

Absolutely Positively
Wellington City Council

Me Heke Ki Pōneke

Ordinary Meeting of Te Kaunihera o Pōneke | Council

Rārangi Take | Agenda

9:30 am Rāpare, 29 Huitanguru 2024

9:30 am Thursday, 29 February 2024

Ngake (16.09), Level 16, Tahiwī

113 The Terrace

Pōneke | Wellington



MEMBERSHIP

Mayor Whanau (Chair)
Deputy Mayor Foon (Deputy Chair)
Councillor Abdurahman
Councillor Apanowicz
Councillor Brown
Councillor Calvert
Councillor Chung
Councillor Free
Councillor Matthews
Councillor McNulty
Councillor O'Neill
Councillor Pannett
Councillor Randle
Councillor-elect Rogers
Councillor Wi Neera
Councillor Young

Have your say!

You can make a short presentation to the Councillors, Committee members, Subcommittee members or Community Board members at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-499-4444, emailing public.participation@wcc.govt.nz, or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about. All Council and committee meetings are livestreamed on our YouTube page. This includes any public participation at the meeting.

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1. Meeting Conduct

1.1 Karakia

The Chairperson will open the hui with a karakia.

Whakataka te hau ki te uru, Whakataka te hau ki te tonga. Kia mākinakina ki uta, Kia mātaratara ki tai. E hī ake ana te atākura. He tio, he huka, he hauhū. Tihei Mauri Ora!	Cease oh winds of the west and of the south Let the bracing breezes flow, over the land and the sea. Let the red-tipped dawn come with a sharpened edge, a touch of frost, a promise of a glorious day
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At the appropriate time, the following karakia will be read to close the hui.

Unuhia, unuhia, unuhia ki te uru tapu nui Kia wātea, kia māmā, te ngākau, te tinana, te wairua I te ara takatū Koia rā e Rongo, whakairia ake ki runga Kia wātea, kia wātea Āe rā, kua wātea!	Draw on, draw on Draw on the supreme sacredness To clear, to free the heart, the body and the spirit of mankind Oh Rongo, above (symbol of peace) Let this all be done in unity
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1.2 Declaration of Councillor-elect

The Mayor will invite the newly-elected Councillor-elect to make their declaration.

1.3 Apologies

The Chairperson invites notice from members of:

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

1.4 Announcements by the Mayor

1.5 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.

1.6 Confirmation of Minutes

The minutes of the meeting held on 14 December 2023 will be put to the Te Kaunihera o Pōneke | Council for confirmation.

1.7 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 Wellington City Council

The Chairperson shall state to the hui.

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 hui.

The item may be allowed onto the agenda by resolution of the Wellington City Council.

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

The Chairperson shall state to the hui that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent hui of the Wellington City Council for further discussion.

1.8 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any hui of the Council or committee that is open to the public. Under Standing Order 31.2 a written, oral or electronic application to address the hui setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the hui concerned, and subsequently approved by the Chairperson.

Requests for public participation can be sent by email to public.participation@wcc.govt.nz, by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 499 4444 and asking to speak to Democracy Services.

2. General Business

MAIDEN SPEECH

Kōrero taunaki | Summary of considerations

Purpose

1. This report asks that maiden speech by the successful candidate in the Pukehīnau | Lambton General Ward by-election, Geordie Rogers, be received.

Financial considerations

Nil Budgetary provision in Annual Plan / Long-term Plan Unbudgeted \$X

Risk

Low Medium High Extreme

Author	Steph James, Democracy Advisor
Authoriser	Sean Johnson, Democracy Team Leader Stephen McArthur, Chief Strategy & Governance Officer

Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

1. Receive the information.
2. Thank Councillor Rogers for their maiden speech.

Whakarāpopoto | Executive Summary

2. Following the resignation of former Councillor Tamatha Paul, Geordie Rogers was elected to Wellington City Council via a by-election.
3. It is customary that new councillors give a speech at their first ordinary meeting of Te Kaunihera o Pōneke | Council.

Attachments

Nil

CHARLES PLIMMER BEQUEST FORWARD PROGRAMME

Kōrero taunaki | Summary of considerations

Purpose

1. This report asks Council to approve the Charles Plimmer Bequest (Plimmer Bequest) 10-year forward programme. The Plimmer Bequest forward programme will be included in the draft 2024-2034 Long Term Plan (LTP)
2. Preparation of the Plimmer Bequest forward programme at the same time as the draft LTP provides the opportunity to consider the alignment of proposed projects with the Council's strategic direction setting and community outcomes and is a mechanism for informing the public of the forward programme.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Relevant Previous decisions

The Council approved the previous Plimmer Bequest forward programme that is included in the 2021-2031 LTP on the 24 February 2021.

Significance

The decision is **rated low significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy.

Financial considerations

Nil

Budgetary provision in Annual Plan / Long-term Plan

Unbudgeted \$X

3. Charles Plimmer bequeathed the income from his residual estate to the Wellington City Council for the benefit of the citizens of Wellington City. The funds are held in a trust, known as the Charles Plimmer Bequest, and are administered by the Public Trust. The use of the Bequest is governed by the terms of the Bequest (see Attachment 1).
4. The 10-year Plimmer Bequest forward programme is reviewed and updated every three years, aligned with the Long Term Plan cycle and other relevant work programmes and budgets.
5. Attachment 2 outlines completed Plimmer Bequest projects including timing and funds allocated. There has been no distribution of income to Council from the Bequest since 2021 (\$1.5m for Pukehuia Park, Newlands).

6. The Plimmer Bequest forward programme for 2024-34 has been developed with advice from the Public Trust and Council's finance team.
7. The Public Trust holds approximately \$3.346m¹ in undistributed income from the Plimmer Bequest fund. The fund's performance over 2020-2022 was negatively impacted by Covid-19 and the Ukraine war, compounded by recession worries. While the fund has been performing better in recent times, the Trust still advises caution in terms of spending. The Trust estimate that over the next ten years additional income will average approximately \$500,000 per annum. This equates to an accumulation of \$5.5m over 10 years, in addition to \$3.346m in undistributed income. The forward programme proposes to spend \$3.5m in the next three years, and a further \$2.5m is allocated within the 10-year period, totalling \$6m.
8. Careful consideration has been given to Te Whai Oranga Pōneke's (Open Space and Recreation Strategy) strategic focus areas, current reserve management plans and asset management plans to align projects with strategic priorities and the current and planned forward work programme (including capacity for capex project delivery). This will ensure benefits are maximised from allocation of Plimmer Bequest funds and that the proposed work programme is deliverable. The approach also enables consideration of other projects for funding within the 10-year period as part of the next LTP process in 2027.

Risk

| Low | Medium | High | Extreme

9. There is some risk in terms of uncertainty of income derived from the Plimmer Trust over time due to ever-changing economic circumstances and impacts on the investment fund performance. The Public Trust therefore recommend a cautious approach to the allocation of funds.

Author	Sherilyn Hinton, Open Space and Recreation Planning Manager
Authoriser	Paul Andrews, Manager Parks, Sports & Rec James Roberts, Chief Operating Officer

¹ Note – balance as at 31 August 2022. The final Plimmer Bequest financial accounts for 2023 are currently unavailable as they are being reviewed by the Public Trust auditors.

Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

- 1) Receive the information.
- 2) Approve the Plimmer Bequest 10-year forward programme for inclusion in the draft 2024-34 Long Term Plan as follows:

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Mt Victoria/ Matairangi- Byrd Memorial slope	Kilbirnie Park	Ian Galloway Park	-	-	-	Te Motu Kairangi Park	Te Motu Kairangi Park	-	-	-
\$500k	\$2m	\$1m	-	-	-	\$1.5m*	\$1m*	-	-	-

* reviewed every three years alongside LTP

- 3) Note that the Plimmer project long list will be reviewed again in conjunction with the preparation of the draft 2027-37 Long Term Plan. Officers will report back to Councillors on an updated forward programme in the context of progress and timing of Te Motu Kairangi and Council's strategic priorities and directions for parks investment.

Whakarāpopoto | Executive Summary

10. This report asks the Council to approve the Charles Plimmer Bequest (Plimmer Bequest) forward programme for inclusion into the draft 2024-34 Long Term Plan (LTP).
11. Charles Plimmer was a successful businessman and property owner who became a well-known Wellington identity. He passed away in 1930. Plimmer bequeathed the income from his residual estate to Wellington City Council for the benefit of the citizens of Wellington City. This has been held in a trust fund administered by the Public Trust since 1980 and is known as the Plimmer Bequest.
12. The purpose of the Plimmer Bequest forward programme is to outline to the Council how the Plimmer Bequest funds are allocated and why. Reviewing the forward programme every three years enables the funds to be aligned with other relevant work programmes and budgets, to optimise outcomes of any project for the environment, the community and city.
13. Plimmer Bequest funding can only be spent on project ideas that meet the criteria of the deed. The deed specifies that funds are to be spent on *'beautifying the bays, beaches and reserves around Wellington by planting trees, shrubs and other beautification works'* (refer Attachment 1).
14. The Plimmer Bequest has provided significant funding for major park upgrade projects over the last 18 years outside of routine operational and asset renewal funds. The careful allocation of the Plimmer Bequest funds has greatly enhanced the city's parks network over time by adding 'beautification works' that optimise community outcomes at each park.
15. The funding enables implementation of key reserve management plan projects that the community and Council have considered a priority. Projects deliver a legacy of positive

social, recreation, environmental and economic outcomes aligned to the deed's requirements and Council's strategic direction. Refer to Attachment 2 for a map of completed Plimmer Bequest projects, including timing and funds allocated.

16. The proposed Plimmer Bequest 10-year forward programme for inclusion in the 2024-2034 LTP is as follows:

2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Mt Victoria/ Matairangi- Byrd Memorial slope	Kilbirnie Park	Ian Galloway Park	-	-	-	Te Motu Kairangi Park	Te Motu Kairangi Park	-	-	-
\$500k	\$2m	\$1m	-	-	-	\$1.5m	\$1m	-	-	-

17. The proposed forward programme provides funding for several priority park development projects over the next 3 years while still allowing a prudent approach in the context of ongoing uncertainty of financial returns on Plimmer Bequest investments and Council's financial position. This approach also allows for the continued accumulation of funds for Te Motu Kairangi park development when/if this project is confirmed by central government and mana whenua, with the ability to reassess timing and funding allocation alongside the 2027-37 LTP strategic priorities.
18. The proposed projects for funding allocation over the next 10 years are:
- Retain the two priority projects identified in the 2021-31 LTP for funding – Kilbirnie Park and Te Motu Kairangi
 - Include two new projects for funding within the next three years – Byrd Memorial slope (Matairangi/Mt Victoria) and Ian Galloway Park.
19. Several additional projects have been identified as having potential for Plimmer funding allocation in the future, potentially within the next 10 years. These projects however require planning, engagement and design work to be undertaken to identify investment opportunities. These projects have been added to a project long list for reassessment in 2027.
20. The map in Attachment 3 shows the proposed 2024-34 programme and the long list of projects to reconsider in 2027 (for next LTP).

Takenga mai | Background

Use of the Plimmer Bequest fund

21. The use of the Plimmer Bequest is governed by the terms of the Bequest of Charles Plimmer, outlined in Attachment 1. The Plimmer Bequest must be spent on beautifying the bays, beaches and reserves around Wellington by planting trees and shrubs and other beautification works.
22. In June 2001 the Council approved a framework for administering the Plimmer Bequest. Under this framework, projects must be:
- primarily aimed at beautification of a beach, recreational or picnic area, especially through tree planting

- one-off projects rather than on-going operational projects
 - within the geographical 'limits' set in the bequest (within 25 miles of the Wellington Post Office)
 - on publicly accessible land.
23. Other principles in administering the Plimmer Bequest include optimising use of the fund by focusing on significant projects which otherwise may not receive Council funding and/or projects that further the Council's strategic directions, and ensuring a geographical spread of Plimmer funding across the city over time.
24. Attachment 2 shows where Plimmer funds have been spent since 1999. The redevelopment of Pukehuia Park in Newlands, completed in 2021, is the most recent project to receive Plimmer Bequest funds. In many cases the Plimmer Bequest has only part funded the total project cost with Council's capital budget funding the remainder, especially where parts of a project did not fit with the Bequest funding criteria (for instance buildings and playgrounds). For example, the total cost of the Pukehuia Park upgrade was \$4.2 million, with \$1.5 million of that being Plimmer Bequest funding.
25. The evaluation criteria (Attachment 4) provides a consistent approach to assessment and a method to identify priority projects for funding. The deliverability and likely timing of proposed projects has also been considered as a key part of the assessment.
26. A 10-year Plimmer Bequest forward programme is always recommended, with a review every three years as Council reviews its strategic priorities and more information becomes available on proposed projects.

Availability and management of Plimmer Bequest funds

27. The Charles Plimmer Bequest is administered by the Public Trust, which retains and invests all the net income until required by the Council.
28. The Council often allows the Bequest funds to accumulate over time in order to fund a significant project or multiple projects across a 10-year period.
29. The Public Trust currently holds approximately \$3.3 million of undistributed income (as at August 2022). The 2021-31 LTP allocated \$1.5 million to help fund Kilbirnie Park open space improvements over the 2024/25/26 financial years; it also allocated \$2m towards Te Motu Kairangi park development in 2031.
30. The Public Trust estimate that over the next ten years additional income will average approximately \$500,000 per annum. The Public Trust has advised officers that whilst the fund is performing better than it was in 2020-21, a cautious approach is still required to fund allocation given ongoing economic uncertainties.
31. The Trust estimates the projected income from funds over the next 10 years as per the table below. This includes allowance to utilise some of the funds for expenses associated with maintaining the properties held as part of the Plimmer Bequest investment fund.

August 2022 (undistributed income balance)	2023-2034 projected income	Total accumulation across 10 years (2024-34)
\$3.346m	Approx \$500,000 per annum	\$5.5m

32. Based on the Public Trust projections, there will be approximately \$5.5m for distribution across the 2024-34 LTP period, in addition to the undistributed income balance of \$3.346m. The forward programme proposes to spend \$3.5m of funds in the next three years, and a further \$2.5m within the 10-year period, totalling \$6m. This aligns within the Trust's advice to maintain cautiousness in terms of project planning and funds allocation.

Kōrerorero | Discussion

33. The Plimmer Bequest forward programme is reviewed and updated every three years, with the timing aligned to the Long Term Plan process to allow for consideration of strategic priorities alongside proposed projects and the deed's criteria.
34. Since the last review of the Plimmer Bequest forward programme in 2021, there have been some changes to the city's strategic setting. Key changes relevant to the assessment of potential Plimmer funded projects include:
- Adoption of the Spatial Plan (2021) and progression of the Proposed District Plan through the RMA process
 - Adoption of Tūpiki Ora Māori Strategy and action plan, and signing of Tākai Here mana whenua partnership agreement (2022)
 - Adoption of Te Whai Oranga Pōneke (Open Space and Recreation Strategy 2023)
 - Adoption of Te Awe Māpara (Community Facilities Plan 2023)
 - Draft 2024-34 community outcomes and Council's strategic priorities (draft LTP)
35. The Spatial Plan is a growth strategy that sets out where and how the city should grow and develop over the next 30 years. It also provides guidance for prioritising investment in transport, three waters infrastructure, community facilities and parks, reserves and open spaces. The Spatial Plan's directions have informed the review of the District Plan and the development of the Proposed District Plan.
36. Tūpiki Ora Māori Strategy establishes the shared commitment of Wellington City Council, mana whenua and Māori, to seek new ways to support our whānau to thrive. It supports a Māori-led response to uplifting the state of wellbeing of whānau, anchored in the whakapapa relationships between people, place and nature. The strategy is supported by an action plan. The vision is "*Kia mauri ora te taiao, kia mauri ora te whānau, kia mauri ora te ao Māori*" – "*The vitality of our environment is nourished, the wellbeing of our whānau is fostered, te ao Māori is embraced and celebrated.*" There are four priority waypoints to get to the vision:
- Te whakatairanga i te ao Māori - Enhancing and promoting te ao Māori
 - Tiakina te taiao - Caring for our environment
 - Te whakapakari pūmanawa - Building capability
 - He whānau toiora - thriving and vibrant communities.
37. Te Whai Oranga Pōneke is the Council's new Open Space and Recreation Strategy and was adopted in 2023. It is a 30 year strategy (reviewed every 10 years). The mission of the strategy is "*A flourishing network of parks and recreation opportunities,*

interwoven into everyday life, that supports Wellingtonians to live well and connect to nature and each other". It has five strategic focus areas to achieve the mission:

- Pāhekohekotanga – Integrated: Open space and recreation opportunities are woven into everyday life
 - Whai Wāhitanga – Inclusive: Open space and recreation opportunities welcome everyone
 - Te Whakahaumanu me te Manawaroa – Regenerating & Resilient: Open space and recreation opportunities support a flourishing natural environment
 - Whakamāori mai anō - Re-indigenising: Open space and recreation opportunities embed Māori knowledge
 - Kanorau – Diverse: Open space and recreation opportunities deliver variety.
38. Te Awe Māpara (Community Facilities Plan) guides the Council's provision and decision-making about community facilities for the next 30 years. The plan provides an integrated future approach to inform our planning and decisions about facilities. It identifies planning and investigation actions for the short, medium and long term to inform long-term investment in community facilities.
39. Te Whai Oranga Pōneke integrates the strategic directions of key Council strategies, policies and plans, including Tūpiki Ora and the Spatial Plan, into its approach. Its strategic focus areas have therefore been used as a key assessment criteria.
40. The development of the draft 2024-34 LTP is in progress. The draft LTP vision is: *Pōneke, the creative capital where people and nature thrive*. The draft LTP identifies cultural, social, economic, urban form and environmental community outcomes alongside nine strategic priorities which will form the Council's immediate focus. The strategic priorities of most relevance to the assessment of potential Plimmer projects include:
- Invest in sustainable, connected and accessible community and recreation facilities
 - Celebrate and make visible te ao Māori across our city
 - Collaborate with our communities to mitigate and adapt to climate change
 - Fix our water infrastructure and improve the health of waterways
41. In addition, the Council's suite of reserve management plans is on a programme of rolling review as required by the Reserves Act 1977. The development of these plans includes comprehensive community engagement and they are a key source of information in identifying future investment priorities. Since 2014, the Suburban Reserves Management Plan (2015), the Wellington Town Belt Management Plan (2018) and the Outer Greenbelt Management Plan (2019) have undergone review. In addition, the Play Spaces Policy was reviewed (2017) and outlines new policy direction for comprehensive development of play spaces to include wider reserve improvements whenever possible. Some of these improvements would be eligible for Plimmer funding.

