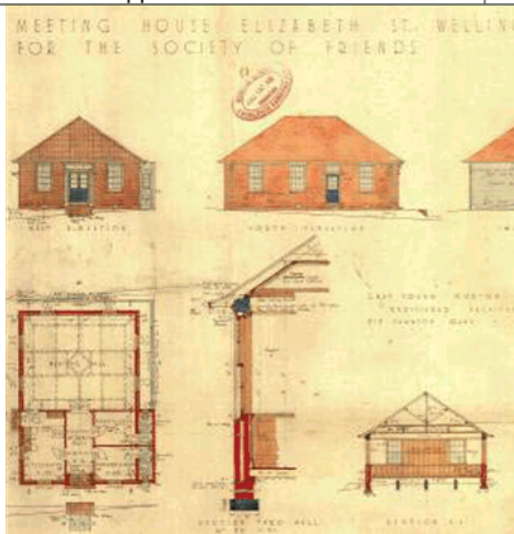
Building Information



- Fort Buckley was the first operational coastal defence site in Wellington (1880s) and associated with a time of rapid change in armaments and coastal artillery. It is associated with the New Zealand Government, which had been forced to acknowledge that they could not rely upon the British alone for protection and it is a tangible reminder of New Zealand's first step towards independence from the British Crown.
- Fort Buckley is held in high public esteem as it is a physical reminder of the response to the first serious threat to New Zealand since colonisation.
- The fort was the site of a heritage battle in 1989 over the ownership, won by Wellington City Council, which made the area a reserve.

| | |
|-------------------------------------|--|
| The Issue | The two original 64-Pounder Rifle Muzzle Loading guns, and their gun carriages were removed from the gun-pits prior to 1900 and sent to Palmerston North to be cut up for scrap metal. The Highland Park Progressive Association proposes to commission a Ground Penetrating Radar (GPR) survey of a property in Palmerston where they are thought to be buried. |
| Review of Proposal | Ownership of the guns has not yet been established. The Highland Park Progressive Association do not own the guns therefore the application does not meet eligibility Criteria 2. |
| BHIF Outcome | As ownership of the object has not yet been established this application does not meet BHIF eligibility Criteria 2 |
| Additional BHIF condition(s) | |

| | |
|---|--|
| Project 4 | Quaker Meeting House, 7 Moncrieff Street, Mt Victoria |
| Applicant | Wellington Monthly Meeting of the Religious Society of Friends |
| Project | Seismic strengthening |
| Total project cost | \$341,305 |
| Amount requested | \$75,000 |
| Amount eligible for funding | \$281,605 |
| Recommended Grant ex GST if applicable | \$50,000 |



Building Information

- The Religious Society of Friends (Quakers) Meeting House has historic significance as the meeting place for Wellington's Quaker community since its construction in 1929.
- The building has architectural significance as a good example of the neo-Georgian style that the architect William Gray Young (Wellington Railway Station) used for many of his domestic designs. This one was purpose built and designed for the Quakers.
- The building is authentic as it has retained a significant amount of its original form and details.

| | |
|---------------------------|---|
| The Issue | The building was issued a notice under section 124 of the Building Act 2004. The notice signifies that the building is earthquake prone as its seismic performance, based on engineering advice, falls below 33% of the NBS. |
| Review of Proposal | The project is supported from a heritage and building resilience perspective. The proposed work fits with the current priority of the BHIF and previous grants for similar works include: <ul style="list-style-type: none"> • \$50,000 Seismic strengthening 108-110 Cuba Mall, March 2015 • \$50,000 Seismic strengthening 60 Ghuznee Street, November 2014 In 2012 this building received BHIF funding of \$30,000 for seismic strengthening detailed design that was successfully completed. |
| BHIF Outcome | The grant will: <ul style="list-style-type: none"> • Endorse Council recognition of a potential hazard to the community • Acknowledge and protect the heritage values of this individually listed building. • Acknowledge the additional costs associated maintaining a heritage building. |