Plimmer Bequest project review and assessment

42. An assessment of projects eligible for Plimmer Bequest funding has been undertaken to inform funding priorities over the next 10 years.
43. Officers developed a list of potential Plimmer Bequest projects for assessment based on a range of factors including:
- Projects identified in strategic and planning documents including Te Whai Oranga Pōneke, reserve management plans and asset management plans
 - A review of the previous Plimmer Bequest funding paper prepared in 2021 and a review of funding and timing for the Kilbirnie Park and Te Motu Kairangi Park projects
 - Known requests from the community and Councillors for funding particular park projects or developments
 - The deliverability and likely timing of proposed projects.
44. All of the potential projects were evaluated to ensure they are eligible for Plimmer Bequest funding and ranked using the assessment criteria in Attachment 4. The detailed assessment is provided in Attachment 5.
45. The following table summarises the projects assessed:

Project	Source / Strategic fit	Description / notes	Plimmer bequest fit & priority
Kilbirnie Park	<ul style="list-style-type: none"> • Suburban Reserves Management Plan (2015) • Play Spaces Policy (2017) • Te Awe Māpara (2023) • Te Whai Oranga Pōneke (2023) – neighbourhood park investment 	<p>Large community park with multiple recreation facilities serving a diverse, growing community. Planning and engagement work completed in the last 18 months to develop a park masterplan to guide future investment priorities. Progressing with more detailed planning and design of open space upgrades (including play and skate park) during 2024. Subject to business case approval and LTP, construction scheduled to start late 2025. Plimmer funding of \$1.5m was approved in the last LTP to support open space improvements and beautification. Project remains a high priority. Plimmer funding supports aligned Council investment in skatepark and play space to maximise open space outcomes. Significant potential for a high quality park destination with innovative design solutions, working in partnership with mana whenua to reflect the site’s cultural significance, incorporating climate change adaptation and providing a safe and inclusive space for youth.</p>	<ul style="list-style-type: none"> • High • Supports other Council investment in the park (subject to LTP) • Timing - short-term (within 2-3 years)

<p>Te Motu Kairangi</p>	<ul style="list-style-type: none"> • Suburban Reserves • Management Plan (2015) • Spatial Plan (2021) • Te Whai Oranga Pōneke (2023) – mana whenua partnership opportunity 	<p>Future ownership and management of the land subject to discussions between the Crown and mana whenua (Taranaki Whānui). Potential for a significant park/open space development for Pōneke in partnership with mana whenua. Large scale project that will require significant long-term funding to support development and management. Council owns a small parcel of land at Mahanga Bay (ex-NIWA land) which could be developed as an entrance into a future park but requires planning and engagement with mana whenua. Plimmer funding of \$2m approved in 2021 LTP. Project timing uncertain but remains a priority opportunity given significance to the city. High profile project with a range of stakeholders.</p>	<ul style="list-style-type: none"> • High • Supports future park development outcomes & mana whenua partnership • Timing – Medium-Long term (LTP years 7-8), reassess timing in 2027
<p>Grenada North Park</p>	<ul style="list-style-type: none"> • Northern Reserves Management Plan (2008) • Play Spaces Policy (2017) • Te Whai Oranga Pōneke (2023) – neighbourhood park 	<p>An important community park and sportsground with four large sports fields, two pavilions and a neighbourhood play space. Plays an important role in city-wide sportsfields provision. The Northern Reserves Management Plan identifies development of the sportsfields and upgrading the play equipment as key actions to improve the park's quality and function. Draft 2024-34 LTP identifies Grenada North Community Sports Hub and Turf as a key project with funding of \$14.3m over 2024/25/26/27 (subject to LTP). Plimmer funding could supplement the existing project budget to deliver wider environmental benefits but the project already has significant budget allocation.</p>	<ul style="list-style-type: none"> • Not recommended for Plimmer funding at this time • Sufficient Council budget provision is already made

<p>Ian Galloway Park</p>	<ul style="list-style-type: none"> • Suburban Reserves Management Plan (2015) • Play Spaces Policy (2017) • Te Whai Oranga Pōneke (2023) – neighbourhood park 	<p>Large community sports and recreation park that plays an important role in city-wide sportsfields provision. Suburban Reserves Management Plan includes actions to retain and enhance large tree network and planting to support the Zealandia–Otari-Wilton’s Bush ecological corridor, and to develop a master plan for the southern end. Masterplanning is starting in 2024. Current funding limited to new public toilets and play space (subject to LTP). Masterplan will identify other improvements for future funding consideration. Plimmer funding would help deliver environmental, beautification and public enjoyment enhancements. Supports geographic spread of Plimmer funds.</p>	<ul style="list-style-type: none"> • High • Requires completion of planning & design work • Would supplement future Council investment • Timing – short-medium term (within next 3 years)
<p>Johnsonville central open spaces</p>	<ul style="list-style-type: none"> • Northern Reserves Management Plan (2008) • Play Spaces Policy (2017) • Te Awe Māpara (2023) • Te Whai Oranga Pōneke (2023) – provision gap/opportunity 	<p>Open space assessment work identifies Johnsonville central as a high priority for future open space investment. High growth area with significant intensification anticipated in next 10 years and an open space provision gap. Potential to create enhanced open and recreation space by considering Council owned land and other community facilities. Further open space and recreation planning for Johnsonville central should form part of the Te Awe Māpara action to assess the recreation centre gap and facility provision (timed within the next 3 years). Also include potential for new land acquired for green space utilising funds from sale of the old Johnsonville library site.</p>	<ul style="list-style-type: none"> • Medium-High • Potential good fit and could supplement future Council investment, but requires further planning work • Timing – add to long list for assessment in 2027

<p>Miramar Park</p>	<ul style="list-style-type: none"> • Suburban Reserves Management Plan (2015) • Play Spaces Policy (2017) • Te Whai Oranga Pōneke (2023) - neighbourhood park investment 	<p>Large community park identified in the Suburban Reserves Management Plan as a priority for masterplanning. The large sports fields at Miramar Park are currently undeveloped for informal recreation and neighbourhood park type use but have significant potential to deliver a greater diversity of open space value/use increasing attractiveness to a wider range of users. Potential to align park development with new play space investment to maximise open space outcomes. Masterplanning required to identify specific investment opportunities. Timing of masterplanning currently uncertain but would ideally incorporate area currently used by the bowling club - this could unlock significant opportunity to open up the park and create better access.</p>	<ul style="list-style-type: none"> • Medium-High • Potential good fit and could supplement future Council park investment (including play development) but requires masterplanning • Timing – add to long list for assessment in 2027
<p>Mt Victoria/ Matairangi - Byrd Memorial slope</p>	<ul style="list-style-type: none"> • Wellington Town Belt Management Plan (2016) • Matairangi Masterplan • Te Whai Oranga Pōneke (2023) –access & nature area investment 	<p>The Matairangi Masterplan identifies the need to provide better pedestrian access from the south up the steep undeveloped slope to the Byrd Memorial. Concept plan developed (2022) which provides for improved walking access, landscaping, planting, seating. Initial discussions with mana whenua have been supportive - further engagement required to finalise design. Opportunity for Plimmer funding to supplement other capital works in the adjoining ridgeline area to significantly improve amenity and deliver a more multipurpose space. Highly visited area and investment would improve its attractiveness and accessibility.</p>	<ul style="list-style-type: none"> • High • Strong fit with criteria; opportunity to improve amenity, accessibility and attractiveness in a high-use area • Timing - short-term (within 12-18mths)

<p>Wellington Town Belt entrances (Mt Victoria, Mt Cook & Newtown)</p>	<ul style="list-style-type: none"> Wellington Town Belt Management Plan (2016) Te Whai Oranga Pōneke (2023) – access & nature area investment 	<p>The Wellington Town Belt (WTB) is a defining feature of the city providing a green backdrop to the central city. The Mt Victoria, Mt Cook and Newtown areas are identified in the spatial plan and district plan as high growth suburbs. There are 6 entrances to the WTB at street ends across these suburbs and assessment work indicates many of these are of relatively poor quality. Opportunity to maximise value of proximity to Town Belt reserves by improving the condition of street end entrances eg through planting, landscaping, signage, seating, as relevant to the needs of each entrance.</p>	<ul style="list-style-type: none"> Medium Small scale project/s but opportunity to improve amenity, accessibility and attractiveness; requires planning, engagement & design work to be completed Timing - add to long list for assessment in 2027
<p>Outer Green Belt entrances (multiple locations)</p>	<ul style="list-style-type: none"> Outer Green Belt Management Plan (2019) Te Kopahou Track Network Plan (2021) Te Whai Oranga Pōneke (2023) – access & nature area investment 	<p>The Outer Green Belt Management Plan identifies the importance of developing reserve entrances to provide key public access points into the Outer Green Belt. These would provide essential visitor information and basic comfort stops. Funding of \$1.3m identified in the draft LTP (Year 9). Could also be part funded through capital budget allocation. Plimmer funding could supplement Council budget provision particularly key sites with high public usage (or high anticipated future usage).</p>	<ul style="list-style-type: none"> Medium Small scale project/s but potential opportunity to improve amenity, accessibility and attractiveness; engagement & design work to be completed Timing – add to long list for assessment in 2027
<p>Berhampore Golf Course redevelopment (eastern side)</p>	<ul style="list-style-type: none"> Wellington Town Belt Management Plan (2018) Te Whai Oranga Pōneke – provision gap/development opportunity 	<p>The Wellington Town Belt Management Plan identifies the potential opportunity to develop the eastern side of the Berhampore Golf Course as public open space. Further engagement is required on the golf course's future configuration. If future golf use is limited to the western side of Adelaide Road, planning for the future management of the eastern side will be needed. The management plan identifies the rolling, open nature of the landscape would lend itself to a range of informal recreation activities including biking, walking and running. Further engagement and planning work, including with mana whenua, required. Could be high profile project with high community interest.</p>	<ul style="list-style-type: none"> Medium Opportunity for Plimmer funding to supplement any future Council investment, Timing – add to long list for assessment in 2027

Maranui depot land	<ul style="list-style-type: none"> • South Coast Management Plan 	<p>Currently used as a Council nursery. The site is a closed landfill and has a long history of quarry, landfill and works depot use. There is potential for development of the site as a coastal public open space that improves environmental outcomes and recreation and leisure opportunities. The future of the site in the context of climate change, sea level rise and constraints associated with previous use will be considered in the review of the South Coast Reserves Management Plan (commencing 2023/24). Potential to be developed consistent with other Plimmer funded coastal improvement work, such as Te Raikehau Point.</p>	<ul style="list-style-type: none"> • Potential longer term project • To be informed by the coastal reserves management plan review • Timing – add to long list for assessment in 2027
Queens Park	<ul style="list-style-type: none"> • Community driven project 	<p>Beautification project with high impact for local community. Landscape Plan completed. Not identified as a priority project in relevant reserve management plan or any other plan or policy. Minor upgrades could be funded over time through community partnership and reprioritising capital funding or as part of future Green Network Plan investment.</p>	<ul style="list-style-type: none"> • Not recommended for Plimmer funding
Flagstaff Hill	<ul style="list-style-type: none"> • Community driven project 	<p>Small site with heritage value, purchased by Council in 2015. Small scale project but community expectation for improvement/refresh. Minor upgrades could be funded over time through community partnership and reprioritising capital funding or as part of future Green Network Plan investment.</p>	<ul style="list-style-type: none"> • Not recommended for Plimmer funding
Huetepara	<ul style="list-style-type: none"> • Community driven project 	<p>Community driven project located on a small area of sand dune at the eastern end of Lyall Bay beach. Community preference to prioritise creation of a family-friendly active space. Proposed development includes picnic areas, nature play, viewing platform, alongside new toilet/shower facilities. Draft LTP funding of \$2.3m identified for 2024/25. Community fundraising to supplement Council funding.</p>	<ul style="list-style-type: none"> • Not recommended for Plimmer funding • Eastern suburbs priority for Plimmer funding within the 10-year programme is Kilbirnie Park.

46. The highest ranking projects and those proposed for Plimmer Bequest funding allocation over the next 10 years in the draft 2024-34 LTP are:
- Byrd Memorial slope (Matairangi/Mt Victoria) (2024/25 – LTP year 1)
 - Kilbirnie Park (2025/26 – LTP year 2)
 - Ian Galloway Park (2026/27 – LTP year 3)
 - Te Motu Kairangi (2030-31 – LTP year 7-8).
47. Several additional projects are identified as having a potential good fit for Plimmer funding in the future, potentially within the next 10 years, but they require planning, engagement and design work to be completed to identify investment opportunities. This includes Johnsonville central open spaces, Miramar Park, Town Belt and Outer Green Belt entrances, Berhampore Golf Course, and the Maranui depot land. These projects have been added to a long list for reassessment in 2027.
48. A map showing the proposed forward programme for 2024-34 and the long list of projects to reconsider timing and potential funding allocation in 2027 is included as Attachment 3.
49. As part of the project assessment process, it is recommended that the 2021 LTP Plimmer Bequest funding allocations for Kilbirnie Park and Te Motu Kairangi be increased to take into account construction cost inflation as follows:
- Kilbirnie Park – increase from \$1.5m to \$2m and align with the anticipated construction timing of 2025-26
 - Te Motu Kairangi – increase from \$2m to \$2.5m and time for 2030-31. The timing of this can be reassessed in the next LTP.
50. The original Plimmer funding allocation for these two projects was approved in 2021 and construction costs have escalated significantly since this time.

Kōwhiringa | Options

51. An assessment of projects eligible for Plimmer Bequest funding has been undertaken to inform the priorities for funding over the next 10 years. The proposed forward programme is:

2024	2025		2026	2027	2028	2029	2030	2031	2032	2033	2034
Mt Victoria/ Matairangi- Byrd Memorial slope	Kilbirnie Park		Ian Galloway Park	-	-	-	Te Motu Kairangi Park	Te Motu Kairangi Park	-	-	-
\$500k	\$2m		\$1m	-	-	-	\$1.5m	\$1m	-	-	-

52. The proposed programme is considered to provide a balance between supporting the delivery of significant park development projects within the next three years, and ensuring Te Motu Kairangi remains a priority for the future, while also anticipating the potential for new project ideas to come out of further planning and engagement work to be completed over the next three years.

53. Councillors could either approve the forward programme as proposed, or propose different projects and/or timing of proposed or other projects. As outlined in this paper, the Plimmer Bequest is for a specific purpose and officers have assessed a range of projects against the assessment criteria that provides a consistent and robust assessment to identify appropriate projects.
54. Projects on the long list that did not rank as high in the assessment at this time still have potential for funding allocation in the future. However, given the funding focus on delivering significant projects with high community and environmental outcomes, the proposed approach is to allocate sufficient funding to a smaller number of projects to maximise outcomes, rather than allocating smaller amounts of funding to a longer list. This approach in recent years has achieved the best outcomes.

Whai whakaaro ki ngā whakataunga | Considerations for decision-making

Alignment with Council's strategies and policies

55. The criteria for the assessment of projects for Plimmer Bequest funding requires careful consideration of their level of alignment with Council's strategic directions, community outcomes, and parks strategy, policy and plans. Only projects that demonstrate a high level of alignment are put forward for Council approval.

Engagement and Consultation

56. The projects considered for the forward programme are a mix of community proposals and projects identified in reserve management plans, Te Whai Oranga Pōneke and Te Awe Māpara and that align strongly with Council's wider strategic directions and community outcomes. The priorities identified in strategies, policies and management plans are determined by comprehensive community engagement in preparation of those strategies and plans.
57. The purpose of this report is to gain approval for a forward programme that is included in the draft LTP for consultation. Consultation and engagement on each specific project will take place as part of the detailed planning and design undertaken to enable delivery of the project.

Māori Impact Statement

58. Achievement of Tūpiki Ora Māori Strategy and Takai Here are drivers of Council activity and ways of working. Te Whai Oranga Pōneke integrates the strategic directions of Tūpiki Ora, and the expectations of Takai Here, into its approach. Mana whenua engagement and input has been incorporated into each focus area of Te Whai Oranga Pōneke.
59. Te Whai Oranga Pōneke has been used as a key criteria in the assessment of potential projects for Plimmer Bequest funding to ensure consideration of mana whenua aspirations. There will be additional opportunity for mana whenua involvement in the planning and design of specific projects that receive Plimmer Bequest funding. For example, for the Kilbirnie Park project, a Māori cultural designer has just been appointed as part of the project team, and for the Byrd Memorial slope, there is ongoing engagement with mana whenua on the design.
60. Te Motu Kairangi is whenua that mana whenua regard as very important. There are ongoing discussions taking place between the Crown and Taranaki Whānui to determine the future ownership, governance and management of this important

whenua. Wellington City Council is awaiting the outcome from these discussions before progressing with any further park planning work for Te Motu Kairangi. The proposal is to retain Plimmer funding to support Te Motu Kairangi development as a strategic priority in partnership with mana whenua and this has been informed by discussions with Mataaho Aronui.

Financial implications

61. The Plimmer Bequest forward programme has been developed with advice from the Public Trust (who administer the fund) and Council's finance team. Careful consideration has been given to current reserve management and asset management plans to align proposed Plimmer projects with the current and planned 10-year work programme. This will ensure we get the most benefit from allocation of Plimmer funds and will ensure the work programme is deliverable.
62. The Trust's objective is to distribute income to the Wellington City Council to plant trees, shrubs and beautify the Wellington beaches, Town Belt and other public reserves within 25 miles of the Wellington Post Office which are open to the citizens of Wellington.
63. The Public Trust holds approximately \$3.346m² in undistributed income from the Bequest fund. The fund's performance over the 2020-2022 period was negatively impacted by Covid-19 and the war in Ukraine, compounded by recession worries. In more recent years, the fund has been performing better. The Public Trust estimate that over the next ten years additional income will average approximately \$500,000 per annum (includes allowance to use some funds for future property expenses associated with maintaining the properties held in the Plimmer Estate). This would equate to a total accumulation across the next 10 years of \$5.5m, in addition to the approx \$3.346m in undistributed income.
64. The forward programme proposes to spend \$3.5m of Plimmer funds in the next three years, with a further \$2.5m within the 10-year period, totalling \$6m over 10 years. This approach aligns within the Public Trust advice to be cautious and enables consideration of other parks projects for funding within the 10-year period as part of the next LTP process in 2027.

Legal considerations

65. The Charles Plimmer Bequest is administered by the Public Trust, which retains and invests all the net income until required by the Council. The use of the Plimmer Bequest is governed by the terms of the Bequest of Charles Plimmer. Projects put forward for Plimmer funding must meet the terms of the bequest deed. The assessment undertaken to determine priority projects for funding has considered the consistency of each project with the criteria of the deed.

Risks and mitigations

66. The overall risk associated with the proposed forward programme for Plimmer Bequest funds allocation is low. There is some risk in uncertainty of income derived from the Plimmer Trust over time due to ever-changing economic circumstances and impacts on

² Note – balance as at 31 August 2022. The final Plimmer Bequest financial accounts for 2023 are currently unavailable as they are being reviewed by the Public Trust auditors.

investment performance. The Public Trust therefore recommend a cautious approach to the allocation of funds and the proposed programme is aligned with this.

Disability and accessibility impact

67. There are no impacts associated with this paper and the proposed forward programme. Disability and accessibility issues will be considered as part of the detailed planning, design and delivery of specific projects.

Climate Change impact and considerations

68. The development of parks and reserves over time to respond and adapt to climate change and resilience is recognised in Te Whai Oranga Pōneke and is incorporated into park development projects where possible. As an example, the Kilbirnie Park project has potential to deliver innovative low impact urban design solutions in its design and delivery that support adaptation and increased resilience while also delivering social, recreation and other environmental outcomes.

Communications Plan

69. There is no communications plan proposed for the forward programme approval, however the specific projects to be delivered will have comprehensive engagement and communications plans commensurate with the scale and importance of each project. The forward programme will be included in the draft LTP for consultation in April 2024 which will have a communications plan.





Health and Safety Impact considered

70. There are no impacts associated with this paper and the proposed forward programme. Health and safety issues will be considered as part of the detailed planning, design and delivery of specific projects.

Ngā mahinga e whai ake nei | Next actions

71. The purpose of this report is to gain approval for a forward programme to be included in the draft LTP for consultation. Once consultation has been completed, and the LTP confirmed, specific planning and design to support the delivery of priority projects identified for Plimmer funding will be progressed. Plimmer funds will be drawn down by Council for specific projects as outlined in the agreed forward programme.

Attachments

Attachment 1.	Charles Plimmer Bequest Deed ↓ 	Page 26
Attachment 2.	Plimmer Bequest Completed Projects ↓ 	Page 27
Attachment 3.	Plimmer Bequest Proposed Forward Programme and Long List ↓ 	Page 28
Attachment 4.	Plimmer Bequest - strategic framework assessment criteria ↓	Page 29
Attachment 5.	Plimmer Bequest detailed assessment - forward programme and long list projects ↓ 	Page 31

Attachment 1: Estate of Charles Plimmer

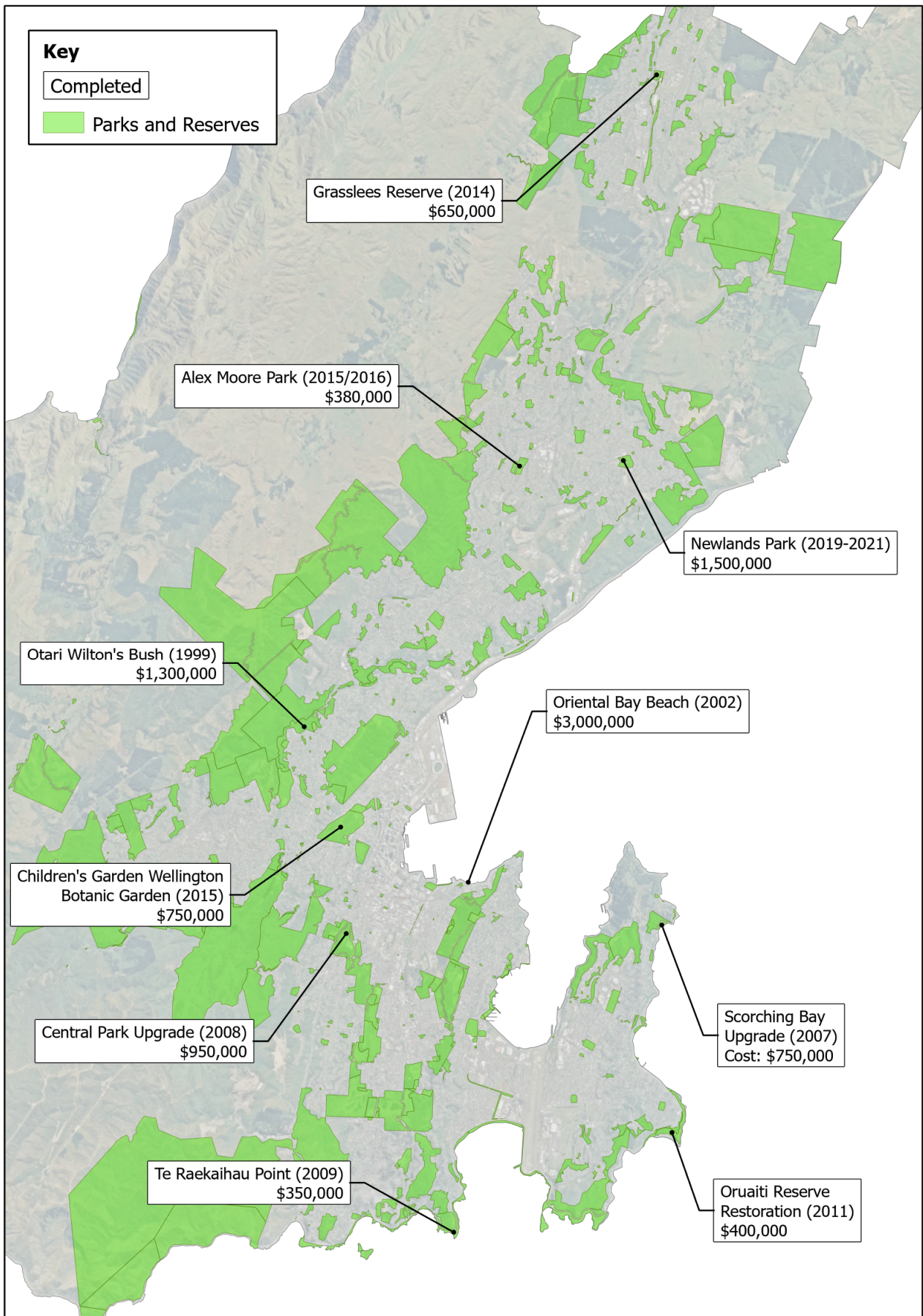
ESTATE OF CHARLES PLIMMER

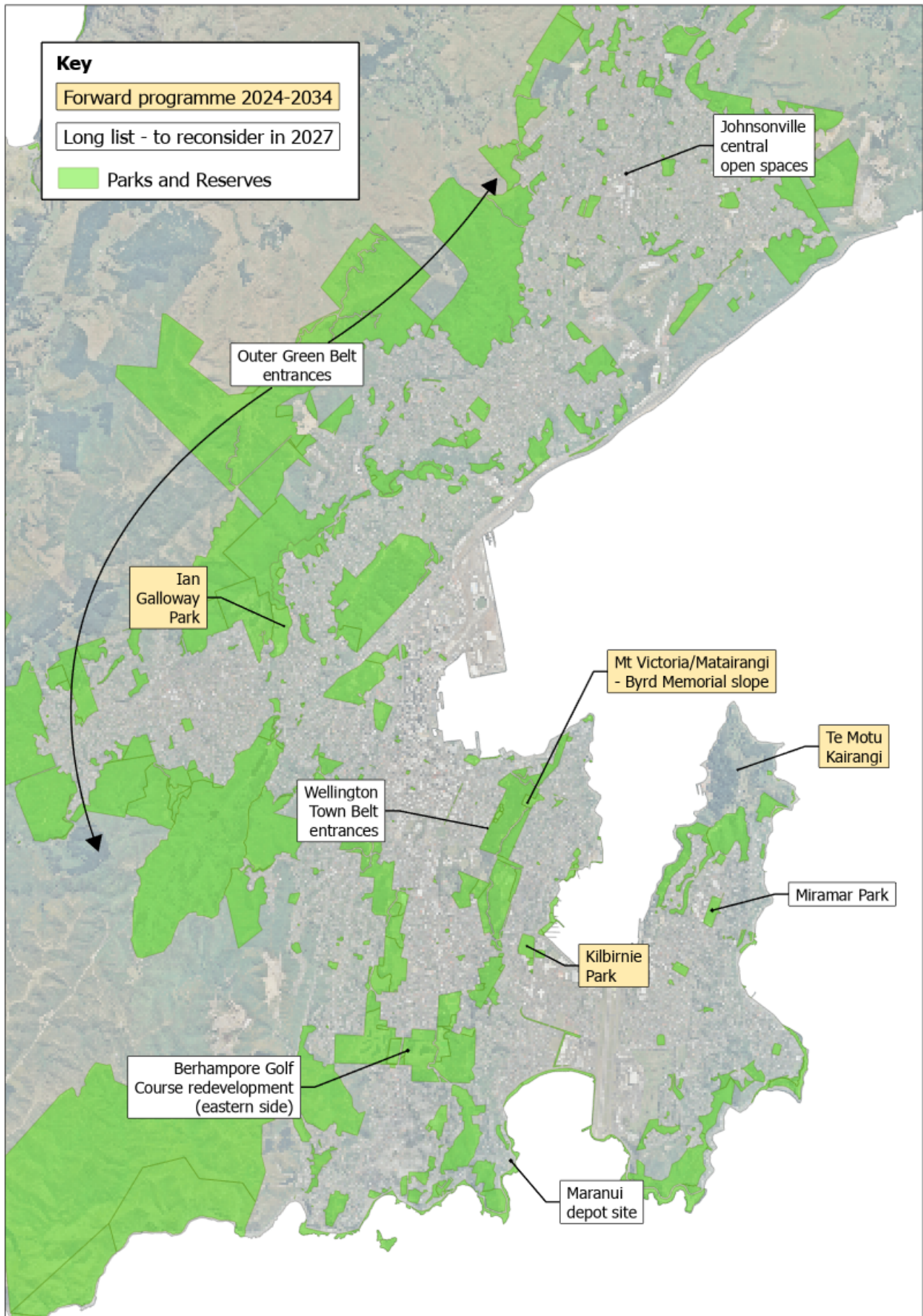
"...my trustee shall...stand possessed of my residuary estate UPON TRUST to pay the income arising there from in perpetuity to the Wellington City Council to be used and applied by the said council for the benefit of the Citizens of Wellington as follows:

(i) To expend thereout the sum of One Thousand Pounds (£1000) per annum or thereabouts in planting trees shrubs and otherwise beautifying the bays and beaches round Wellington Harbour and its vicinity.

(ii) To expend and apply the balance of the said income in planting trees and shrubs on and otherwise beautifying picnic and recreation places which are within a radius of twenty five miles of Wellington City Post Office and which are open and accessible to the Citizens of the City of Wellington it being my express wish that the said moneys shall be expended by the said Council additionally to the usual and current yearly expenditure of the Council on reserves and recreation grounds in beautifying (especially by the planting where suitable of native trees and shrubs) the environs and pleasure resorts of the City of Wellington.

(iii) I DIRECT that the receipt of the City Treasurer shall be a good and sufficient discharge to my trustee in respect of the foregoing bequest to the Wellington City Council and my trustee shall not be concerned or obliged to see to the application thereof."



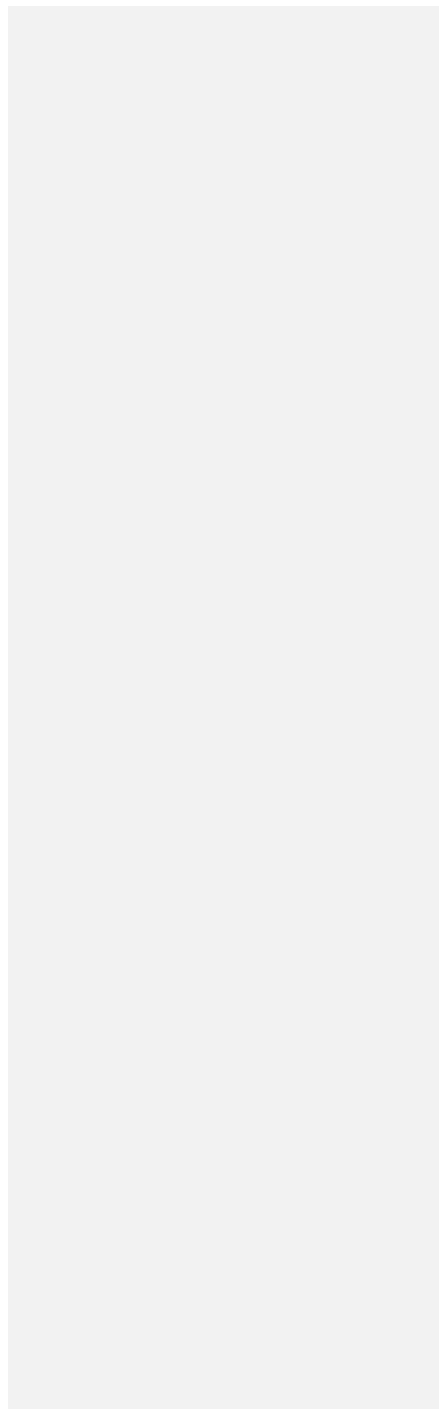


Attachment 4: Plimmer Bequest Project Assessment Criteria

CRITERIA	DETAILS	RANKING
Community Outcomes	<p>Alignment with draft 2024-34 LTP community outcomes:</p> <ul style="list-style-type: none"> • Cultural Wellbeing – a welcoming, diverse and creative city • Social Wellbeing – a city of healthy and thriving whānau and communities • Economic Wellbeing – an innovative business friendly city • Urban Form – a liveable and accessible, compact city • Environmental Wellbeing – a city restoring and protecting nature 	High Medium Low
Council's Strategic Priorities	<p>Alignment with Council's strategic priorities identified in the draft 2024-34 LTP. These address the biggest issues we face and contribute strongly to more than one community outcome area. The most relevant strategic priorities to this assessment include:</p> <ul style="list-style-type: none"> • Invest in sustainable, connected and accessible community and recreation facilities • Celebrate and make visible te ao Māori across our city • Collaborate with our communities to mitigate and adapt to climate change 	High Medium Low
Te Whai Oranga Pōneke (Open Space & Recreation Strategy 2023)	<p>Alignment with the mission the mission and strategic focus areas of Te Whai Oranga Pōneke.</p> <p><i>Mission: A flourishing network of parks and recreation opportunities, interwoven into everyday life, that supports Wellingtonians to live well and connect to nature and each other.</i></p> <p>Strategic focus areas:</p> <ol style="list-style-type: none"> 1. Pāhekohekotanga – Integrated: Open space and recreation opportunities are woven into everyday life 2. Whai Wāhitanga – Inclusive: Open space and recreation opportunities welcome everyone 3. Te Whakahaumanu me te Manawaroa – Regenerating & Resilient: Open space and recreation opportunities support a flourishing natural environment 4. Whakamāori mai anō - Re-indigenising: Open space and recreation opportunities embed Māori knowledge 5. Kanorau – Diverse: Open space and recreation opportunities deliver variety. 	High Medium Low
Reserve network priority	<p>Alignment and consistency with Council's open space policies and plans, including Reserve Management Plans, Asset Management Planning, Play Spaces Policy, Open Space Access Plan, etc. Identified as an open space project in a plan or policy or contributes to/supports an identified project.</p>	High Medium Low

Commented [SH1]: primarily contributes to the priority "Invest in sustainable, connected and accessible community and recreation facilities."

Project deliverability & timing	Deliverability of the project considering its size/scale, stage of planning, engagement and design, timing, alignment with other projects, cost estimate etc.	High Medium Low
Plimmer criteria alignment & level of benefit project provides	<p>Level of alignment with the Plimmer Bequest deed terms ie:</p> <ul style="list-style-type: none"> • beautifying the bays, beaches and reserves around Wellington by planting trees, shrubs and other beautification works • within a 25 mile radius of the Wellington city post Office <p>Level of benefit the project will provide, including how significant or innovative it is; the level of likely public interest and benefit; strategic importance etc.</p>	High Medium Low



Attachment 5: Plimmer funding – 10-year Forward programme and Long list assessment

Project	Assessment criteria							Issues to consider
	Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment	
1 Kilbirnie Park	High – cultural, social, environmental outcomes	High – <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and recreation facilities Celebrate and make visible te ao Māori across our city Collaborate with our communities to mitigate and adapt to climate change 	High – strong alignment with all 5 strategic focus areas: <ol style="list-style-type: none"> Pāhekohekotanga – Integrated Whai Wāhitanga – Inclusive Te Whakahaumanu me te Manawaroa – Regenerating & Resilient Whakamāori mai anō - Re-indigenising Kanorau – Diverse 	High – identified in Suburban Reserves Management Plan (2015) and Play Spaces Policy (2017); Te Awe Māpara; Te Whai Oranga Pōneke – neighbourhood park investment	High – planning, engagement and design work well advanced; masterplan complete; design, business case & consenting to be completed during 2024-early 25. Construction start mid-late 2025. Subject to business case approval & LTP funding for skate & play.	High – supports aligned investment in skatepark and play space to maximise open space outcomes. Significant transformational park project.	High priority – supplements other Council investment, planning work well-advanced, delivery within next 2-3 years	<p>2021-31 LTP allocates Plimmer funding of \$1.5m over 2024/25/26 to support open space improvements and beautification. Remains a high priority project for Plimmer funding.</p> <p>Significant planning and engagement has been undertaken over the last 18 months with a masterplan for the park completed in December 2023. Progressing into more detailed planning and design of open space upgrades including playground and skate park in 2024.</p> <p>Kilbirnie is a high growth area with a diverse community. It is surrounded by Medium Density Residential Zone and proximate to several schools and the town centre. Kilbirnie Park is an important open space for the community and wider city with multiple recreation facilities.</p> <p>Kilbirnie Park is classified as a neighbourhood park under Te Whai Oranga Pōneke. Its role is to provide a range of active and passive recreation opportunities, support social connections and enable people to connect with nature.</p> <p>The aim is to unify the Park’s multiple facilities through connected, accessible and attractive public open spaces. Key opportunities:</p> <ul style="list-style-type: none"> deliver safe and inclusive spaces for young people incorporate water sensitive design to increase climate change resilience action Tūpiki Ora—Māori Strategy through engagement and partnership with mana whenua in design work and to reflect the site of significance –Ākau Tangi Pā. A Māori cultural designer has been appointed as part of the project team.

Project	Assessment criteria							Issues to consider	
	Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment		
								Strong alignment with community outcomes and Te Whai Oranga Pōneke’s strategic focus areas. Plimmer funding supports the aligned Council investment in skate and play space renewal to maximise open space outcomes.	
2	Te Motu Kairangi	High – particularly cultural, social, environmental outcomes	High – particularly <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and recreation facilities Celebrate and make visible te ao Māori across our city 	High – potential alignment with all 5 strategic focus areas: <ol style="list-style-type: none"> Pāhekohekotanga – Integrated Whai Wāhitanga – Inclusive Te Whakahaumanu me te Manawaroa – Regenerating & Resilient Whakamāori mai anō - Re-indigenising Kanorau – Diverse 	High – Suburban Reserves Management Plan; Te Whai Oranga Pōneke – partnership opportunity; Spatial Plan – key opportunity site. Would be a significant addition to the open space network in Miramar and the wider city.	Low – currently the future of Te Motu Kairangi is uncertain. Potentially a large-scale project. An initial focus could be on developing a Mahanga Bay entrance but this should align with the decision on the future of the wider land. Requires significant planning, engagement with mana whenua and community, and design work to inform specific investment needs.	High – would support other future investment in park development to maximise open space outcomes and supports mana whenua partnership. Very high profile project, large community of interest.	High priority – timing currently uncertain but a significant, high-profile project. Retain as key project for funding in LTP Years 7-8.	2021-31 LTP allocates Plimmer funding of \$2.05m in 2031. Remains a high priority for Plimmer funding because of significance to the city. Future ownership and management of the land is still to be resolved (currently sitting with LINZ). LINZ, DoC, Office for Māori Crown Relations remain in discussions with Taranaki Whānui about the future of the land. This includes consideration of mana whenua aspirations for the land and how its cultural, historical, recreational and ecological significance can be appropriately recognised. Te Motu Kairangi is identified as an important mana whenua partnership opportunity in Te Whai Oranga Pōneke to create a distinctive national heritage, cultural, recreation and arts reserve. Plimmer funding would support future park development outcomes and Council’s partnership with mana whenua. Council owns a small parcel (3,000m ²) of land at Mahanga Bay (ex-NIWA land, Massey Road) which could be developed as an entrance into a future park but this will require engagement with mana whenua. Would be a significant project for Pōneke with a high profile and strong alignment with cultural, social and environmental community outcomes, Council’s strategic priorities and partnership with mana whenua.
3	Grenada North Park	High – particularly social and	High – particularly <ul style="list-style-type: none"> Invest in sustainable, 	High – potential alignment with all 5 focus areas but particularly:	High – Northern Reserves Management Plan; Play	Low – planning work is commencing in 2023/24 with	Low – funding could supplement existing Council	Low priority – not recommended for Plimmer	Grenada North is a growing community, alongside significant growth in the northern suburbs. The park and play area has 15ha of sports grounds, four large sports fields, two

Project	Assessment criteria							Issues to consider	
	Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment		
	environmental outcomes	<p><i>connected and accessible community and recreation facilities</i></p> <ul style="list-style-type: none"> • <i>Collaborate with our communities to mitigate and adapt to climate change</i> 	<p>1. Pāhekohekotanga – <i>Integrated</i></p> <p>2. Whai Wāhitanga – <i>Inclusive</i></p> <p>3. Te Whakahaumanu me te Manawaroa – <i>Regenerating & Resilient</i></p>	Spaces Policy; Te Whai Oranga Pōneke – neighbourhood park investment	detailed site/ground investigations – results will inform planning and design work and what is achievable within the budget.	budget by supporting wider environmental and beautification outcomes but has significant existing LTP budget to support project delivery.	funding – significant existing Council budget.	<p>pavilions, and a neighbourhood play space with equipment such as swings, and a basketball court.</p> <p>The Northern Reserves Management Plan identifies the development of the sportsfields area and upgrading the play equipment as key actions for improving the park's quality and function.</p> <p>The existing Grenada North Park sportsfields are not fit-for-purpose with significant drainage issues throughout winter. Extensive earthworks and drainage upgrades are required to make the park a year-round playing venue. Installation of artificial turf would also greatly enhance utilisation of these fields. With these improvements the Park has an opportunity to become a functional sports park to serve the northern suburbs. The site has good access from the motorway with good accessibility and opportunity for improved parking.</p> <p>The draft 2024-34 LTP identifies Grenada North Community Sports Hub and Turf as a key project with funding of \$14.3m over 2024/25/26/27. Plimmer funding could help supplement the existing funding by enabling the delivery of wider environmental and beautification benefits but the project already has significant LTP budget allocation which many other parks projects don't currently have.</p>	
4	Ian Galloway Park	High – particularly social and environmental outcomes	<p>High –</p> <ul style="list-style-type: none"> • <i>Invest in sustainable, connected and accessible community and recreation facilities</i> 	<p>High – particular alignment with strategic focuses of:</p> <p>1. Pāhekohekotanga – <i>Integrated</i></p> <p>2. Whai Wāhitanga – <i>Inclusive</i></p>	High - Suburban Reserves Management Plan (2015); Play Spaces Policy (2017); Te Whai Oranga Pōneke – neighbourhood park investment	Medium – requires completion of planning, engagement and design work to identify specific investment opportunities.	High – could supplement Council investment to deliver wider environmental (incl. biodiversity) & beautification benefits, and increase wider	High priority - requires planning & design work to be completed - this work is commencing in 2024.	<p>Ian Galloway Park is a large community sports and recreation park that plays an important role in citywide sportsfields provision. It provides multiple fields for rugby and football in the winter and cricket in summer. The southern end of the park provides a BMX track, a skate ramp, and dog exercise area. Also a closed landfill and requires work to recontour and improve surfaces.</p> <p>The park is located along the Kaiwharawhara Valley that connects Zealandia and Otari-</p>

Project		Assessment criteria						Issues to consider	
		Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit		Overall assessment
				5. Kanorau – <i>Diverse</i>		Closed landfill site.	public enjoyment of the park.	<p>Wilton’s Bush and has the potential to play a greater role in connectivity for indigenous biodiversity by retaining and enhancing the large trees and vegetation cover that support biodiversity within the formal sports parks without compromising their primary purpose as sportsfields.</p> <p>The Suburban Reserves Management Plan includes actions to retain and enhance large tree network and planting to support the Zealandia–Otari-Wilton’s Bush corridor, and to develop a master plan for the southern end of Ian Galloway Park.</p> <p>The process for developing a masterplan is starting in 2024. The scope of the masterplan is proposed to include the whole park given the need to consider its use in a holistic way and is proposed to include Wilton Park (damaged by a serious slip in 2022 that has reduced size of playable area and impacted useability for sports).</p> <p>Funding for improvements to Ian Galloway Park currently includes new public toilets (2023/24) and a new play space (subject to LTP). The masterplan would identify other improvements for future funding consideration. Plimmer funding could support significant environmental, biodiversity, beautification and public enjoyment enhancements (eg access, loop track, planting). Western suburbs have not received much previous Plimmer funding so this would ensure geographic spread of funds.</p>	
5	Johnsonville central open spaces	High – particularly social, environmental outcomes	High – particularly <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community 	High – potential alignment with all 5 focus areas but particularly: <ol style="list-style-type: none"> Pāhekohekotanga – <i>Integrated</i> 	High - Northern Reserves Management Plan; Play Spaces Policy; Spatial Plan; Te Awe Māpara; Te Whai Oranga	Low – any park/open space investment beyond the play upgrade requires further planning,	Medium – potential to supplement other Council investment by supporting environmental and	Medium-High priority – a priority for future investment but requires further planning	<p>The Northern Reserves Management Plan identifies Johnsonville Memorial Park as a high priority for a park upgrade. Memorial Park playground is identified in the Play Spaces Policy for renewal in 2024/25. This work is currently scheduled for 2026/27 (subject to LTP).</p> <p>Memorial Park plays an important community open space role in the centre of Johnsonville and</p>