| | |
|-------------------------------------|---|
| Additional BHIF condition(s) | Release of funds is subject to: <ul style="list-style-type: none">• A BHIF sign to be supplied by WCC is affixed prominently to the front of the building or site throughout the duration of the works.• WCC Heritage Team's onsite approval of works. |
|-------------------------------------|---|

| | |
|---|---|
| Project 5 | 26 The Terrace, New Zealand Medical Association Building NZMA |
| Applicant | NZMA – Lesley Clarke |
| Project | Façade retention and seismic strengthening construction works |
| Total project cost | \$6.3 million |
| Amount requested | \$200,000 |
| Amount eligible for | \$605,850 |
| Recommended Grant (ex GST if applicable) | \$100,000 |



Building Information

- The NZMA Building is a good example of stripped Classical design, and a highly representative example of a small office building of the late 1930s.
- The main aesthetic value of the building derives from its place as one of a group of five period buildings at the north end of The Terrace. Together these buildings form a coherent townscape within an area now dominated by modern high rise buildings.
- This building has strong historic value for its association with the New Zealand Medical Association, which has continually occupied the building since it was built in 1938 to the present day.

The Issue



The building was issued a notice under section 124 of the Building Act 2004. The notice signifies that the building is earthquake prone as its seismic performance, based on engineering advice, falls below 33% of the NBS.

NZMA have demonstrated their desire to maintain the building and their long-standing association with the site, however a variety of factors have delayed this. While proceeding to give effect to an approved resource consent for an upper level extension that retained and strengthened the façade and return walls, the owners learned of adverse geotechnical conditions that increased seismic and financial requirements for the development. Since then the owners have modified their upper level extension from 3.5 metres setback to 750mm setback to increase the yield of the development and maintain their presence in the building. This was recently approved by WCC by way of an amended resource consent. The modified consent did not receive WCC heritage officer support due to visual effects on the building and neighbouring buildings, particularly the neighbouring St Andrews Church.

| | |
|-------------------------------------|--|
| | <p>The applicant was granted \$25,000 in the November 2014 round for seismic strengthening. Subsequently the applicant encountered geotechnical issues that required a different strengthening methodology to be designed rendering the funding granted inapplicable, as a result the applicant declined the November 2014 funding allocation.</p> |
| Review of Proposal | <p>While the resource consent amendment did not receive heritage officer support, the work related to this BHIF application would have been required with or without the decreased setback. The applicant is seeking BHIF assistance to maintain and strengthen the façade estimated at \$721,745</p> <p>The proposed work fits with the current priority of the BHIF and previous grants for similar works include:</p> <ul style="list-style-type: none"> • \$50,000 Seismic strengthening 108-110 Cuba Mall, March 2015 • \$50,000 Seismic strengthening 60 Ghuznee Street, November 2014 |
| BHIF Outcome | <p>The grant will:</p> <ul style="list-style-type: none"> • Acknowledge and protect the heritage values of this individually listed heritage building; • Acknowledge the additional costs associated with maintaining heritage buildings. • Endorse Council recognition of a potential hazard to the community on a high profile traffic and pedestrian route; |
| Additional BHIF condition(s) | <p>Release of funds is subject to:</p> <ul style="list-style-type: none"> • Structural engineer sign off that works relating to the retention of the facade have been completed • A BHIF sign to be supplied by WCC is affixed prominently to the front of the building or site throughout the duration of the works. |

Built Heritage Incentive Fund

Proposed Eligibility Criteria and Assessment Guidelines

On the assumption the Long-term Plan proposal for \$1 million for the Built heritage Incentive Fund (BHIF) is approved, officers will manage the fund by splitting the fund into two pools:

1. restore and conserve
2. seismic strengthening

A dedicated full time BHIF officer will be in place to manage the fund including proactively engaging building owners and facilitating BHIF projects through other council units. The resource consent reimbursement scheme will remain in place with \$50,000 available annually.

Applicants will apply to the fund as before. The BHIF officer will categorise the work into a pool and ensure that recommended allocations respect each pool's annual capacity.