Project	Assessment criteria							Issues to consider	
	Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment		
			and recreation facilities	2. Whai Wāhitanga – <i>Inclusive</i> 5. Kanorau – <i>Diverse</i>	Pōneke – green space provision gap	engagement and design work to be undertaken to identify specific investment needs.	beautification outcomes but extent of this unknown until further planning work is completed.	work; potential good fit with Plimmer criteria; add to provisional long list for assessment in 2027.	the surrounding Medium Density Residential Zone with social and residential housing intensification in the immediate area. It is located next to Keith Spry Pool, Waitohi Hub, community hall, public transport hub, and the edge of the main commercial/ shopping centre area. Open space assessment work identifies Johnsonville central as a high priority area for future investment because it is a high growth area with significant intensification anticipated in next 10 years and there is a gap in the current provision of green open space. There is potential to create enhanced open space and recreation space in central Johnsonville by considering Council owned land and other community facilities, including the site currently occupied by Johnsonville Tennis Club. Further open space and recreation planning for Johnsonville central should form part of Te Awe Māpara action (F5) to assess the Johnsonville recreation centre gap and facility provision in the next 3 years. There is also potential for the acquisition of new land for open space in central Johnsonville utilising funds from the proposed sale of the old Johnsonville library site as agreed by Councillors in Nov 2023.
6	Miramar Park	High – particularly social and environmental outcomes	Medium-High – particularly <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and recreation facilities 	High – potential alignment with all 5 focus areas but particularly: 1. Pāhekohekotanga – <i>Integrated</i> 2. Whai Wāhitanga – <i>Inclusive</i>	High - Suburban Reserves Management Plan; Play Spaces Policy; Te Whai Oranga Pōneke – neighbourhood park investment	Low – any park investment requires planning, engagement and design work to be undertaken to identify specific investment needs. Ideally incorporate	Medium/High – potential to supplement any future Council investment (including play development) by supporting environmental and beautification outcomes, but	Medium-High priority – potential good fit with Plimmer criteria but requires planning work - add to long list for assessment in 2027	Miramar Park was included in the 2021 Plimmer forward programme Council paper as a provisional future project to relook at in 2024. Miramar Park is a large community park identified in the Suburban Reserves Management Plan as a priority for preparing a masterplan including the development of a community playground. The large centrally located sports fields at Miramar Park are currently undeveloped for informal recreation and neighbourhood park type use and have significant potential to deliver

Project	Assessment criteria							Issues to consider	
	Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment		
						area currently occupied by the bowling club.	extent of this unknown until further planning work is completed.		<p>a greater diversity of open space value and use, making it more attractive to a wider range of users. There is potential to align park development with new play space investment to maximise outcomes.</p> <p>Masterplanning is required to identify specific investment opportunities and would include consideration of a new community play space. Timing of masterplanning currently uncertain but would ideally incorporate the area currently occupied by the bowling club as this could unlock a significant opportunity to open up the park to create more open space and improve park access.</p> <p>If the development of Te Motu Kairangi gets underway, prioritisation for Miramar Park funding may change in order to spread parks investment/ development more broadly around the city and to better respond to community need.</p>
7	Mt Victoria/ Matairangi - Byrd Memorial slope	High – particularly cultural, social, environmental outcomes	High – particularly <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and recreation facilities Celebrate and make visible te ao Māori across our city 	High – particular alignment with strategic focuses: <ol style="list-style-type: none"> Pāhekohekotanga – Integrated Whai Wāhitanga – Inclusive Whakamāori mai anō - Re-indigenising Kanorau – Diverse 	High – Wellington Town Belt Management Plan (2018); Matairangi Masterplan; Te Whai Oranga Pōneke (2023) – nature area & access investment	High – smaller scale project, deliverable within a 12-month period; concept plan developed; initial engagement with mana whenua supportive; further engagement and detailed design required.	High – significant opportunity to improve amenity, accessibility and attractiveness; would supplement town belt/ reserves capital works budget to improve the wider ridgeline area. Highly used/ visited area.	High priority – strong fit with Plimmer criteria; significant opportunity to improve amenity, accessibility and attractiveness ; can be delivered in short term.	<p>Project was included on the 2021 long list for Plimmer funding to reassess in 2024.</p> <p>A project to improve walking access to the Byrd Memorial from the south is identified in the Matairangi Masterplan. A concept plan has been produced (2022) which provides for improved walking access, landscaping, planting, seating. Initial discussions with mana whenua (Taranaki Whānui) have been supportive but further engagement is needed to inform/finalise the design.</p> <p>Plimmer funding could supplement town belt/reserves capital works budget allocation to significantly improve the wider ridgeline area’s amenity, accessibility and attractiveness. This could include renewal of the current landscaped area at the Byrd Memorial car park and the area extending further along Mt Victoria ridgeline on Alexandra Road between the velodrome and Pirie Street where landscaping improvements</p>

Project	Assessment criteria							Issues to consider	
	Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment		
								would guide better people movement and provide picnic tables, seating and signage. The area is highly visited and investment would significantly improve its attractiveness and accessibility to city residents and visitors.	
8	Wellington Town Belt entrances (Mt Victoria, Mt Cook, Newtown)	High – particularly cultural, social, environmental outcomes	Medium-High – particularly <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and recreation facilities Celebrate and make visible te ao Māori across our city 	High – particular alignment with strategic focuses: <ol style="list-style-type: none"> Pāhekohekotanga – Integrated Whai Wāhitanga – Inclusive Whakamāori mai anō - Re-indigenising 	High - Wellington Town Belt Management Plan (2016); Te Whai Oranga Pōneke (2023) – nature area & access investment	Medium – smaller scale projects but require planning, engagement and design work to be undertaken to identify the specific investment needs of each entrance.	Medium – could supplement town belt/ reserves capital works budget to improve amenity, accessibility and attractiveness of key entrance locations but perhaps limited additional benefit provided by Plimmer funding.	Medium priority - some entrances have potential for good fit with Plimmer criteria; some budget provision in draft LTP which could help deliver these. Planning and design work required to identify investment for each entrance. Add to long list for assessment in 2027.	The Wellington Town Belt (WTB) is a defining feature of the city providing a green backdrop to the central city. The Mt Victoria, Mt Cook and Newtown areas are identified in the spatial plan and district plan as high growth suburbs. There are 6 entrances to the WTB located at street ends and open space assessment work indicates that all but one is relatively poor quality. There is opportunity to maximise value of proximity to WTB reserves and respond to growth and increasing residential density by improving the condition of street end entrances through planting, landscaping, signage, seating, as relevant to the entrance. Plimmer funding could supplement Council town belt/reserves capital works budget allocation to significantly improve the amenity, accessibility and attractiveness of these WTB entrances, but this requires planning, engagement and design work to be undertaken to identify the specific investment needs of each entrance. Some entrances may be better potential candidates than others for Plimmer funding.
9	Outer Green Belt entrances (multiple locations)	High – particularly social and environmental outcomes	Medium-High – particularly: <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and recreation facilities 	Medium-High – <ol style="list-style-type: none"> Pāhekohekotanga – Integrated 	High - Outer Green Belt Management Plan (2019); Te Kopahou Track Network Plan (2021); Te Whai Oranga Pōneke – access & nature area	Medium – smaller scale project/s but require completion of planning, engagement and design work to identify specific investment	Medium - could supplement Council budget allocation by improving amenity, accessibility and attractiveness; some entrances could have better fit with Plimmer criteria	Medium priority – some entrances have potential for good fit with Plimmer criteria; some budget provision in draft LTP which could	Outer Green Belt Management Plan identifies the importance of developing main entrances to provide key access points to the Outer Green Belt at reasonably evenly spaced intervals along its length. Entrances would provide essential visitor information and basic comfort stops, particularly for people on longer excursions such as the Skyline Track or multi-day walks traversing the Outer Green Belt. The following locations are identified in the management plan as future focus areas for track entrance development:

Project	Assessment criteria							Issues to consider	
	Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment		
				investment (2023)	opportunities at each entrance.	than others. Entrance developments at key sites with high public usage (eg Khandallah Park, Te Kopahou Happy Valley Road, Ohariu Valley etc) could be a good fit.	help deliver these. Planning and design work required to identify investment for each entrance. Add to long list for assessment in 2027.	<ul style="list-style-type: none"> Two main entrances in Upper Stebbings Valley and at the saddle of Ohariu Valley Road Improvements at the Khandallah Park entrance Brooklyn wind turbine entrance <p>In addition, the Te Kopahou track network plan identifies the need for an entrance development on reserve land at 221-223 Happy Valley Road.</p> <p>The nature and scale of improvements at the Khandallah Park entrance will depend on/be informed by the LTP decision on the future of the Khandallah swimming pool.</p> <p>New public toilets are currently being planned for the Brooklyn wind turbine entrance into Te Kopahou reserve.</p> <p>Plimmer funding could potentially supplement Council budget provision for outer green belt entrance development, particularly at key sites with high public usage (or high future anticipated usage).</p> <p>There will also be new outer green belt entrances required to be developed in order to facilitate public access on some areas of newly acquired outer green belt land eg Ohariu Valley Road etc.</p> <p>There is funding currently identified for outer green belt development in the draft LTP out years of \$1.3m. Could also be funded through other reserve development budget allocation.</p>	
10	Berhampore Golf Course redevelopment (eastern side)	High – cultural, social, environmental outcomes	Medium-High – particularly <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and 	High – particular alignment with: <ol style="list-style-type: none"> Pāhekohekotanga – Integrated Whai Wāhitanga – Inclusive 	High - Wellington Town Belt Management Plan (2018); Te Whai Oranga Pōneke (2023) – provision gap opportunity	Low – requires planning, engagement and design work to identify specific investment opportunities. Engagement	Medium-High - potential good fit with Plimmer criteria by supporting environmental, beautification & public enjoyment	Medium priority – potential for good fit with criteria but requires further engagement and planning	<p>The potential opportunity to develop the eastern side of the Berhampore Golf Course as public open space is identified in the Wellington Town Belt Management Plan. Berhampore is a high growth area, with significant residential intensification anticipated over the next 10 years.</p> <p>Currently the land forms part of an 18-hole public course. The Wellington Town Belt</p>

Project		Assessment criteria						Issues to consider	
		Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit		Overall assessment
			<p><i>recreation facilities</i></p> <ul style="list-style-type: none"> <i>Celebrate and make visible te ao Māori across our city</i> 	4. Whakamāori mai anō - <i>Re-indigenising</i>		with golf course and mana whenua.	outcomes, but extent unknown until planning work is completed.	work to be completed - add to long list for reassessment in 2027	<p>Management Plan identifies the potential for reconfiguration and reduction of the current 18-hole course to focus golf only on the western side of Adelaide Road.</p> <p>Further engagement with the Mornington Golf Club is required on future needs and configuration of the golf course. If the long-term configuration of the golf course is limited to the western side of Adelaide Road, consideration will be needed on the future management of the eastern side. The management plan identifies that the rolling, open nature of the landscape would lend itself to a range of informal recreation activities including biking, walking and running.</p> <p>Open space assessment work identifies the significant potential of this land for community use and open space value as destination and local open space provision. The land has high quality connections to and through it (off the street network).</p> <p>Town Belt location means it has potential to be high profile project with high community interest. Would require a planning process to identify specific open space investment needs. Likely to be of high interest to mana whenua.</p>
11	Maranui depot land	Medium - social, environmental outcomes	<p>Medium –</p> <ul style="list-style-type: none"> <i>Invest in sustainable, connected and accessible community and recreation facilities</i> <i>Collaborate with our communities to mitigate</i> 	<p>Medium –</p> <p>1. Pāhekohekotanga – <i>Integrated</i></p> <p>4. Whakamāori mai anō - <i>Re-indigenising</i></p>	Medium - South Coast Management Plan (under review)	Low – smaller scale project but requires planning, engagement and design work to identify specific investment opportunities; to be considered as part of coastal management	Medium – could have potential for good fit with fund criteria but the nature/ extent of this is unknown until planning work is completed.	Medium priority - requires engagement and planning work to be completed as part of the south coast management plan review - add to long list for	<p>Project was included on the 2021 long list for Plimmer funding to reassess in 2024.</p> <p>Maranui Depot is an area located on the landward side of the road at 370 Queens Drive in Lyall Bay. Currently being used as a nursery to harden off native plants. Managed as a closed landfill. The site has a long history of use as a quarry, a landfill and a works depot for the Council. The area is low lying, coastal land with potential for use as coastal public open space. This will be of particular significance as the Council considers coastal management in response to sea level rise and climate change. It is likely that over time, areas of the coast will no</p>

Project		Assessment criteria						Overall assessment	Issues to consider
		Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit		
			<i>and adapt to climate change</i>			plan review; closed landfill site.		reassessment in 2027	longer be suitable for public access and development of this site for open space purposes could help off-set some of this loss in the long term. There are examples around the coast of low-key beautification work that has improved the natural environment and proven popular with people visiting the coast for leisure and recreation. This type of work is a good potential fit with the Plimmer Bequest criteria and is a good strategic fit with climate change adaptation planning. The future of this land will be considered as part of the South Coast Management Plan review (underway in 2024).
12	Queens Park	Low-Medium – some social and environmental outcomes – very localised	Low-medium - • <i>Invest in sustainable, connected and accessible community and recreation facilities</i>	Low-medium – 1.Pāhekohekotanga – <i>Integrated</i>	Low – not identified as a priority project in reserve management plan or policy	Medium – small scale project	Low-Medium – small-scale beautification project; not identified as a priority project; minor upgrades could potentially be funded using other budget sources	Not recommended for Plimmer funding	Project was included on the 2021 long list for Plimmer funding to reassess in 2024. Community driven project. Expectation that Council will fund improvement. Landscape Plan completed. Beautification project with high impact for local community. Not identified as a priority project in relevant reserve management plan or any other plan or policy. Minor upgrades could be funded over time through community partnership and reprioritising capital funding. Could also be funded through growth in considering city parks investment through Green Network Plan and DC's policy review. Not recommended for Plimmer funding. Central city - could form part of the consideration of Green Network Plan implementation.
13	Flagstaff Hill	Low-Medium – some social and environmental outcomes – very localised	Low-medium - • <i>Invest in sustainable, connected and accessible community and recreation facilities</i>	1.Pāhekohekotanga – <i>Integrated</i>	Low – not identified as a priority project in reserve management plan or policy	Medium – small scale project	Low – small scale; not identified as a priority project; minor upgrades could potentially be funded using other budget sources	Not recommended for Plimmer funding	Project was included on the 2021 long list for Plimmer funding to reassess in 2024. The site was purchased by Council in 2015. Small site with heritage value. Small scale project but community expectation for improvement/refresh. Minor upgrades could be funded over time through community partnership and reprioritising capital funding. Also has potential for consideration as part of Green Network Plan implementation.

Project		Assessment criteria							Issues to consider
		Draft LTP Community Outcomes	Draft LTP Strategic Priorities	Te Whai Oranga Pōneke strategic focus areas	Reserve network priority	Project deliverability	Plimmer alignment & level of benefit	Overall assessment	
14	Huetepara	Medium –social and environmental outcomes	Medium - <ul style="list-style-type: none"> Invest in sustainable, connected and accessible community and recreation facilities 	Medium – <ol style="list-style-type: none"> Pāhekohekotanga – <i>Integrated</i> Whai Wāhitanga – <i>Inclusive</i> Kanorau – <i>Diverse</i> 	Low – not identified as a priority project in reserve management plan or policy	Medium-High – concept plan developed and consents applied for; subject to funding confirmation in 2024-34 LTP	Medium – Plimmer funding could supplement Council budget and community fund raising but in terms of ensuring a geographic spread of Plimmer funding, Kilbirnie Park is the eastern suburbs priority for the 10-year programme.	Not recommended for Plimmer funding	<p>Community driven project located on a small area of sand dune at the eastern end of Lyall Bay beach, in front of a large commercial/retail building.</p> <p>Involves the development of a new open space area. Consultation with the local community has identified a preference to prioritise the creation of a family-friendly active space. This proposed development includes picnic areas, nature play, viewing platform, alongside new toilet and shower facilities.</p> <p>Draft LTP funding of \$2.3m identified for 2024/25. Community is raising additional funding to supplement funding provided by Council.</p> <p>Plimmer funding could help supplement Council and community investment but in terms of ensuring a geographic spread of the spending of Plimmer funds, Kilbirnie Park is the eastern suburbs priority on the 10-year programme.</p>

WATER SERVICES BYLAW REVIEW 2024

Kōrero taunaki | Summary of considerations

Purpose

1. This report seeks the Council's approval to publicly consult on the Statement of Proposal presenting the draft Water Services Bylaw 2024.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy
- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

Relevant Previous decisions

In December 2021, the Council resolved to amend Part 8: Water Services of the Wellington City Consolidated Bylaw to remove a provision requiring the bylaw to be reviewed in 2022.

The paper recommending that decision noted that removing the provision would push the bylaw review out to 2024, with a revocation clause in section 160a of the Local Government Act 2002 taking effect in August 2024.

Significance

The decisions of this report are **rated low significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy.

Section 156 of the Local Government Act 2002 requires the Council to consult on the draft Water Services Bylaw 2024.

Financial considerations

- Nil Budgetary provision in Annual Plan / Long-term Plan Unbudgeted \$X

2. There are no financial considerations in relation to the recommendations of this report.

Risk

- Low Medium High Extreme

3. The proposals have been assessed against the Council's strategic risk framework consequences table. The overall level of risk in relation to the recommendations of this report is low.

4. There is a risk that the public may associate this bylaw review with other water-related issues (for example the condition of public water infrastructure, or the programme to repair water leaks). Mitigations for this risk are discussed further in paragraph 47.

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Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That Te Kaunihera o Pōneke | Council:

- 1) Receive the information.
- 2) Agree to remove water services matters from the Wellington City Consolidated Bylaw and to make a new, stand-alone Water Services Bylaw.
- 3) Approve the Statement of Proposal presenting the draft Water Services Bylaw 2024 (attachment 1) for public consultation from 12 March to midday 15 April 2024; and
- 4) Agree to delegate to the Chief Executive Officer and the Chair of the Environment and Infrastructure Committee the authority to amend the Statement of Proposal to include any amendments agreed by the Council and any other minor edits.

Whakarāpopoto | Executive Summary

5. This report relates to a review of the Wellington City Council Consolidated Bylaw 2013 Part 8: Water Services (the 'current Water Services Bylaw').
6. The current Water Services Bylaw is a regulatory tool incorporating the following important water services matters, which are not covered by other legislation:
 - Requirements for connections to the public water supply.
 - Regulating different types of water supply.
 - Ownership and maintenance responsibilities between the customer and the Council.
 - Requiring compliance with water restrictions to manage demand or during an emergency.
 - Requirements for fire protection connections to the public water supply.
 - Regulating the approach to backflow prevention, water meters, and flow restrictors.
 - Requirements for working around buried services.
7. The current Water Services Bylaw must be reviewed now because unless it is replaced by 28 August 2024 it will automatically revoke under section 160a of the Local Government Act 2002 (the Act).
8. We have undertaken a review of the current Water Services Bylaw. It is necessary to retain the bylaw with some required updates proposed in five key areas. The proposed updates are summarised below, with further information provided from paragraph 21 in this report, and in section 4.3 of the Statement of Proposal (attachment 1).
 - a) **Proposal 1:** Five key updates to provide better protections for public water services infrastructure³ in the bylaw.
 - b) **Proposal 2:** Four key updates to ensure better alignment of water services matters within the Wellington region.
 - c) **Proposal 3:** Four key updates to reflect changes to legislative responsibilities since the introduction of Taumata Arowai (the national regulator for drinking water) and the Water Services Act 2021.
 - d) **Proposal 4:** Updates to existing definitions and the addition of some new definitions for key terms used in the bylaw.
 - e) **Proposal 5:** Minor updates throughout the bylaw to improve readability, clarity, and flow.
9. As part of the proposed updates, we recommend removing the bylaw from the Wellington City Consolidated Bylaw to make a new, stand-alone Water Services Bylaw.
10. The purpose of this report is to seek the Council's approval to publicly consult on the Statement of Proposal presenting the draft Water Services Bylaw 2024 (attachment 1) from 12 March to 15 April 2024. Oral hearings are scheduled for 2 May 2024.
11. Following consultation, a submissions report and proposed final bylaw will be provided to the Environment and Infrastructure Committee on 5 June 2024. We will seek a recommendation at that meeting for the Council to adopt the final Water Services Bylaw 2024 on 27 June 2024.

³ "Public Water Services Infrastructure" is defined in the draft bylaw as: infrastructure owned or operated by the Water Services Authority for the purposes of the delivery of water services, and includes the water supply network, wastewater network, and stormwater network. This includes existing or proposed assets used or proposed to be used by the Water Services Authority to provide water services.

Takenga mai | Background

12. Section 146 of the Act enables the Council to make bylaws for a range of purposes, including 'managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with' water supply, wastewater, drainage and sanitation, and land drainage.
13. The current Water Services Bylaw has been operative since 29 August 2012. Amendments to the bylaw were made in August 2013 to allow the Council to respond more efficiently to water supply situations arising from high demand or reduced supply.
14. In December 2021, the Council amended the bylaw to remove a provision stating that the bylaw would be reviewed in 2022. The timeframes for this review therefore fall under the Act, which requires that a review must be undertaken no later than 10 years after the last review. A bylaw that is not reviewed under this requirement, if not earlier revoked, is revoked two years after the last date on which it should have been reviewed. Under these requirements, the current Water Services Bylaw must be reviewed by 28 August 2024, or it will automatically revoke.
15. The timeline for this bylaw review has been developed to avoid the automatic revocation of the current Water Services Bylaw. Following consultation, a submissions report and proposed final Water Services Bylaw 2024 will be provided to the Environment and Infrastructure Committee on 5 June 2024. We will seek a recommendation at that meeting for the Council to adopt the final Water Services Bylaw 2024 on 27 June 2024. The Water Services Bylaw 2024 will be operational on 1 August 2024.
16. The changes proposed to the current Water Services Bylaw incorporate impacts of the Government's Water Services Reform Programme (including the Water Services Acts Repeal Bill) as known at the time of writing.
17. A further bylaw review is likely to be required in the coming years to reflect ongoing Government developments, including in the areas of wastewater and stormwater.

Kōrerorero | Discussion

Review findings

18. The review of the current Water Services Bylaw has found that a range of water services issues are currently being adequately addressed. These are set out in section 4.1 of the Statement of Proposal (attachment 1). We consider it necessary to retain existing clauses in these areas (with some minor editorial edits), as the matters would not be effectively controlled if not included in the bylaw.
19. The bylaw review has also identified that some water services matters are not sufficiently being dealt with by the current Water Services Bylaw or in other regulation. Some of these issues may be resolved or require a specific regulatory response in future as the Government's Water Services Reform Programme progresses. However, it is critical to continue with a bylaw review now to ensure that the Council retains an active Water Services Bylaw. Once a new bylaw is in place, it can be reviewed at any earlier time than is required by the Act to address additional considerations.
20. Paragraphs 21 to 26 of this report outline critical updates that should be made to the current Water Services Bylaw now to manage three key issues:

- **Issue 1:** Existing regulations, including the current Water Services Bylaw, do not adequately ensure protection of public water services infrastructure.
- **Issue 2:** The Water Services Bylaw should reflect key changes in the water services environment since the current bylaw was adopted in 2012, including:
 - The establishment of Taumata Arowai, the national regulator for water quality.
 - The introduction of the Water Services Act 2021.
 - The establishment of Wellington Water Limited, which manages drinking water, stormwater, and wastewater services for the Council.
 - The development of the Regional Standard for Water Services⁴.
- **Issue 3:** The current Water Services Bylaw includes a schedule of water restriction levels that are inconsistent with those currently used by other councils in the region.

Proposed updates to the current Water Services Bylaw

21. We have developed five proposals to improve and update the current Water Services Bylaw. An overview of each proposal is provided below. For more detail refer to section 4.3 of the Statement of Proposal (attachment 1).
22. **Proposal 1:** Provide better protections for public water services infrastructure in the bylaw by:
 - a) Clearly prohibiting access to or interference with public water services infrastructure unless by an approved contractor.
 - b) Requiring written approval from the Water Services Authority before any work is undertaken on or near public water services infrastructure.
 - c) Including requirements for provision of access to the point of supply⁵ when it is on private land.
 - d) Clearly stating that any person who causes damage to public water services infrastructure is liable to pay the costs of repair.
 - e) Inserting a new clause setting out penalties for breaches against the bylaw in reference to the Local Government Act 2002.
23. **Proposal 2:** Ensure better alignment of water services matters within the Wellington region by:
 - a) Formalising the Regional Standard for Water Services as the minimum standard for the design and construction of waters infrastructure.
 - b) Removing content from the bylaw that is now set out in the Regional Standard for Water Services.
 - c) Updating the schedule to the bylaw to align water restriction levels with those currently used by other councils in the region. Note that under level 4 of the aligned content, restrictions on commercial water use can be mandated by public notification. At level 3, voluntary restriction guidelines apply for commercial water use. Commercial properties are metered and pay for water consumption.
 - d) Including a new clause stating that the details of the water restrictions or prohibitions in the bylaw schedule can be varied at any time, with public notice.

⁴ The Regional Standard for Water Services was developed by Wellington Water Limited and provides minimum standards for the design and construction of three waters infrastructure.

⁵ "Point of Supply" is defined in the draft bylaw as: the point on the service pipe which marks the boundary between public and private responsibility and is typically the customer side of the service valve (toby), unless otherwise specified, and regardless of whether the service value (toby) is inside or outside the property boundary.

-
24. **Proposal 3:** Reflect changes to legislative responsibilities since the introduction of Taumata Arowai (the national regulator for drinking water) and the Water Services Act 2021 by:
- Removing references to 'fire hydrant permits' and including requirements for 'permits to draw water.'
 - Inserting new clauses supporting the prohibition of unauthorised fire hydrant use and setting out liability for related damage or loss as a result.
 - Adding a clause managing the drawing of water from authorised locations.
 - Making necessary amendments to reflect increased backflow prevention responsibilities in the Water Services Act 2021.
25. **Proposal 4:** Update existing definitions and adding new definitions, where required, for key terms used in the bylaw.
26. **Proposal 5:** Make minor updates to improve readability, clarity, and flow.

Determination whether bylaw is appropriate

27. Section 155 of the Act provides that a local authority must consider the following matters when proposing a new bylaw or undertaking the review process:
- Determine whether a bylaw is the most appropriate way of addressing the perceived problem;
 - Determine whether the proposed bylaw is the most appropriate form of bylaw; and
 - That any proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
28. We have considered these matters and conclude that the draft Water Services Bylaw 2024 is consistent with the requirements of the Act. Further information about this assessment is included in section 4.4 of the Statement of Proposal (attachment 1).

Kōwhiringa | Options

29. Option 1 (preferred option): the Council approves the Statement of Proposal presenting the draft Water Services Bylaw 2024 for public consultation. This is the preferred option as the draft bylaw addresses key water services issues.
30. Option 2: the Council decides to revoke the current Water Services Bylaw without replacing it. This option is not recommended because the bylaw is required to manage key water services in the city.
31. Option 3 (status quo): the Council does not approve the Statement of Proposal presenting the draft Water Services Bylaw 2024 for public consultation. This option is not recommended. If the process to replace the current Water Services Bylaw is not proceeded with, the bylaw will automatically revoke under the Act, and Council will cease to have the means to address the issues managed under the current bylaw.

Whai whakaaro ki ngā whakataunga | Considerations for decision-making

Alignment with Council's strategies and policies

32. The recommendations of this report are consistent with the Council's decision in December 2021 to amend the current Water Services Bylaw to remove a provision requiring the bylaw to be reviewed in 2022. As such, the review timeframe requirements for the bylaw fall under sections 159 and 160a of the Act.
33. The recommendation to remove water services matters from Part 8 of the Wellington City Consolidated Bylaw to make a new, stand-alone Water Services Bylaw is consistent with the Council's approach to other bylaws in recent years, including the Public Places Bylaw 2022 and the Traffic and Parking Bylaw 2021.
34. The recommendations of this report contribute to the Council's Priority Objective in the Long-term Plan 2021-31 of 'A functioning, resilient, and reliable three waters infrastructure.'

Engagement and Consultation

35. As the organisation that manages drinking water, stormwater, and wastewater services for the Council, Wellington Water Limited (WWL) is a key stakeholder in the review of the Water Services Bylaw. WWL has been engaged throughout the development of the draft bylaw, and input received has informed several of the proposed updates.
36. To bring the wider public's views into the review process, we will undertake one month of consultation on the draft Water Services Bylaw 2024 from 12 March to 15 April 2024. Consultation is required under section 156 of the Act.
37. A Communications and Engagement Plan has been developed to guide consultation on the draft bylaw. The Statement of Proposal presenting the draft Water Services Bylaw 2024 (attachment 1) is a key tool to support the consultation.
38. There is a risk that the public may associate this bylaw review with other water-related issues (for example the condition of public water infrastructure, or the programme to repair water leaks). Mitigations for this risk are discussed further in paragraph 47.

Māori Impact Statement

39. The draft Water Services Bylaw 2024 is a regulatory tool to support the protection of public water services infrastructure and provision of safe drinking water.
40. The bylaw does not relate to management or allocation of freshwater, which is a priority area for mana whenua. However, the bylaw does contain clauses related to water consumption and demand management. These clauses are designed to assist the Council to manage high seasonal (or other) demand on the water supply. This approach aligns with Te Mana o Te Wai principle stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
41. One of the proposed updates to the bylaw is to formalise the requirement of the Regional Standard for Water Services. The Standard contains clauses requiring that environmental quality be considered in the location, design, and construction of all components of water systems. The Standard specifically notes that the following should be considered for environmental quality: (a) Avoid adverse effects on cultural and heritage sites and respect cultural values, particularly the cultural values of tangata whenua.

Financial implications

42. The recommendations of this report do not result in additional expense in the current or future financial years.

Legal considerations

43. The Act sets out a required process for the review of bylaws. The Statement of Proposal presenting the draft Water Services Bylaw 2024 (attachment 1) has undergone a legal review to ensure compliance with these requirements.
44. The Legal Team has reviewed the proposed amendments to the bylaw and feedback has been incorporated accordingly.
45. The proposed Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

Risks and mitigations

46. The recommendations of this paper have been assessed against the Council's strategic risk framework consequences table. The overall level of risk is low.
47. There is a risk that the public may associate this bylaw review with other water-related issues (for example the condition of public water infrastructure, or the programme to repair water leaks). To mitigate this risk, key questions for feedback on the submission form have been designed to focus feedback on the matters of the bylaw.

Disability and accessibility impact

48. There have been no impacts on accessibility identified in relation to the recommendations in this report.
49. Accessible versions of the Statement of Proposal and submission form will be produced and made available on the Council's website. Hard copies of all documents will be available from the Arapaki Service Centre and Council libraries.

Climate Change impact and considerations

50. The draft Water Services Bylaw 2024 includes proposed updates to protect public water services infrastructure, contributing to the resilience of these critical assets, and by extension the people of Wellington city.
51. No risks from climate change to the proposals in this paper have been identified.
52. There are no greenhouse gas emission implications related to the recommendations of this paper.

Communications Plan

53. A Communications Plan has been developed for the bylaw consultation to set out the approach to public engagement.
54. Communications will include direct contact with key stakeholders, a dedicated page on the Council's Kōrero Mai Let's Talk online platform, and content in the 'This Week in Our Wellington' newsletter. Hard copies of the submission form and Statement of Proposal will be available at Arapaki Service Centre and all Council libraries.

Health and Safety Impact considered.

55. There are no health and safety hazards or risks associated with the recommendations in this report.

Ngā mahinga e whai ake nei | Next actions

56. If the Council agrees to publicly consult on the Statement of Proposal presenting the draft Water Services Bylaw 2024 (attachment 1), it will be finalised for publication.
57. Public consultation will take place from 12 March to midday 15 April 2024, with oral hearings scheduled for 2 May 2024.
58. Following consultation, a submissions report and the proposed final Water Services Bylaw 2024 will be provided to the Environment and Infrastructure Committee on 5 June 2024. We will seek a recommendation at that meeting for the Council to adopt the final Water Services Bylaw 2024 on 27 June 2024.
59. The Water Services Bylaw 2024 will be operational from 1 August 2024.

Attachments

Attachment 1. Statement of Proposal - Draft Water Services Bylaw 2024   Page 52

Statement of Proposal

Draft Water Services Bylaw 2024

1. Summary of information

This Statement of Proposal relates to a review of Wellington City Council Consolidated Bylaw 2013 Part 8: Water Services ('the current Water Services Bylaw'). The current Water Services Bylaw manages, regulates, and protects some important aspects of water services that are not covered in other legislation.

The current Water Services Bylaw has been operative since 29 August 2012. The bylaw was made under section 146 of the Local Government Act ('the Act'), which enables the Council to make bylaws for 'managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure' associated with a range of matters including water supplies, wastewater, drainage and sanitation, and land drainage.

The Act sets out required timeframes for bylaw reviews. A review of the Water Services Bylaw must be completed by 28 August 2024, or the bylaw will automatically be revoked.

We have reviewed the current Water Services Bylaw and are proposing to retain the bylaw with some necessary updates.

This Statement of Proposal is designed to support public consultation on the Water Services Bylaw review and contains:

- Background information.
- An outline of the review.
- Discussion of proposed changes to the current Water Services Bylaw.
- The draft Water Services Bylaw 2024.
- A marked-up version of the current Water Services Bylaw for comparison.

Key dates:

Key dates for the rest of the review process are set out below. These dates may change depending on Committee schedules or the number of submissions received.

29 February 2024	The Council approves public consultation on the draft Water Services Bylaw.
12 March – midday 15 April 2024	Public consultation.
2 May 2024	The Hearings Committee receives oral submissions.
5 June 2024	The Environment and Infrastructure Committee considers updates to the draft bylaw. The Committee decides whether to recommend that the Council adopts the new Water Services Bylaw.
27 June 2024	The Council decides whether to adopt the new Water Services Bylaw.
1 August 2024	The new Water Services Bylaw comes into force.

2. We want to hear from you

Please let us know what you think about the review and proposed changes to the Water Services Bylaw. You can comment on any part of the bylaw. **Public consultation opens on 12 March and closes at midday, 15 April 2024.**

To provide your feedback, you can:

- **Make a submission online** at www.letstalk.wellington.govt.nz/water-services-bylaw
- **Download a submission form from the website and email** it to policy.submission@wcc.govt.nz
- **Fill in the submission form** and send it to:

Freepost 2199
Water Services Bylaw Review
Policy Team
PO Box 2199
Wellington 6140
- **Drop off your submission form** to Arapaki Service Centre, 12 Manners Street

Printed copies of this Statement of Proposal are available:

- At Arapaki Service Centre, 12 Manners Street
- At all Wellington City Libraries
- By emailing policy.submission@wcc.govt.nz
- By phoning 04 499 4444 to request a copy

If you wish to make an oral submission to Councillors on 2 May 2024, please indicate this on your submission form and ensure that you have included your contact details. We will contact you to arrange a time for you to speak.

Privacy statement – what we do with your personal information

Submissions including your name and opinions on the draft bylaw will be published and made available to elected members and the public. Contact details provided by you may be given to elected members if they wish to contact you about your submission. Contact details may be used by Council staff for administration of the consultation process. Council staff will have access to complete submissions for the purposes of analysing feedback.

Except for your name, personal details collected in the ‘your details’ section of the submission form will be redacted before publishing. Please note that you should not include any personal information in the open text fields of the form if you do not wish it to be made public.

For further details around privacy, please see our extended Privacy Statement on the Wellington City Council website. All information collected will be held by Wellington City Council in accordance with the Privacy Act 2020. You have a right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at policy.submission@wcc.govt.nz.

3. Background

The Council's current Water Services Bylaw manages, regulates, and protects some important elements of water services that are not covered in other legislation. Some key inclusions in the current bylaw are:

- Requirements for connections to the public water supply.
- Regulating different types of water supply.
- Ownership and maintenance responsibilities between the customer and the Council.
- Requiring compliance with water restrictions to manage demand, or during an emergency.
- Requirements for fire protection connections to the public water supply.
- Regulating the approach to backflow prevention, water meters, and flow restrictors.
- Requirements for working around buried services.

The current Water Services Bylaw has been operative since 29 August 2012, and was made under section 146 of the Act. This section enables the Council to make bylaws for 'managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure' associated with a range of matters, including water supplies, wastewater, drainage and sanitation, and land drainage.

The Act sets out required timeframes for the review of bylaws. A review of the current Water Services Bylaw must be completed by 28 August 2024, or the bylaw will automatically be revoked under section 160(a) of the Act.

We have reviewed the current Water Services Bylaw and found that a range of water services issues are currently being addressed well by the bylaw. We consider it necessary to retain existing clauses relating to these issues (with some minor editorial edits), as the matters would not be effectively controlled if not included in the bylaw.

Our review has also identified some key water services issues which are not currently being addressed sufficiently by the current bylaw, or in other legislation. Three of these are necessary to address now, as discussed in section 4.2 of this Statement of Proposal. We are proposing necessary changes to the current bylaw to address these issues. More detail about the changes is included in Section 4.3 of this document. With continued Government reform in the water services sector, we may need to do a further review of the bylaw in the near future.

Note that as part of this bylaw review, we are proposing that the key term **Water Services Authority** is included in the bylaw to replace most existing references to 'the Council.' **Water Services Authority** means Wellington City Council or its delegated agents (for example Wellington Water Limited). This term, with this definition, is used throughout this Statement of Proposal.

3.1 Summary of proposed changes to the Water Services Bylaw

Proposal 1: Better protect public water services infrastructure¹ by:

- a) Prohibiting access to or interference with public water services infrastructure unless by an approved contractor.
- b) Requiring written approval from the Water Services Authority before any work is undertaken on or near public water services infrastructure.
- c) Including a section with requirements for providing access to the point of supply² when it is on private property.
- d) Clearly stating that any person who causes damage to public water services infrastructure is liable to pay the costs of repair.
- e) Inserting a new clause setting out penalties for breaches against the bylaw under the Local Government Act 2002.

Proposal 2: Better align water services matters within the Wellington region by:

- a) Formalising the Regional Standard for Water Services (RSWS)³ as the minimum standard for the design and construction of waters infrastructure.
- b) Removing content from the bylaw that is now set out in the RSWS.
- c) Updating the schedule to the bylaw, which describes the water restriction levels which may be imposed to manage high seasonal (or other) demands
- d) Including a new clause stating that the schedule of water restriction levels can be varied at any time, with public notice.

Proposal 3: Reflect changes to legislative responsibilities since the introduction of Taumata Arowai (the national regulator for drinking water) and the Water Services Act 2021 by:

- a) Removing references to 'fire hydrant permits' and including requirements for 'permits to draw water.'
- b) Inserting new clauses supporting the prohibition of unauthorised fire hydrant use.
- c) Adding a new clause managing the drawing of water from authorised locations.
- d) Making necessary amendments to reflect backflow prevention requirements in the Water Services Act (and the Building Act 2004).

Proposal 4: Update existing definitions and add new definitions, where required, for key terms in the bylaw.

Proposal 5: Make minor updates to improve readability, clarity, and flow.

¹ "Public water services infrastructure" means: infrastructure owned or operated by the Water Services Authority for the purposes of the delivery of water services, and includes the water supply network, wastewater network, and stormwater network. This includes existing or proposed assets used or proposed to be used by the Water Services Authority to provide water services.

² "Point of supply" means: the point on the service pipe that marks the boundary between public and private responsibility, and is typically the customer side of the service valve (toby), unless otherwise specified, and regardless of whether the service valve (toby) is inside or outside the property boundary.

³ The RSWS, developed by Wellington Water Limited, provides minimum standards for the design and construction of three waters infrastructure.

4. Review findings and proposed bylaw updates

The review of the current Water Services Bylaw found that there are a range of water services issues currently being adequately addressed through the bylaw, as outlined in section 4.1. It is necessary to retain the existing bylaw clauses (with minor editorial edits) in these areas.

The review also identified a range of water services issues not sufficiently being addressed by the current bylaw or in other regulation. The Government's ongoing Water Services Reform Programme may address some of these issues and we are likely to undertake a further review of the bylaw as the Programme progresses. However, it is critical to continue with a bylaw review now to ensure that the Council retains an active Water Services Bylaw. Three key issues need to be addressed in the new Water Services Bylaw now. These are listed in section 4.2.

4.1 Water services issues currently adequately addressed

- Requirements relating to applications for water supply connections.
- Responsibility for maintenance of water services infrastructure.
- The different types of water supply available.
- Responsibilities relating to continuity of supply (including demand management and emergency restrictions).
- Terms and conditions for meters and flow restrictors.
- Administrative matters including transfer of rights and responsibilities, and change of premises ownership or tenancy.

4.2 Key issues not being sufficiently addressed

Issue 1: Existing regulations, including the current Water Services Bylaw, do not adequately ensure protection of public water services infrastructure.

Issue 2: The bylaw should reflect key changes that have occurred in the water services environment since the bylaw was adopted in 2012, including:

- The establishment of Taumata Arowai, the national regulator for water quality.
- The introduction of the Water Services Act 2021.
- The establishment of Wellington Water Limited, which manages drinking water, stormwater and wastewater services for the Council.
- The development of the RSWS.