Restore and conserve – \$150,000 annually

This pool will help heritage building owners plan physical restoration, maintenance or conservation works, building consent fees for these works, or conservation plans. It excludes conservation architect input for seismic work.

Seismic strengthening– \$850,000 annually

This pool is for seismic strengthening construction works, detailed seismic assessment, preliminary seismic design, detailed construction drawings, geotechnical reports or any other report that assists with seismic strengthening. It will also assist with fire and disability access reports and works. This pool will help with conservation architect fees to these types of projects. The BHIF as always assists with maintaining the heritage component; not extra development or fit outs.

Regardless of the result of the Long-term Plan proposal, we recommend the following eligibility criteria, assessment and allocation guidelines are agreed to for the future management of the BHIF.

Proposed eligibility criteria

Criteria 1 to 5 must be met or the application will not be accepted. If any of criteria 6 to 8 are not met, we may not accept the application, or alternatively any funding allocation will be conditional on meeting these criteria.

The eligibility criteria are:

1. The application relates to a heritage-listed building or object, or a building identified as contributing to a listed heritage area. See the Wellington City District Plan [heritage listed areas, buildings and objects](#).
2. The applicant is the owner or part-owner of the heritage building or object. This includes a private owners, body corporates, charitable trusts or church organisations. If an application is from a body corporate or a trust, we need evidence that all relevant members approve of the project. The Crown, Crown entities, district health boards, community boards, Council-controlled organisations and Council business units are not eligible.
3. The planned work aims to physically improve the building's structural integrity, public access, safety or historic aesthetic.
4. The works applied for have not started prior to the Council Committee decision on the application.
5. The application includes at least one recent (within three months from fund round closing date) quote or estimate from a registered builder or recognised professional and relates directly to the work applied for. For quotes or estimates relating to a larger project, or including work not relating to heritage conservation work, the quote must identify the heritage component cost. If the invoiced amounts are significantly different from the original estimated costs or relate to work that was not applied for, the Council will revise your payment accordingly.
6. The application demonstrates the work will conserve and enhance the building or object's heritage significance. If your project is likely to impact heritage elements of the building, we need you to work with a recognised conservation architect to ensure the works maintain and enhance the building or object's heritage significance. See assessment guideline 1 for further information on this.
7. The application includes evidence that the owner of the property can meet the full project costs. Typically this evidence will be in the form of financial documents such as audited accounts or bank statements.
8. The application does not relate to a building, object, or part of a building or object that has an unclaimed or not yet finalised funding agreement under the Built Heritage Incentive Fund.

How we assess applications

Here are our primary assessment principles so you can make the best application you can. We strongly encourage you to contact Council's heritage team on 4994444 or heritage@wcc.govt.nz to get advice about how best to approach your project or application.

1. Our three primary assessment guidelines are: The project maintains and enhances the building or object's heritage significance. To achieve this, you will need to work with a recognised conservation architect. The Council will determine which category the work fits in.
Here is how the conservation architect requirement works:
 - If the work is for the design phase of a seismic strengthening project, or for invasive testing as part of a detailed seismic investigation, the funding application can include quotes or estimates for advice from a recognised conservation architect once the project begins.
 - If the project is for construction works (including seismic works), conservation or large scale restoration works, you must send us advice from a recognised conservation architect as part of your application.
 - If the project is for a detailed seismic investigation that requires no invasive testing, or for a small repair, maintenance or restoration project, or for another project that avoids any effects on the heritage elements of the building, advice from a recognised conservation architect will not be required.
2. The project aims to remedy a seismic risk to the public and maintain the building's heritage significance and/ or its contribution to the heritage area.
This includes:
 - Buildings on the [WCC Earthquake-prone building list](#)
 - The building has high-risk features that pose a threat to the public. These are architectural features, such as chimneys, veneers, gables, canopies, verandahs, pediments, parapets and other exterior ornamentation, water tanks, tower-like appendages, fire escapes, lift wells, facades, plaster, and other heavy renders that a seismic engineer identifies as posing a risk to the public.
3. Evidence that the projected costs are as accurate as possible and Council has a high degree of confidence the building owner is willing to, and financially capable of proceeding with the project. See eligibility criterion 4 above.