Issue 3: The current Water Services Bylaw includes a schedule setting out water restriction levels that are inconsistent with those currently used by other councils in the region.

4.3 Proposed updates to the Water Services Bylaw

To address the key issues identified in section 4.2, the following section sets out five proposals to improve and update the current Water Services Bylaw.

Proposal one: Provide better protections for public water services infrastructure.

Existing regulations, including the current Water Services Bylaw, do not adequately ensure the protection of public water services infrastructure (as described in issue 1 in section 4.2 of this document). To address this, we propose to insert new clauses in the Water Services Bylaw explicitly outlining our expectations in relation to this issue. The key updates include:

- a) New clauses clearly prohibiting access or interference with public water services infrastructure, unless by an approved contractor.**
- b) Strengthening existing bylaw clauses about working around public water services infrastructure by requiring written approval before any work is undertaken on or in 'close proximity' to, 'near,' or 'over'⁴ public water supply, wastewater, or stormwater assets.**

The purpose of these new clauses is to ensure that the Water Services Authority is aware of any work being undertaken that could impact public assets and can proactively mitigate the risk and the consequences of damage (for example, by imposing conditions that the work must comply with).

- c) A new section called 'access to point of supply.' This section clearly sets out the times at which customers must allow the Water Services Authority onto their land for purposes such as meter reading, checking, testing and maintenance work, night-time leak detection, and in cases of network failure, significant fault, or emergency.**

While the Council can already legally access private land for these purposes under the 'general powers of entry' set out in the Local Government Act 2002, clearly setting out these expectations in the bylaw provides transparency, clarity, and is consistent with the bylaws of some other councils in the region.

- d) Strengthening the responsibilities around payment for damage by clearly stating that any person who causes damage to any public water services infrastructure shall be liable to pay the costs of repair.**
- e) A new clause setting out penalties for breaches against the bylaw in reference to the Local Government Act 2002.**

⁴ 'Close proximity,' 'near,' and 'over' are all defined in the RSWS.

Proposal two: Ensure better alignment of water services matters within the Wellington region.

In the time since the current Water Services Bylaw was made operative in 2012, there have been regional-level changes which impact aspects of water services. We have identified four key opportunities to improve the Water Services Bylaw (and address issues 2 and 3 described in section 4.2 of this document) considering these regional changes. The key proposed updates are:

- a) Formalising the Regional Standard for Water Services (RSWS) as the required design/construction standard for any works on or around public water services infrastructure, and remove existing references to 'Water Connection Standards,' as these have been superseded.**
- b) Removing detail from the bylaw which is now covered by the RSWS (for example, where a point of supply must be located), and referring to the RSWS instead.**

The RSWS, developed by Wellington Water Limited, provides minimum standards for the design and construction of three waters infrastructure, and promotes consistency within the local industry for the benefit of developers, designers, suppliers, and councils.

The RSWS is to be used in conjunction with the Regional Specification for Water Services, which contains the minimum technical specifications for the materials, construction, installation, testing and commissioning of the stormwater, wastewater, and water supply networks.

- c) Updating the schedule to the bylaw, which describes the water restriction levels that may be imposed to manage high seasonal (or other) demands.**
- d) Including a clause stating that the details of the water restrictions or prohibitions in the bylaw schedule can be varied at any time, with public notice.**

The water restriction levels described in the schedule to the current Water Services Bylaw are not aligned with those currently used by other councils in the region. Updating the bylaw schedule for regional alignment will provide consistency of messaging and improve the efficiency of implementing water restrictions. Note that under level 4 of the aligned content, restrictions on commercial water use can be mandated by public notification. At level 3, voluntary restriction guidelines apply for commercial water use. Commercial properties are metered and pay for water consumption.

Including a clause enabling the schedule to be varied as required provides flexibility to reflect changes in regional or national demand management practices without the need to review the bylaw itself, which is a resource-heavy process that takes several months.

Proposal 3: Reflect changes to legislative responsibilities since the introduction of Taumata Arowai (the national regulator for drinking water) and the Water Services Act 2021.

The establishment of Taumata Arowai and the introduction of the Water Services Act 2021 have increased legislative requirements for customers and Water Supply Authorities, particularly in relation to protecting the water supply network from backflow. We are proposing four key updates to the bylaw to reflect these requirements (addressing aspects of issue 2 described in section 4.2 of this document):

- a) **Removing existing references to ‘fire hydrant permits’, which no longer exist, and referring instead to the requirement for ‘permits to draw water.’**
- b) **Inserting new clauses supporting the prohibition of unauthorised fire hydrant use, and setting out liability for related damage or loss as a result.**
- c) **Adding a clause enabling the Water Services Authority to decline, revoke, or modify any written approval to draw water from authorised locations at any time, and to be able to direct water to be drawn only from other approved alternative locations.**
- d) **Making necessary amendments to reflect increased backflow prevention responsibilities in the Water Services Act 2021.**

Proposal 4: Update existing definitions, or adding new definitions where required, for key terms in the bylaw.

Some key term definitions in the bylaw need to be updated, and some new definitions added, to reflect our proposed updates to the bylaw and changes in the water services environment.

The proposed definitions are set out in the ‘Interpretations’ section of the draft Water Services Bylaw 2024 (part 5 of this document). Changes can be compared to the current Water Services Bylaw in part 6 of this document. The key changes are:

- a) Updated definition for **backflow** to align with the Water Services Act 2021.
- b) New definition for **daylight saving** which refers to the New Zealand Daylight Time Order 2007.
- c) Updated definition for **point of supply** for consistency with the RSWS.
- d) Updated definition for **publicly notified** to align with the Local Government Act 2002.
- e) New definition for **public water services infrastructure**, which includes the water supply, wastewater, and stormwater networks.
- f) New definition for **wastewater network** based on the definition in the Water Services Act 2021.
- g) Updated definition for **Special Circumstances** to include the installation of a flow restrictor or backflow prevention device, to be consistent with the rest of the bylaw.
- h) New definition for **stormwater network** based on the definition in the Water Services Act 2021.
- i) Deleted definition for **Water Connection Standards** as these are superseded by the RSWS.

- j) New definition for **Water Services Authority** to mean ‘Wellington City Council or its authorised agents.’ This term replaces most references to ‘the Council’ in the current bylaw.
- k) Deleted definition for ‘**water unit**,’ as this term is now not referred to in the bylaw.
- l) New definition for ‘**working day**’ based on the Legislation Act 2019.

Proposal 5: Make minor updates to improve readability, clarity, and flow

We are proposing a range of minor updates throughout the bylaw to improve readability, clarity, and flow. This includes creating ‘parts’ within the bylaw, moving some content into new sections, updating section references, and rewording some clauses. The marked-up version of the current bylaw, included as part 6 of this document, shows the changes to the current bylaw for comparison.

Because we are proposing to include a new ‘Part B’ in the bylaw in relation to the protection of public water services infrastructure (that is, all water supply, wastewater, and stormwater infrastructure), we have expanded the ‘application of the bylaw,’ and ‘resolution power’ sections of the bylaw to refer to all waters.

Water services matters are currently addressed in Part 8 of the Council’s Consolidated Bylaw 2008. We are proposing to remove Water Services matters from the Consolidated Bylaw to create a stand-alone Water Services Bylaw. As such, the draft Water Services Bylaw 2024 includes a range of administrative clauses (in sections 3, 23, and 24) previously provided in Part 1 (Introduction) of the Consolidated Bylaw.

4.4 Determination of whether the bylaw is appropriate

Under sections 155 and 160 of the Act, when reviewing a bylaw the Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem, whether the proposed bylaw is the most appropriate form of bylaw, and whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Determining that a bylaw is the most appropriate way to address the problem

Most activities to do with water and public water services infrastructure are sufficiently managed using non-regulatory methods, such as education campaigns to support good water management. However, there are some instances, particularly in relation to the critical need to protect public water services infrastructure and manage water demand, where it is necessary for the Council to have the ability to legally enforce compliance.

A bylaw enables the Council to take immediate, decisive action to manage water demand (for example by installing flow restrictors or imposing water restrictions) and to recover costs through the court process for offences such as damage to public water services infrastructure.

The Council implemented a Water Charter in 2008 as a non-regulatory tool to manage some water services issues. However, in 2012 it was determined that the Charter had not been able to achieve the desired water services objectives.

A Water Services Bylaw remains the most appropriate method of 'managing regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure' associated with water supplies, wastewater, drainage and sanitation, and land drainage.

Developing the most appropriate form of bylaw

In preparing the draft Water Services Bylaw 2024, the following aspects have been considered to ensure the form of the proposed bylaw is the most appropriate:

- Flexibility has been retained where necessary so the bylaw can be updated at any time, which is particularly important considering ongoing Government water services reform. As the regulatory environment develops, it is likely that further updates to the bylaw will be required, particularly in the areas of wastewater and stormwater.
- The current Water Services Bylaw is Part 8 of the Wellington Consolidated Bylaw 2008. We are proposing to create a standalone Water Services Bylaw to make the information easier to access, find and understand. Relevant clauses from Part 1: Introduction section of the Consolidated Bylaw have been included in the draft new standalone bylaw to ensure it contains all the required provisions. This is consistent with the Council's approach to other bylaws in recent years.
- We are proposing updates to improve clarity, flow, and readability of the bylaw. This will make the bylaw more accessible to the public and those using it a regulatory tool.

Bill of Rights Act 1990 implications

To ensure compliance with the New Zealand Bill of Rights Act 1990 (NZBORA), local authorities need to carefully consider the human rights implications associated with the creation or review of any bylaw. This includes assessing whether any restrictions on rights are reasonable and demonstrably justifiable in a free and democratic society. It is the Council's view that no provision of the draft Water Services Bylaw 2024 is inconsistent with the NZBORA.

5. Draft Water Services Bylaw 2024

Part A: Introduction

1. Preamble

- 1.1 The title of this Bylaw is the “Wellington City Council Water Services Bylaw 2024”.
- 1.2 This Bylaw is made under section 146 of the Local Government Act 2002 (the Act), which enables territorial authorities to make bylaws for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with water supply, wastewater, drainage and sanitation, and land drainage.

2. Commencement

- 2.1 This bylaw will be operative from 1 August 2024.

3. Bylaws revoked and amended

- 3.1 This Bylaw revokes and replaces the Wellington City Council Consolidated Bylaw 2013 Part 8: Water Services.
- 3.2 Any resolution made under Part 8: Water Services of the Wellington City Council Consolidated Bylaw continues in force until altered or revoked by further resolution.
- 3.3 All licences and approvals issued under any revoked Bylaw will, after the coming into force of this Bylaw, be deemed to have been issued under this Bylaw and be subject to the provisions of this Bylaw.
- 3.4 All Council officers appointed under or for the purpose of any revoked Bylaw, and holding office at the time of the coming into operation of this Bylaw, will be deemed to have been appointed under this Bylaw.
- 3.5 All fees and charges fixed by resolution of the Council in regard to any goods, services, inspections, licences or approvals provided for in any revoked bylaw will apply under the corresponding provisions of this bylaw until altered by further resolution of Council.

4. Interpretation

In this Bylaw, unless inconsistent with the context, or where otherwise expressly provided:

"Air Gap Separation" means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.

"Backflow" means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

"Customer" is the owner or occupier of the premises that is being supplied with water.

"Daylight Saving" means the period defined as New Zealand daylight time in the New Zealand Daylight Time Order 2007.

"Extra-ordinary Supply" is a category of On Demand Supply for which water is supplied for purposes other than that of an ordinary supply and which may be subject to specific limitations, terms and conditions.

"Extra-ordinary Use" means the use of water for purposes other than Ordinary Domestic Use. These uses include, but are not limited to:

- a. domestic spa and swimming pools in excess of 10 cubic metres capacity and fixed garden irrigation systems;
- b. fire protection systems, other than domestic fire systems, which have prior approval of the Water Services Authority;
- c. temporary unmetered supply.

"Level of Service" means the measurable performance standards on which the Water Services Authority undertakes to supply water to its customers.

"On Demand Supply" is a supply which is available on demand directly from the point of supply subject to the agreed level of service.

"Ordinary Supply" is a category of On Demand Supply solely for Ordinary Domestic Use.

"Ordinary Domestic Use" means the use of water solely for domestic purposes in a dwelling and subject to clause 14.2. This use includes, subject to prior Water Services Authority approval, use in a domestic fire sprinkler system, and the use of a hose for:

- a. washing down a house, car, or boat or other domestic vehicle;
- b. garden watering by hand; and
- c. garden watering by one portable sprinkler per dwelling, or by fixed irrigation system.

"Non-Domestic Use" means the use of water for purposes other than Ordinary Domestic Use. This includes, but is not limited to:

- a. commercial and business uses;
- b. industrial uses;
- c. horticultural, agricultural and viticultural uses;
- d. fire protection systems, other than domestic fire systems, which have prior approval of the Water Services Authority;
- e. temporary unmetered supply.

"Point of Supply" means the point on the service pipe which marks the boundary between public and private responsibility, and is typically the Customer side of the service valve (toby), unless otherwise specified, and regardless of whether the service valve (toby) is inside or outside the property boundary.

"Premises" means:

- a. a property or allotment which is held under a separate Certificate of Title or for which a separate Certificate of Title may be issued, and in respect of which a building consent has been or may be issued; or
- b. where a building exists, whether or not a building consent has been issued; or
- c. a building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Certificate of Title is available; or
- d. land held in public ownership, such as a reserve, for a particular purpose.

"Prescribed Fee" means any fees or charges approved by Wellington City Council for any items or services associated with the supply of water and includes any fees/charges adopted by Wellington City Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.

"Public Water Services Infrastructure" means infrastructure owned or operated by the Water Services Authority for the purposes of the delivery of water services, and includes the water supply network, wastewater network, and stormwater network. This includes existing or proposed assets used or proposed to be used by the Water Services Authority to provide water services.

"Publicly Notified" means made publicly available, until any opportunity for review or appeal has lapsed, on the Water Service Authority's internet site and published on one occasion in one daily or weekly newspaper circulating in the district, or under emergency conditions, in the most effective way to suit the circumstances.

"Restricted Flow Supply" is where a small continuous flow is supplied by a flow control device across an air gap separation, and storage is provided by the customer to cater for their demand fluctuations.

"Restrictor" means a control device fitted to the service pipe or service valve to regulate the flow of water to a customer's premises.

"Service Pipe" means that section of water pipe between a watermain and the point of supply. This section of pipe is owned and maintained by the Water Services Authority.

"Service Valve (Toby)" means the valve at the customer end of the service pipe used to control and/or isolate the supply.

"Special Circumstances" means the circumstances that may lead the Water Services Authority to install a meter, flow restrictor, or backflow prevention device on the supply to an "Ordinary Domestic Use" to a customer's property. These circumstances include, but are not limited to:

- a. Known leaks that are not repaired.
- b. Where excessive use is being investigated.
- c. Where water is being wasted.
- d. Where the customer cannot demonstrate that the risk of backflow is adequately managed.

"Stormwater Network" means the infrastructure owned or operated by, or processes used by, the Water Services Authority to collect, treat, drain, store, reuse, or discharge stormwater. This includes overland flow paths and green water services infrastructure that delivers stormwater water services but does not include a transport stormwater system.

"Supply Pipe" means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the customer.

"Termination" means cutting off the water supply to a premise.

"Water Meter" means the approved device fitted to a service to determine the volume of water passing through that point.

"Water Services Authority" means Wellington City Council or its authorised agents.

"Water Services Authority Approved Contractors" are contractors approved in writing by the Water Services Authority.

"Water Supply Area" means any property or allotment serviced by reticulated water supply.

"Wastewater Network" means the infrastructure owned or operated by, or processes used by, the Water Services Authority to receive, store, convey, treat, or discharge wastewater.

"Water Supply Network" means the components of the network between the reservoir and the point of supply. This includes, but is not limited to, rising mains, trunk mains, distribution mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices, and tobies.

"Working Day" has the same meaning as in section 13 of the Legislation Act 2019 and the day observed as Wellington Anniversary Day.

5. Application of the bylaw

- 5.1 This Bylaw and its terms and conditions apply to water supply, wastewater, and stormwater networks and services in Wellington city.
- 5.2 Any person, on applying for, or being supplied with water by the Water Services Authority accepts the terms and conditions contained in this Bylaw, and any subsequent amendments.

Part B: Protection of Public Water Services Infrastructure

6. Access to Public Water Services Infrastructure

- 6.1 No person other than the Water Services Authority will have access to any Public Water Services Infrastructure (other than public overland flow paths) without the approval of the Water Services Authority, except to operate a service valve (toby).
- 6.2 No person may cause damage to or otherwise interfere with Public Water Services Infrastructure.
- 6.3 Any damage which occurs to any Public Water Services Infrastructure must be reported to the Water Services Authority immediately. The person responsible for causing the damage will be liable for the cost of repair.

7. Working on or around Public Water Services Infrastructure

- 7.1 Any person proposing to carry out permanent or temporary work on or in close proximity to, near, or over (as defined in the Regional Standard for Water Services) Public Water Services Infrastructure, must:
 - a. Obtain written approval from the Water Services Authority prior to any work being undertaken, and
 - b. Be responsible for locating all buried services prior to commencing excavation work, and
 - c. Follow the procedures required for obtaining a Corridor Access Request (CAR) as laid down in Wellington City Council's Code of Practice for Working on the Road, and
 - d. Be responsible for immediately reporting any damage to the Water Services Authority, and for the cost of repair.

8. Requirements for compliance of works

- 8.1 All connections, installations, maintenance, repair works, and any other work on or around Public Water Services Infrastructure must be in accordance with this Bylaw, the

Regional Standard for Water Services (which incorporates the Regional Specification for Water Services), relevant regulations, and Wellington City Council policies, unless otherwise agreed by the Water Services Authority.

Part C: Water Supply

9. Application for supply

9.1 Any customer who wants to:

- a. obtain a new connection to the water supply; or
- b. replace an existing connection to the water supply; or
- c. alter an existing connection to the water supply, including disconnection from the public network or installation/disconnection of water meters, flow restrictors, or backflow prevention devices; or
- d. change the use of, demand on, or capacity of the water or level of service to their premises.

must make an application on the prescribed form, including all the information required by the Water Services Authority, and pay any prescribed fee.

9.2 No connection to the water supply, replacement or alteration of existing connections, or change of use, may be made without the prior written approval of the Water Services Authority.

9.3 The applicant must be the owner of the premises or have the written authority to act on behalf of the owner of the premises for which the supply is sought.

9.4 On receipt of a complete application and the prescribed fee, the Water Services Authority will either:

- a. approve the application, subject to any conditions the Water Services Authority considers appropriate, including conditions to comply with this Bylaw, the Regional Standard for Water Services (which incorporates the Regional Specification for Water Services), relevant regulations, and Wellington City Council policies; or
- b. refuse the application; or
- c. request further information to be supplied by the applicant within a specified time.

9.5 The Water Services Authority will notify the applicant of its decision in writing within 10 working days.

9.6 New connections, including all pipes, fittings and any other equipment, up to the point of supply, must only be installed by Water Services Authority Approved Contractors at the applicant's cost. The applicant must arrange for the contractor both to complete the work and to provide the Water Services Authority with written confirmation that the work was completed by them.

9.7 Approved applications that have not been implemented within six months of the date of approval will lapse unless the Water Services Authority approves an extension, before the six-month period expires. Any refund of fees paid will be at the sole discretion of the Water Services Authority.

10. Point of supply

10.1 For each customer there must be only one point of supply, unless otherwise approved by the Water Services Authority.

10.2 The location of any point of supply for single or multiple dwelling units will be as defined in the Regional Standard for Water Services, unless otherwise agreed by the Water Services Authority.

11. Access to point of supply

- 11.1** Where the point of supply is on private property, the customer must allow the Water Supply Authority access to, and about, the point of supply between 7:30am and 6:00pm on any day for:
- a. Meter reading without notice; and
 - b. Checking, testing, and maintenance work, with prior notice being given whenever possible.
- 11.2** Outside the hours in clause 11.1 (such as for night-time leak detection), the Water Supply Authority will give notice to the customer.
- 11.3** In the case of a network failure or significant fault or emergency, the customer must allow the Water Supply Authority free access to, and about, the point of supply at any hour.