How we allocate funding

For all applications, when allocating funding we consider:

- The risk of the heritage value diminishing if funding is not granted
- Confidence in the quality of the proposed work
- The project is visible and/or accessible to the public
- The project will provide a benefit to the community
- The value of the funding request
- The value of the funding request when considered against the total project cost
- Parity with similar projects in previous rounds
- Equitable distribution in the current round
- The amount of funding available for allocation.

There are additional allocation guidelines for conservation and seismic applications.

Conservation applications

When deciding allocations for conservation, restoration, repair or maintenance works, we use the above guidelines and also consider:

- The heritage significance of the building¹ and the degree to which this significance will be enhance or negatively impacted by the works
- If the building is on the [Heritage New Zealand list](#)

Seismic strengthening applications

When deciding allocations for projects aiming to remedy seismic risk, we consider the above guidelines and:

- The heritage significance of the building² and how the works will benefit or negatively impact its heritage significance.
- If the building is on the [Heritage New Zealand list](#).
- If the building is on the [WCC Earthquake-prone building list](#).
- The expiry date of a s124 Notice under the Building Act 2004.
- The building being in one of the following focus heritage areas³: Cuba Street, Courtenay Place or Newtown shopping centre heritage area.
- Joint strengthening applications – a project that strengthens more than one attached building.

¹ The Council has assessed all heritage buildings and a heritage inventory report is available from the Heritage Team.

² The Council has assessed all heritage buildings and a heritage inventory report is available from the Heritage Team.

³ This focus is based on high numbers of earthquake-prone buildings in one heritage area as well as the levels of traffic that occur in these areas.

- The building's 'Importance Level' (IL) as defined by Australian and New Zealand Structural Design Standard AS/NZS1170.0 or any revision of this standard.
- The location of the building to a 'strategic route' as defined by all roads marked in colour on [District Plan Maps 33 & 34](#).

If you are allocated a grant

Once you have been allocated a grant by the Council Committee you have 18-months to complete works and submit an 'accountability' application in the online funding portal in order to get paid out.

Attach all invoices, reports and other information relating to the project. The submission must include funding agreement conditions, such as a site visit by WCC heritage advisor. If the invoiced amounts are significantly different from the original estimated costs or relate to work that was not applied for, the Council will revise your payment accordingly. The Council will pay the grant into your bank account once all information is received. We prefer to pay full and final payments, however we may agree on a part payment if a project has stalled for an acceptable reason.

PRIVATE PLAN CHANGE REQUEST: REZONING 320 THE TERRACE AND DE-LISTING THE GORDON WILSON FLATS

Purpose

1. To consider whether Council should adopt, accept or reject a private plan change request under Clause 25 of the First Schedule of the Resource Management Act 1991 (RMA) by Victoria University to de-list the 'Gordon Wilson Flats' from the District Plan Heritage List and change the zoning at 320 The Terrace from Inner Residential to Institutional Precinct.

Summary

2. The Council has received a request to rezone the site at 320 The Terrace from Inner Residential Area to Institutional Precinct (including amendments to the district plan provisions). The request also seeks for a private plan change to de-list the 'Gordon Wilson Flats' at 320 The Terrace from the Council's Heritage Building List.
3. The RMA requires Council to decide whether to accept, adopt or reject the plan change. The merits of the plan change are not relevant to making this decision.
4. It is recommended that the Committee accept this private plan change request. This means it would remain a private plan change and all processing costs would be met by the requestor. The plan change will then be publicly notified and will follow the normal plan change process. That plan change process provides for public submissions, further submissions, and the opportunity for submitters to be heard.

Recommendations

That the Transport and Urban Development Committee:

1. Receive the information.
2. Agree to accept the private plan change request for the re-zoning of approximately 7,139m² of land located at 320 The Terrace from Inner Residential to Institutional Precinct and the de-listing of the 'Gordon Wilson Flats'.
3. Note that the request will be publicly notified in accordance with the First Schedule of the Resource Management Act 1991.