12. Ownership, maintenance, and other responsibilities relating to water supply

- 12.1** The Water Services Authority will own and maintain the service pipe and fittings up to and including the point of supply, including any water meter where fitted.
- 12.2** The customer must own and maintain the supply pipe and fittings, including any backflow prevention device, on the customer's side of the point of supply. Without limiting that obligation on the customer, the customer must undertake any specific maintenance or repairs on the customer's side of the point of supply, as directed by the Water Services Authority.
- 12.3** The Water Services Authority gives no guarantee as to the serviceability of the service valve (toby) located on the service pipe.
- 12.4** The customer must take due care to protect from damage the Water Services Authority's equipment up to the point of supply, including pipework, valving and restrictors.
- 12.5** The customer must maintain the area in and around the point of supply to keep it free of soil, growth, or other matter or obstruction which prevents or is likely to prevent convenient access.
- 12.6** Customers must not allow water to run to waste, allow leaks to continue unchecked or unrepaired, or breach any water restrictions.
- 12.7** Where a customer ignores advice from the Water Services Authority to repair an ongoing leak, the Water Services Authority may repair the leak and charge the customer all associated costs as provided in the Local Government Act 2002.
- 12.8** Pumps, hydraulically-driven equipment, quick-closing valves of any kind or any other equipment which may cause pressure surges to be transmitted, must not be connected directly to the supply pipe. The Water Services Authority reserves the right to approve such equipment in special circumstances.

13. Types of supply

- 13.1** Ordinary Supply
- a. Every residential premise is entitled to an Ordinary Supply of water, subject to:
 - i. the premises being within the Water Supply Area, and the Water Services Authority's reticulated water supply being available and capable of servicing the premises;
 - ii. during the official periods of 'Daylight Saving,' garden and lawn watering being permitted only:
 - a. by sprinkler, irrigation or watering system, or a single unattended hose, and

- b. during the hours of 6:00-8:00am and 7:00-9:00pm, and
 - c. on alternate days: even-numbered houses on even-numbered days and uneven (odd) numbered houses on uneven (odd) numbered days;
 - iii. the exclusion of its use under any restrictions imposed under clause 14.2 of this Bylaw;
 - iv. payment of any prescribed charges in respect of the premises;
 - v. compliance with the terms and conditions of this Bylaw or any Water Services Authority approval;
 - vi. payment of any other charges or costs associated with sub-divisional development; and
 - vii. the Water Services Authority reserving the right in “special circumstances” to:
 - a. install an approved water meter;
 - b. install a flow restrictor; or
 - c. install a backflow device.

13.2 Extra-ordinary supply

- a. The Water Services Authority is under no obligation to provide an Extra-ordinary Supply of water. However, if it does:
 - i. the supply will be metered and charged for in accordance with any prescribed fee;
 - ii. the customer will meet all costs in relation to the initial installation of the water meter and any water meter testing requested by the customer; and
 - iii. the Water Services Authority will retain ownership of the water meter and be responsible for maintaining it.

13.3 Restricted flow supply

- a. A Restricted Flow Supply will only be available to premises within an area and/or under special conditions approved by the Water Services Authority.
- b. The Water Services Authority reserves the right to require customers to have a meter fitted and to charge any prescribed fee.
- c. A Restricted Flow Supply will be provided at a restricted uniform flow rate which allows for minimal consumption levels only.

14. Continuity of supply

14.1 Uninterrupted service and maintenance of pressure

- a. The Water Services Authority does not guarantee an uninterrupted or constant supply of water, nor does the Water Services Authority guarantee maintenance of an existing pressure and flow.
- b. If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it will be the responsibility of that customer to provide any necessary storage, backup facilities, or equipment.
- c. Nothing in this Bylaw should be construed as obliging the Water Services Authority to provide or continue to provide a supply of water to any property. No allowance or compensation will be made or allowed by the Water Services Authority if the water supply is restricted or interrupted, or if there is any change of pressure in the supply.

14.2 Demand management

- a. The customer must comply with any water restrictions which may be approved by the Water Services Authority to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule 1 – Water Use Restrictions, will be imposed by

authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and publicly notified prior to their coming into effect

- b. The restrictions or prohibitions set out in Schedule 1 – Water Use Restrictions may be varied at any time by the Water Services Authority. Variations will be made by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and publicly notified.
- c. No person may use, or allow to be used, water from the city’s reticulated supply in contravention of any restriction or prohibition made under this Bylaw.

14.3 Emergency Restrictions

- a. Where there is an emergency (including natural hazards such as floods, drought or earthquake), this may result in disruption to the supply of water and the intended level of service may not be maintained.
- b. During an emergency, the Water Services Authority may restrict or prohibit the use of water for any specific purpose, for any specific period and for any or all of its customers. Such restrictions will be publicly notified in the most effective way to suit the circumstances.
- c. Where an immediate action is required, any restriction or prohibition may be imposed by an authorised officer of Wellington City Council subject to subsequent Council ratification.
- d. Nothing in this bylaw affects any emergency powers which may be exercised by Taumata Arowai under the Water Services Act 2021.

14.4 Supply during repair and maintenance

- a. Wherever practical, the Water Services Authority will make every reasonable attempt to notify the customer of a scheduled repair or maintenance shutdown of the supply before the work commences. Where immediate repair or maintenance is required and notification is not practical, the Water Services Authority may shut down the supply without notice.

14.5 Liability

- a. The Water Services Authority will meet level of service requirements but is not liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

15. Fire protection connection

- 15.1** No connection to the water supply for fire protection may be made without prior written approval from the Water Services Authority.
- 15.2** Any proposed connection for fire protection must be the subject of an application (on the prescribed form) to the Water Services Authority. The application must include all the details required and be accompanied by any prescribed fee.
- 15.3** The Water Services Authority may either grant an application under clause 15.2, subject to any conditions the Water Services Authority considers appropriate, or refuse the application. The Water Services Authority will notify the applicant of its decision in writing within 10 working days.
- 15.4** The Water Services Authority will strive to provide firefighting flows and pressures in compliance with NZS PAS 4509. However, the Water Services Authority will be under no obligation to provide a fire protection supply at any particular flow or pressure.

- 15.5** The Water Services Authority reserves the right to require the customer to supply and install an approved water meter at any time for water supply for fire protection and pay any prescribed fee.
- 15.6** Where an unmetered connection has been provided to supply water to a fire protection system, this must be used for no other purpose than firefighting and testing the fire protection system.
- 15.7** It is the customer's responsibility to ascertain and periodically monitor whether the fire protection supply available is adequate for the intended purpose.
- 15.8** Water used for the purpose of extinguishing fires will be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the Water Services Authority will, upon notification, assess the quantity of water used, and a sum based on the estimate at the appropriate charge rate will be credited to the customer's account.
- 15.9** Customers intending to test fire protection systems requiring a draw-off of water must obtain prior approval from the Water Services Authority. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

16. Drawing of water from fire hydrants

- 16.1** The right to gain access to, and draw water from, fire hydrants is restricted to:
- the Water Services Authority, authorised contractors to the Water Services Authority, or otherwise as approved by the Water Services Authority;
 - Fire and Emergency New Zealand personnel for the purpose of Fire and Emergency New Zealand operations;
 - Other emergency services; and
 - Persons with an approved permit to draw water, in accordance with the terms and conditions of approval.
- 16.2** To obtain a permit to draw water from a fire hydrant, the applicant must make an application to the Water Services Authority, including all information required, and pay any prescribed fee. The Water Services Authority may, in its discretion, grant or decline such an application and if granted, may impose whatever conditions it sees fit, including limiting the time period when water can be drawn from the hydrant.
- 16.3** Any person using a fire hydrant in breach of 16.1 must immediately remove the standpipe when requested to do so by the Water Services Authority.
- 16.4** Any person using a fire hydrant pursuant to 16.1(d) is liable to the Water Services Authority for any damage or loss caused to the fire hydrant or the water supply network as a result of that use.

17. Bulk water collection points

- 17.1** The Water Services Authority reserves the right to decline, revoke, or modify any written approval to draw water from authorised locations at any time, and may direct water to be drawn only from other alternative locations as approved by the Water Services Authority.

18. Backflow prevention

- 18.1** The Customer and the Water Services Authority have responsibilities under both the Building Act 2004 and the Water Services Act 2021 to take all necessary measures to ensure that water drawn from the public water supply network does not return to that supply network.

- 18.2** These responsibilities include:
- a. Providing adequate backflow prevention appropriate to the hazard classification under the Building Code and/or to the level of risk assessed by the Water Services Authority, and
 - b. ensuring there is no cross-connection between the public water supply and:
 - i. any other water supply (potable or non-potable);
 - ii. any other water source;
 - iii. any storage tank; or
 - iv. any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.
- 18.3** Excluding for Ordinary Supply, if the Water Services Authority determines that there is a risk of backflow and the Customer is not able to demonstrate to the Water Services Authority that the risk is being adequately managed, the Water Services Authority may install a backflow prevention device on the Water Services Authority's side of the point of supply and require the customer to reimburse the Water Services Authority for the cost of installation, maintenance, and testing of the device.
- 18.4** Where a testable backflow prevention device has been installed, the Customer must maintain and test the backflow prevention device in accordance with the Building Code and any additional requirements specified by the Water Services Authority.

19. Meters and flow restrictors

- 19.1** "Ordinary Domestic Use" is not required by the Water Services Authority to be metered unless the provisions of clause 13.1(a)vii are in place.
- 19.2** "Non-Domestic Use" must be metered. All meters must be installed by the customer in compliance with the requirements of the Water Services Authority. The customer will pay for the initial installation of the meters. The Water Services Authority will own and maintain the meter thereafter. All owners of premises which have a metered supply must pay the prescribed fee in relation to that supply.
- 19.3** All extra-ordinary supply must be metered. All meters must be installed by the customer in compliance with the requirements of the Water Services Authority. The customer will pay for the initial installation of the meters. The Water Services Authority will own and maintain the meter thereafter. All owners of premises which have a metered supply must pay the prescribed fee in relation to that supply.
- 19.4** Restrictors for restricted flow supplies will be supplied, installed and maintained by the Water Services Authority and will remain the property of the Water Services Authority.
- 19.5** In "Special Circumstances", subject to Clause 13.1(a)vii, where known water wastage remains unresolved, subject to the 'Special Circumstances Water Service Bylaw Procedure' establishing water wastage, a customer must pay any prescribed fee and any fee in relation to that supply.
- 19.6** Where a customer requests the Water Services Authority to test a meter, the Water Services Authority will arrange a test to be carried out and all costs associated with the test must be paid for by the customer.
- 19.7** A customer (with an Ordinary Supply) may make an application for the installation of a water meter to enable the customer to change from a capital value rates charge for water to a water-by-meter charge. The customer will meet all costs in relation to the installation of the water meter. The Water Services Authority will own and maintain the meter.
- 19.8** If a customer suspects that a meter has been tampered with, the customer must immediately notify the Water Services Authority.
- 19.9** If any meter is out of repair or ceases to register, the Water Services Authority will estimate the consumption for the period since the previous reading.

20. Termination

- 20.1** The customer must make an application to the Water Services Authority for termination of water supply on the prescribed form, including all the information required by the Water Services Authority and pay any prescribed fee.
- 20.2** On receiving approval of termination from the Water Services Authority, the customer must arrange for any termination to be undertaken by a Water Services Authority Approved Contractor.
- 20.3** Where a metered premise is to be demolished, the customer must give 48 hours' notice to arrange a final reading. The customer must also make an application to the Water Services Authority for removal of the water meter and termination of water supply.

21. Change of premises ownership or tenant

- 21.1** In the event of a premises changing ownership or tenant, the outgoing owner/tenant must advise the Water Services Authority of the details of the new owner or tenant as being the customer at that premises. Where a premise is metered, the outgoing customer must give the Water Services Authority 48 hours' notice to arrange a final reading.

Part D: General and Administrative

22. Fees, waivers, forms, and processes

- 22.1** Wellington City Council may by resolution prescribe or vary any fee in respect of any matter provided for in this Bylaw.
- 22.2** The Water Services Authority may refund, remit or waive any fee prescribed by this Bylaw or charge payable for a certificate, authority, permit or consent from, or inspection by, the Water Services Authority, for any reason it thinks fit.
- 22.3** The Water Services Authority may prescribe the form of, and process to be followed for, any application, certificate, licence permit or other document, which is required under this Bylaw. These forms and processes may be altered or amended at any time.
- 22.4** An application to the Water Services Authority can be made to waive full compliance with any provision of this Bylaw on the basis that it would needlessly injure or affect any person, the operation of any business, or cause loss or inconvenience to any person, without any corresponding benefit to the community.
- 22.5** On receipt of an application under clause 22.4, the Water Services Authority may waive the strict observance or performance of any provision of this Bylaw and impose such other terms or conditions consistent with the intention and purpose of the Bylaw as the Water Services Authority may think fit.

23. Removal of works in breach of Bylaw and recovery of costs

- 23.1** The Water Services Authority may remove or alter any work or thing constructed in contravention of any provision of this Bylaw.
- 23.2** The Water Services Authority may recover from any person responsible for the construction, or permitting the continued existence of any such work or thing, all costs incurred in connection with any removal or alteration.
- 23.3** The exercise of clause 23.1 will not relieve any person from liability for constructing or permitting the continued existence of any such work or thing.

24. Payment

- 24.1** The customer will be liable to pay for the supply of water and related services in accordance with the Water Services Authority's prescribed fee.

24.2 The Water Services Authority may recover all unpaid water charges for metered water usage, in the manner prescribed in the Local Government (Rating) Act 2002.

24.3 Any person who causes damage to any public water services infrastructure will be liable to pay the costs of repair.

25. Transfer of rights and responsibilities

25.1 The customer's rights and responsibilities provided for under this Bylaw are not transferable.

25.2 Water which the customer draws from the public supply must not be provided to any other party without prior Water Services Authority approval and a customer must not extend the water supply by means of any hose or other pipe to a party beyond the customer's property.

26. Offences and penalties

26.1 Every person commits an offence against this Bylaw who:

- a. does or permits anything contrary to this Bylaw;
- b. omits or neglects to do anything which ought to be done at the time and in the manner provided in this Bylaw;
- c. fails to comply with any duty, obligation, or condition imposed by this Bylaw;
- d. fails to comply with any resolution made under this Bylaw;
- e. fails to comply with any approval granted under the Bylaw, including any condition of an approval granted under this Bylaw;
- f. provides an incorrect application for supply which fundamentally affects the provisions;

26.2 The continued existence of any work, building, land, premises or thing in contravention of any part of this Bylaw is deemed to be a continuing offence under this Bylaw.

26.3 Any person who breaches any part of this Bylaw commits an offence and is liable on conviction to the penalties prescribed in the Local Government Act 2002.

26.4 Without prejudice to clause 26.3, the Water Services Authority may take any other action in relation to things done or not done under this Bylaw.

27. Resolution power

27.1 The Water Services Authority may, by resolution, impose such prohibitions, restrictions, controls, or directions regarding water supply, wastewater, and stormwater networks and services, and impose any requirements it sees fit in relation to the installation and maintenance of infrastructure necessary for water supply, wastewater, and stormwater.

Schedule 1 – Water Use Restrictions

Clause 14.2 ‘Demand Management’ of the Wellington City Council Water Services Bylaw 2024 requires that:

- a. The customer must comply with any water restrictions which may be prescribed by the Water Services Authority to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule 1 – Water Use Restrictions, will be imposed by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and publicly notified prior to their coming into effect.
- b. The details of the restrictions or prohibitions set out in Schedule 1 – Water Use Restrictions may be varied at any time by the Water Services Authority. Variations will be made by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and publicly notified.
- c. No person may use, or allow to be used, water from the city’s reticulated supply in contravention of any restriction or prohibition made under this Bylaw.

The Schedule of Water Use Restrictions that may be imposed by Wellington City Council through the authority delegated to the Chief Executive Officer is as follows:

Level One (provides for):

- Daylight Savings alternate day garden watering allowances and handheld hose use during the hours of 6:00am to 8:00am and 7:00pm to 9:00pm
- Water Patrols (providing advice on allowed watering hours)
- Joint communications across councils

Level Two (provides for):

- Level One, plus,
- Ban on garden sprinklers, irrigation systems and unattended hosepipes for all households. Handheld watering devices can be used at any time, on any day as long as they are attended.
- Increased communications and proactive water patrols

Level Three (provides for):

- Level Two, plus,
- Ban on domestic hose use (watering-can/bucket use only)
- Increased communications and proactive water patrols

Level Four (provides for):

- Level Three, plus,
- Ban on non-essential water use (banned activities to be publicly notified)
- Supply rationing to prioritise essential services (if required)
- Increased communications and proactive water patrols

Water use restrictions at Level One to Four inclusive may be imposed by Wellington City Council through the authority delegated to the Chief Executive Officer.

Any restrictions over and above Level Four may only be imposed following the declaration of:

- a. a state of local emergency as per section 68 (*Declaration of state of local emergency*) of the Civil Defence Emergency Management Act 2002; or
- b. a state of national emergency as per section 66 (*Declaration of state of national emergency*) of the Civil Defence Emergency Management Act 2002; or
- c. a drinking water emergency as per section 59 (*Taumata Arowai may declare drinking water emergency*) of the Water Services Act 2021.

6. Track-change version of current Water Services Bylaw for comparison

Changes proposed to the current Water Services Bylaw are set out below. Minor changes such as capitalisations, grammatical and formatting improvements, and updated section references have not been track-changed for ease of reading. Where content has been moved into another area, this has also not been track-changed.

Part A: Introduction

1. Preamble

1.1 The title of this Bylaw is the “Wellington City Council Water Services Bylaw 2024”.

1.2 This Bylaw is made under section 146 of the Local Government Act 2002 (the Act), which enables territorial authorities ~~the Council~~ to make bylaws for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of the land, structures, or infrastructure associated with ~~for the management and protection of~~ water supplies, waste water, drainage and sanitation, and land drainage. ~~These matters are also subject to statutory controls in the Act and other enactments.~~

1.2. Commencement

2.1 This Bylaw ~~shall~~ will be operative from ~~1 August 2012~~ 1 August 2024.

2.3. Bylaws revoked and amended

3.1 This Bylaw revokes and replaces ~~From 29 August 2012 the consolidated bylaw shown in Schedule 1 the Wellington City Council Consolidated Bylaw 2013~~ Part 8: Water Services} is revoked.

3.2 Any resolution made under Part 8: Water Services of the Wellington City Council Consolidated Bylaw continues in force until altered or revoked by further resolution.

3.3 All licences and approvals issued under any revoked Bylaw will, after the coming into force of this Bylaw, be deemed to have been issued under this Bylaw and be subject to the provisions of this Bylaw.

3.4 All Council officers appointed under or for the purpose of any revoked Bylaw, and holding office at the time of the coming into operation of this Bylaw, will be deemed to have been appointed under this Bylaw.

3.5 All fees and charges fixed by resolution of the Council in regard to any goods, services, inspections, licences or approvals provided for in any revoked bylaw will apply under the corresponding provisions of this Bylaw until altered by further resolution of Council.

3.4. Interpretation

In this ~~part of the~~ Bylaw, unless inconsistent with the context, or where otherwise expressly provided:

"Air Gap Separation" means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.

"Backflow" means ~~the unplanned reversal of a~~ flow of water or ~~mixtures of water and contaminants into the water supply system~~ other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.

~~"Council Approved Contractors" are contractors approved in writing by Council from time to time. A current list of these contractors is available from the Council.~~

"Customer" is the owner or occupier of the premises that is being supplied with water.

~~"Daylight Saving" means the period defined as New Zealand daylight time in the New Zealand Daylight Time Order 2007.~~

"Extra-ordinary Supply" is a category of On Demand Supply for which water is supplied for purposes other than that of an ordinary supply and which may be subject to specific limitations, terms and conditions.

"Extra-ordinary Use" means the use of water for purposes other than Ordinary Domestic Use. These uses include, but are not limited to:

- a. domestic spa and swimming pools in excess of 10 cubic metres capacity and fixed garden irrigation systems;
- b. fire protection systems, other than ~~domestic fire systems, sprinkler systems installed to comply with NZS4517~~, which have prior approval of ~~the Water Services Authority Council~~; ~~or~~
- c. temporary ~~unmetered~~ supply.

"Level of Service" means the measurable performance standards on which the ~~Water Services Authority Council~~ undertakes to supply water to its customers.

"On Demand Supply" is a supply which is available on demand directly from the point of supply subject to the agreed level of service.

~~"Ordinary Supply" is a category of On Demand Supply used solely for Ordinary Domestic Use purposes.~~

"Ordinary Domestic Use" means the use of water solely for domestic purposes in a dwelling and subject to clause 14.2. This use includes, subject to prior ~~Water Services Authority Council~~ approval, use in a ~~domestic~~ fire sprinkler system ~~installed to comply with NZS4517:2002~~, and the use of a hose for:

- a. washing down a house, car, or boat or other domestic vehicle;
- b. garden watering by hand; and
- c. garden watering ~~by with~~ one portable sprinkler per ~~premises dwelling, or by fixed irrigation system.~~

"Non-Domestic Use" means the use of water for purposes other than Ordinary Domestic Use. This includes, but is not limited to:

- a. commercial and business uses;
- b. industrial uses;
- c. horticultural, agricultural and viticultural uses;
- d. fire protection systems, other than ~~domestic fire systems~~ ~~sprinkler systems installed to comply with NZS4517~~, which have prior approval of ~~the Water Services Authority Council~~;
- e. temporary ~~unmetered~~ supply.