Background

5. The 'Gordon Wilson Flats' are a 1950s 'state housing' complex design by the late Gordon Wilson (in his role with the Ministry of Works) and constructed to provide economical state housing.
6. The building was emptied in 2012 by Housing New Zealand as it was deemed a risk to human life due to structural failure.
7. The site was subsequently purchased by Victoria University. Investigations carried out by the University concluded that the building was not fit for inhabitants and that it was uneconomical to retrofit and/or repurpose the building for university purposes.

Discussion

The Plan Change Request

8. A request to change the zoning of land from Inner Residential to Institutional Precinct, and to remove the heritage status of the building, at 320 The Terrace (“the site”) has been received.
9. The site gains access from The Terrace and adjoins Inner Residential Areas to the north, east and south and Institutional Precinct to the west. Attachment 1 of this report shows the proposed area for rezoning.
10. The de-listing of the ‘Gordon Wilson Flats’ from the district plan’s heritage list will enable the building to be demolished to ready the site for future development. The change of zoning would enable development of the site for university activity in accordance with the policies and standards of the Institutional Precinct. Images of the building that is to be de-listed have been included as Attachment 2 to this report.

The Site

11. The site is elevated above the street and is located at the foot of an escarpment beneath the greater university site (Kelburn Campus – Kelburn Parade). It has a 4m wide vehicle access way and an adjoining pedestrian access way into the site. The site also has approximately 41m of frontage along The Terrace.
12. The site is 7139m² in size and contains a 1950’s government housing building that is in a state of disrepair.
13. The site is immediately adjacent to the Inner Residential Area on the northern and southern boundaries of the site. The greater Victoria University campus (Kelburn) is immediately adjacent to the west, and further Inner Residential land is located across the street (The Terrace) to the east.

Adequacy of the Plan Change Request

14. The RMA specifies requirements for private plan change requests.
 - a. Clause 21(1) of the First Schedule of the RMA states that “any person may request a change to a district plan”. Clause 22(1) states that “a request made under clause 21 shall be...in writing and shall explain the purpose of, and reasons for, the change” and contain “an evaluation under Section 32 for any objectives, policies, rules or other methods proposed”. Clause 22(2) requires an assessment of effects on the environment “in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change”.
15. The RMA requires an initial evaluation of the information provided.
 - a. The request for de-listing a heritage building and a change of zoning is clear and unambiguous. The purpose of, and reasons for, the request are clearly stated. The required Section 32 evaluation of the request is adequate and the environmental effects are assessed and supported by specialist assessments relating to structural, heritage, acoustic, and urban design effects.
 - b. A demolition management plan and diagrams showing the proposed landscaping for the site once the building has been demolished have also been provided.

Furthermore, it is considered that the assessment of environmental effects is adequate for the application to be progressed to notification.

- c. The request contains all the information required by the RMA.

16. The RMA sets out the process for Private Plan Change requests.

- a. Under Clause 25 of the First Schedule of the RMA, the Committee is required to decide whether to reject, accept, or adopt this plan change request.
- b. It is not appropriate for officers or the Committee to comment on the merits of the request. The merits of the request will be assessed after the plan change request is notified and submissions (including further submissions) have been received.
- c. There are very limited grounds for rejection. Accepting the request means it would remain a private plan change and all processing costs would be met by the applicant. Adoption means that it would become a Council plan change and the Council would be committed to supporting the request through the plan change process. An assessment of these options is given in the table below.

Options – rejecting, accepting or adopting the request, or processing it as a resource consent application

| Option – Reject the Request | Evaluation |
|---|--|
| <p>A plan change request can only be rejected on the basis that:</p> <ul style="list-style-type: none"> • It is frivolous or vexatious • The substance of the request has been dealt with by Council or the Environment Court in the last two years • The request is not in accordance with sound resource management practice • The request would make the District Plan inconsistent with Part V of the RMA (other policies or plans, such as regional policies or plans) • The District Plan has not been made operative for more than two years. | <p>The request cannot be described as frivolous or vexatious.</p> <p>The request responds to site specific issues and aims to enable the site for a discrete type of activity (in this case institutional). Accordingly the substance of the request has not been dealt with by either the Council or the Environment Court in the last two years.</p> <p>The request is clear and unambiguous, contains all the required information, and has been prepared in accordance with sound resource management practice.</p> <p>Rejection cannot be sustained and accordingly this is not recommended.</p> |
| Option - Accept the Request | Evaluation |
| <p>“Acceptance” means that the request will be processed by the Council as a private plan change with the requestor being responsible for the success or failure of the request and meeting associated processing costs.</p> | <p>It is appropriate that the success or failure of the request together with processing costs should rest with the requestor rather than Council, given that:</p> <ul style="list-style-type: none"> - the majority of the benefit from the request will serve the requestor <p>Acceptance is recommended.</p> |
| Option - Adopt the Request | Evaluation |

Item 3.5

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| <p>“Adoption” will mean that the Council is responsible for the success or failure of the request. It would also largely have to meet the cost of the process.</p> | <p>There are considered to be insufficient public benefits to warrant the Council taking responsibility for the request and meeting the associated processing costs. In the past the Council has not adopted site specific rezoning or heritage de-listing requests.</p> <p>Adoption is not recommended.</p> |
|--|---|

17. An assessment of environmental effects and a Section 32 report have been provided in accordance with the requirements of the First Schedule of the RMA. It is considered that there are no grounds for refusing to notify this private plan change request and that the requestor has provided sufficient information to allow the plan change to be notified. It is recommended that Council accept the plan change request and allow it to be publicly notified.

Next Actions

18. Notify the request in accordance with the First Schedule of the Resource Management Act 1991.

Attachments

- Attachment 1. Change of Zoning Map Page 126
Attachment 2. Photos of Gordon Wilson Flats Page 127

| | |
|------------|---|
| Author | Daniel Batley, Senior Advisor - District Plan |
| Authoriser | Anthony Wilson, Chief Asset Officer |

SUPPORTING INFORMATION

Consultation and Engagement

The applicant has undertaken limited consultation with neighbours. Consultation is not a requirement of a private plan change under the RMA. Public notification will allow interested and affected parties to make a submission and participate in the hearing process.

Treaty of Waitangi considerations

There are no specific Treaty of Waitangi implications.

Financial implications

There are no financial implications for the Council. Plan change processing costs will be paid for by the Requester.

Policy and legislative implications

The plan change request is in accordance with the Resource Management Act 1991.

Risks / legal

The decision to *accept* the Request is consistent with Clause 25 of the First Schedule of the Resource Management Act 1991.

Climate Change impact and considerations

None

Communications Plan

Not relevant

320 THE TERRACE

Change the zoning of 320 The Terrace to "Institutional Precinct"



0 12.5 25 50 75 100 Metres



— BOUNDARIES OF 320 THE TERRACE



Figure 9. Image showing 1892 survey map extract of Wellington with the subject site highlighted in red and the shadow footprint of the Gordon Wilson State Flats overlays that of the 1892 building outlines. (Wellington City Council, GIS Viewer, 2014).



Figure 10. Looking along the entrance driveway leading to the eastern aspect of the Gordon Wilson building. (Archifac-Architecture & Conservation Ltd., 2014).



Figure 11. Looking north towards the Mclean State Flats from the junction of Ghuznee Street and The Terrace. (Archifac-Architecture & Conservation Ltd., 2014).



Figure 12. Looking east towards the Gordon Wilson building from the junction of Macdonald Crescent and The Terrace. (Archifac-Architecture & Conservation Ltd., 2014).



Figure 13. Looking north-west towards the Gordon Wilson building from the junction of Ghuznee Street with Willis Street. (Archifac-Architecture & Conservation Ltd., 2014)



Figure 14. Looking north-west towards the Gordon Wilson building from Willis Street. (Archifac-Architecture & Conservation Ltd., 2014).



Figure 15. Looking north-west towards the Gordon Wilson building from the junction of Victoria Street with Ghuznee Street. (Archifac-Architecture & Conservation Ltd., 2014)