~~"Point of Supply" means the point on the service pipe leading from the water main to the premises which marks the boundary between public and private of responsibility, and is typically the Customer side of the service valve (to by/manifold), unless otherwise specified, and regardless of whether the service valve (to by) is inside or outside the between the customer and the Council, irrespective of property boundary. ies-~~

"Premises" means:

- a. a property or allotment which is held under a separate Certificate of Title or for which a separate Certificate of Title may be issued, and in respect ~~to of~~ which a building consent has been or may be issued; or
- b. where a building exists, whether or not a building consent has been issued; or
- c. a building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Certificate of Title is available; or

d. land held in public ownership, such as a reserve, for a particular purpose.

"**Prescribed Fee**" means any fees or charges approved by ~~the~~ [Wellington City Council](#) for any items or services associated with the supply of water and includes any fees/charges adopted by ~~the~~ [Wellington City Council](#) in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.

"Public Water Services Infrastructure" means [infrastructure owned or operated by the Water Services Authority for the purposes of the delivery of water services, and includes the water supply network, wastewater network, and stormwater network. This includes existing or proposed assets used or proposed to be used by the Water Services Authority to provide water services.](#)

"**Publicly Notified**" means [made publicly available, until any opportunity for review or appeal has lapsed, on the Water Service Authority's internet site and](#) published on one occasion in one daily or weekly newspaper circulating in the district, or under emergency conditions, in the most effective way to suit the ~~particular~~ circumstances.

"**Restricted Flow Supply**" is where a small continuous flow is supplied by a flow control device across an air gap separation, and storage is provided by the customer to cater for their demand fluctuations.

"**Restrictor**" means a control device fitted to the service pipe or service valve to regulate the flow of water to a customer's premises.

"**Service Pipe**" means that section of water pipe between a watermain and the point of supply. This section of pipe is owned and maintained by the [Water Services Authority](#)~~Council~~.

"**Service Valve (Toby/~~Manifold~~)**" means the valve at the customer end of service pipe used to control and/or isolate the supply.

"**Special Circumstances**" means the circumstances that may lead the [Water Services Authority](#)~~Council~~ to install a meter, [flow restrictor, or backflow prevention device](#) on the supply to an "Ordinary Domestic Use" to a customer's property. These circumstances include, but are not limited to:

- a. Known leaks that ~~are not repaired~~~~remain unrepaired~~
- b. Where excessive ~~usage~~ is being investigated
- c. Where water is being wasted
- d. [Where the customer cannot demonstrate that the risk of backflow is adequately managed-](#)

"Stormwater Network" means [the infrastructure owned or operated by, or processes used by, the Water Services Authority to collect, treat, drain, store, reuse, or discharge stormwater. This includes overland flow paths and green water services infrastructure that delivers stormwater water services but does not include a transport stormwater system.](#)

"**Supply Pipe**" means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the Customer.

"**Termination**" means ~~the physical~~ cutting off ~~of~~ the [water](#) supply to a premise.

"**Water Meter**" means the approved device fitted to a service to determine the volume of water passing through that point.

"Water Services Authority" means [Wellington City Council or its authorised agents.](#)

"Water Services Authority Approved Contractors" are [contractors approved in writing by the Water Services Authority.](#)

"Water Supply Area" means any property or allotment serviced by reticulated water supply.

"Water Supply Connection Standards" means ~~the Council's Water Supply Connection Standards, which is a public document and is available on the Council's website:~~ [www.wcc.govt.nz.](#)

"Wastewater Network" means [the infrastructure owned or operated by, or processes used by, the Water Services Authority to receive, store, convey, treat, or discharge wastewater.](#)

"**Water Supply Network System**" means the components of the network between the reservoir and the point of supply. This includes, but is not limited to, rising mains, trunk mains, distribution mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices, ~~manifolds~~ and tobies.

~~"Water Unit" means the basis of measurement for a restricted flow supply and equals to a volume of 365 m³ delivered at the rate of 1 m³ per day.~~

~~"Working Day" has the same meaning as in section 13 of the Legislation Act 2019 and the day observed as Wellington Anniversary Day.~~

4.5. Application of the bylaw

~~4.5.1 This Bylaw and its terms and conditions apply to water supply, wastewater, and stormwater networks and services in Wellington city.~~

~~4.5.2 Any person, on applying for, or being supplied with, or who has made application to be supplied with, water by the Water Services Authority Council is deemed to accept the terms and conditions contained in this Bylaw, and any subsequent amendments.~~

~~5.3 This Bylaw and its terms and conditions shall come into effect on the date notified by the Council, for customers receiving a supply at that time, and at the date of receipt of supply for customers connected after that time.~~

Part B: Protection of Public Water Services Infrastructure

6. Access to Public Water Services Infrastructure

~~6.1 No person other than the Water Services Authority will have access to any Public Water Services Infrastructure (other than public overland flow paths) without the approval of the Water Services Authority, except to operate a service valve (toby).~~

~~6.2 No person may cause damage to or otherwise interfere with Public Water Services Infrastructure.~~

~~6.3 Any damage which occurs to any Public Water Services Infrastructure must be reported to the Water Services Authority immediately. The person responsible for causing the damage will be liable for the cost of repair.~~

5.7. Working on or around Public Water Services Infrastructure buried services

~~5.7.1 Any person proposing to carry out permanent or temporary excavation work on or in close proximity to, near, or over (as defined in the Regional Standard for Water Services) Public Water Services Infrastructure must:~~

~~a. Obtain written approval from the Water Services Authority prior to any work being undertaken, and~~

~~a.b. Be responsible for locating all buried services prior to commencing excavation work, and~~

~~b.c. Follow the procedures required for obtaining a Corridor Access Request (CAR) Road Opening Notice (as laid down in the Wellington City Council's Code of Practice for Working on the Road), and~~

~~c.d. Be responsible for immediately reporting a~~ Any damage which occurs to the Water Services Authority, and a Council service shall be reported to the Council immediately. ~~The person causing the damage shall be liable~~ for the cost of repair.

8. Requirements for compliance of works

8.1 All connections, installations, maintenance, repair works, and any other work on or around Public Water Services Infrastructure must be in accordance with this Bylaw, the Regional Standard for Water Services (which incorporates the Regional Specification for Water Services), relevant regulations, and Wellington City Council policies, unless otherwise agreed by the Water Services Authority.

Part C: Water Supply

6.9. Application for supply

6.19.1 Any ~~customer person~~ who wants to:

- a. obtain a new connection to the water supply; or
- b. replace an existing connection to the water supply; or
- c. alter an existing connection to the water supply, including disconnection from the public network or installation/disconnection of water meters, flow restrictors, or backflow prevention devices; or
- d. change the use of, demand on, or capacity of the water or level of service to their premises.

must make an application on the prescribed form, including all the information required by the Water Services Authority Council, and pay any prescribed fee.

6.29.2 No connection to the water supply, replacement or alteration of existing connections, or change of use, may be made without the prior written approval of the Water Services Authority Council.

[Water Supply Service Application Form \(129KB PDF\)](#)

6.39.3 The applicant must be the owner of the premises or have the written authority to act on behalf of the owner of the premises for which the supply is sought.

6.49.4 On receipt of a complete application and the prescribed fee, the Water Services Authority Council will either:

- a. approve the application, subject to any conditions the Water Services Authority Council considers appropriate, including conditions to comply with this Bylaw, the Regional Standard for Water Services (which incorporates the Regional Specification for Water Services), relevant regulations, and Wellington City Council policies; or
- b. refuse the application; or
- c. request further information to be supplied by the applicant within a specified time.

9.5 The Water Services Authority Council will notify the applicant of its decision in writing within 10 working days.

6.59.6 New connections, including all pipes, fittings and any other equipment, up to the point of supply, must only be installed by Water Services Authority Council Approved Contractors ~~and shall be~~ at the applicant's cost of the applicant. The applicant must shall ~~must~~ arrange for the Council approved contractor both to complete the work and to provide ~~to~~ the Water Services Authority Council with written confirmation ~~from that contractor~~ that the work was completed by them. ~~No water can be taken from the water supply until that confirmation is received by the Council and acknowledged by the Council.~~

6.69.7 ~~An approved applications that have under clause 3.3, which has~~ not been implemented within six months of the date of approval application, will lapse unless the Water Services Authority Council approves an extension, before the six-month period expires. Any refund of fees paid will be at the sole discretion of the Water Services Authority Council.

~~9.8 Any water supply connection must comply with any requirements of the Council, including any requirements contained in the Water Supply Connection Standards.~~

7.10. Point of supply

~~10.1~~ For each customer there ~~shall must~~ be only one point of supply, unless otherwise approved by the ~~Water Services Authority Council~~.

~~7.10.2~~ The location of any point of supply ~~for single or multiple dwelling units shall~~ will be as defined in the Regional Standard for Water Services, unless otherwise agreed by the ~~Water Services Authority~~. The service valve (Toby/Manifold) shall be located 450mm from the boundary, in the berm where possible or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.

~~7.2~~ The point of supply for single dwelling units, for customers on joint rights of way, common access strips and for the different forms of multiple ownership of premises and/or land shall be located as shown in the Water Supply Connection Standards unless otherwise agreed by the Council.

~~10.3~~ For a multiple ownership supply which was in existence prior to this Bylaw coming into effect, the point of supply shall be the arrangements that existed at that time, or as determined by agreement with the Council in any individual case.

11. Access to point of supply

~~11.1~~ Where the point of supply is on private property, the customer must allow the Water Supply Authority access to, and about, the point of supply between 7:30am and 6:00pm on any day for:

- a) ~~Meter reading without notice; and~~
- b) ~~Checking, testing, and maintenance work, with prior notice being given whenever possible.~~

~~11.2~~ Outside the hours in clause 11.1 (such as for night-time leak detection) the Water Supply Authority will give notice to the customer.

~~7.311.3~~ In the case of a network failure or significant fault or emergency, the customer must allow the Water Supply Authority free access to, and about, the point of supply at any hour.

8.12. Ownership, maintenance, and other responsibilities relating to water supply y for maintenance

~~12.1~~ The ~~Water Services Authority Council shall will~~ own and maintain the service pipe and fittings up to ~~and including~~ the point of supply, including any water meter where fitted.

~~8.112.2~~ The customer ~~shall must~~ own and maintain the supply pipe and fittings, ~~including any backflow prevention device, on the customer's side of beyond~~ the point of supply. Without limiting that obligation on the customer, the customer ~~shall must~~ undertake any specific maintenance or repairs on the customer's side of the point of supply, as directed by ~~the Water Services Authority Council~~.

~~12.3~~ The ~~Council Water Services Authority~~ gives no guarantee as to the serviceability of the service valve (toby/~~m~~Manifold) located on the service pipe.

~~8.212.4~~ The customer shall take due care to protect from damage the ~~Water Services Authority's Council's~~ equipment up to the point of supply, including pipework, valving and restrictors.

~~12.5~~ The customer ~~must shall~~ maintain the area in and around the point of supply ~~to keep it~~ free of soil, growth, or other matter or obstruction which prevents or is likely to prevent convenient access.

~~8.3~~ The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the Plumbers, Gasfitters and Drainlayers Act 1976, the Building Act 2004, and the New Zealand Building Code and any other relevant statutory requirements in place at the time. In addition, the customer's plumbing system shall comply with any requirements in the Water Supply Connection Standards.

~~8.4~~12.6 Customers must not allow water to run to waste, allow leaks to continue unchecked or unrepaired, or breach any water restrictions~~allow the unattended operation of hoses.~~

~~8.5~~12.7 Where a customer ignores advice from the Water Services Authority Council to repair an on-going leak, the Water Services Authority Council may repair the leak and charge the customer all associated costs as provided in the Local Government Act 2002.

12.8 Pumps, hydraulically-driven equipment, quick closing valves of any kind or any other equipment which may cause pressure surges to be transmitted, must not be connected directly to the supply pipe. The Water Services Authority reserves the right to approve such equipment in special circumstances.

13. Types of supply

13.1 Ordinary Supply

a. Every residential premise ~~shall be~~ is entitled to an Ordinary Supply of water, subject to:

i. the premises being within the Water Supply Area, and the Water Services Authority's Council's reticulated water supply being available and capable of servicing the premises;

ii. ~~d~~During the official periods of 'Daylight Saving,' garden and lawn watering being permitted only:

a. by sprinkler, irrigation or watering system, or a single unattended hose, and

b. ~~is only permitted~~ during the hours of 6:00-8:00am and 7:00-9:00pm, and

c. on alternate days: even-numbered houses on even-numbered days and uneven (odd) numbered houses on uneven (odd) numbered days;

~~iii.~~ the exclusion of its use under any restrictions imposed ~~by the Council~~ under clause ~~14.28.3~~ of this Bylaw;

~~iv.~~ payment of any prescribed charges in respect of the premises;

~~v.~~ compliance with the terms and conditions of this Bylaw or ~~contained within~~ any Water Services Authority Council approval;

~~vi.~~ payment of any other charges or costs associated with sub-divisional development; and

~~vii.~~ the Water Services Authority Council reserving the right in "special circumstances" to:

1. install an approved water meter; ~~or~~

2. install a flow restrictor; ~~or~~

2.3. install a backflow device.

~~8.6~~13.2 Extra-ordinary supply

a. The Water Services Authority Council is under no obligation to provide an Extra-ordinary Supply of water. However, if it does:

i. ~~the supply shall will~~ be metered and charged for in accordance with any prescribed fee;

ii. the customer will meet all costs in relation to the initial installation of the water meter and any water meter testing ~~of it if~~ requested by the customer; and

- iii. the [Water Services Authority Council](#) will retain ownership of the water meter and be responsible for maintaining it.

8.7.13.3 Restricted flow supply

- a. A Restricted Flow Supply ~~shall will~~ only be available to premises within an area and/or under special conditions approved by the [Water Services Authority Council](#).
- b. The [Water Services Authority Council](#) reserves the right to require customers to have a meter fitted and to charge any prescribed fee.
- c. A Restricted Flow Supply ~~shall will~~ be provided at a measured on the basis of an agreed number of units supplied at a restricted uniform flow rate which allows for minimal consumption levels only.

9.14. Continuity of supply

9.14.1 Uninterrupted service and maintenance of pressure

- a. The [Water Services Authority Council](#) does not guarantee an uninterrupted or constant supply of water, nor does the [Water Services Authority Council](#) guarantee maintenance of an existing pressure and flow.
- b. If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it will be the responsibility of that customer to provide any necessary storage, back up facilities, or equipment.
- c. Nothing in this Bylaw should be construed as obliging the Water Services Authority to provide or continue to provide a supply of water to any property. No allowance or compensation will be made or allowed by the Water Services Authority if the water supply is restricted or interrupted, or if there is any change of pressure in the supply.

9.2.14.2 Demand management

- a. The customer ~~shall must~~ comply with any [water](#) restrictions which may be approved by [the Water Services Authority Council](#) to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule 1 – Water Use Restrictions, will be imposed by authority delegated to the [Wellington City Council](#) Chief Executive Officer and will be advised to Council ~~ors~~ and publicly notified prior to their coming into effect
- b. The restrictions or prohibitions set out in Schedule 1 – Water Use Restrictions may be varied at any time by the Water Services Authority. Variations will be made by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and publicly notified.
- c. No person may use, or allow to be used, water from the city's reticulated supply in contravention of any restriction or prohibition made ~~by the Council~~ under this Bylaw.

9.3.14.3 Emergency Restrictions

- a. Where there is an emergency (including natural hazards such as floods, drought or earthquake), this may result in disruption to the supply of water and the [intended](#) level of service may not be maintained.
- b. During an emergency, the [Water Services Authority Council](#) may restrict or prohibit the use of water for any specific purpose, for any specific period and for any or all of its customers. Such restrictions ~~shall will~~ be publicly notified in the most effective way to suit the circumstances.
- c. ~~-~~Where an immediate action is required, any restriction or prohibition may be imposed by an authorised officer of [Wellington City](#) ~~the~~ Council subject to subsequent Council ratification.

d. Nothing in this bylaw affects any emergency powers which may be exercised by Taumata Arowai under the Water Services Act 2021.

9.414.4 Supply during repair and maintenance

a. Wherever practical, the Water Services Authority will make every reasonable attempt to notify the customer of a scheduled repair or maintenance shutdown of the supply before the work commences. Where immediate repair or maintenance is required and notification is not practical, the Water Services Authority may shut down the supply without notice.

9.514.5 Liability

a. The Water Services Authority ~~shall will~~ meet level of service requirements but is not liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

10.15. Fire protection connection

~~15.1~~ No connection to the water supply for fire protection ~~shall may~~ be made without ~~the~~ prior written approval ~~from of~~ the Water Services Authority.

~~15.2~~ Any proposed connection for fire protection ~~shall must~~ be the subject of an application (on the prescribed form) to the Water Services Authority. ~~The application it shall~~ ~~must~~ include all the details required ~~by the Council~~ and be accompanied by ~~the any~~ prescribed fee ~~(if any)~~.

~~10.115.3~~ ~~The Water Services Authority may either grant Any such an~~ application ~~under clause 15.2 may be granted~~, subject to any conditions the Water Services Authority considers appropriate, or refuse ~~the application~~. The Water Services Authority will notify the applicant of its decision in writing within 10 working days.

~~10.215.4~~ ~~Any fire connection must comply with the requirements of the Council, including any requirements contained in the Water Supply Connection Standards.~~

~~10.315.5~~ ~~The Water Services Authority will strive to provide firefighting flows and pressures in compliance with NZS PAS 4509. However, t~~ The Water Services Authority ~~shall will~~ be under no obligation to provide a fire protection supply at any particular flow or pressure.

~~10.415.6~~ ~~The Water Services Authority~~ reserves the right to require the customer to supply and install an approved water meter at any time for water supply for fire protection and pay any prescribed fee. ~~The metering of fire connections shall be as shown in the Water Supply Connection Standards, unless otherwise agreed by the Council.~~

~~15.7~~ ~~Notwithstanding clause 9.3, for a fire connection (including those installed prior to the coming into effect of this Bylaw) which is so constructed or so located that it is likely or possible that the water will be drawn from it (including hydrants) or from any part of it by any person for purposes other than fire fighting, the Council shall require the customer to install a water meter suitable for the purpose, on the connection.~~

~~10.515.8~~ Where an unmetered connection has been provided to supply water to a fire protection system, this ~~shall must~~ be used for no other purpose than firefighting and testing the fire protection system.

~~Handheld hoses intended for firefighting purposes are not to be used for purposes other than fire fighting or testing of that system.~~

~~10.615.9~~ ~~It shall be is~~ the customer's responsibility to ascertain and periodically monitor whether the fire protection supply available is adequate for the intended purpose.

~~10.7~~**15.10** Water used for the purpose of extinguishing fires will be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the Water Services Authority Council shall will, upon notification, assess the quantity of water used, and a sum based on the estimate at the appropriate charge rate shall will be credited to the customer's account.

~~10.8~~**15.11** Customers intending to test fire protection systems requiring in a manner that requires a draw-off of water shall must obtain prior approval from the Water Services Authority Council. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

11.16. Drawing of water from fire hydrants

~~11.1~~**16.1** The right to gain access to, and draw water from, fire hydrants shall be is restricted to:

- a. the Water Services Authority, authorised contractors to the Water Services Authority, or otherwise as approved by the Water Services Authority Council or its authorised officers;
- b. Fire and Emergency New Zealand Service personnel for the purpose of Fire and Emergency New Zealand operations; ~~and~~
- ~~b.c. Other emergency services; and~~
- ~~e.d. Persons with an approved permit to draw water, in accordance with the terms and conditions of approval. fire hydrant permit holders, during the period for which the permit has been issued.~~

16.2 To obtain a permit to draw water from a fire hydrant permit, the applicant must make an application to the Water Services Authority Council, including all information required by Council, and payment of the any prescribed fee (if any). The Water Services Authority Council may, in its discretion, grant or decline such an application and if granted, may impose whatever conditions it sees fit, including limiting the time period when water can be drawn from the hydrant.

16.3 Any person using a fire hydrant in breach of 16.1 must immediately remove the standpipe when requested to do so by the Water Services Authority.

16.4 Any person using a fire hydrant pursuant to 16.1(d) is liable to the Water Services Authority for any damage or loss caused to the fire hydrant or the water supply network as a result of that use.

17. Bulk water collection points

17.1 The Water Services Authority reserves the right to decline, revoke, or modify any written approval to draw water from authorised locations at any time, and may direct water to be drawn only from other alternative locations as approved by the Water Services Authority.

12.18. Backflow prevention

~~18.1~~ **18.1** It is the Customer and the Water Services Authority have's responsibilities under both the Building Act 2004 and the Water Services Act 2021 to take all necessary measures to ensure that on the customer's side of the point of supply to prevent water which has been drawn from the public Council's water supply network does not from returning to that supply network. Council retains the right to fit a backflow prevention device on the customer's side of the point of supply at the customer's expense.

18.2 These responsibilities include:

- a. Providing adequate backflow prevention appropriate to the hazard classification under the Building Code and/or to the level of risk assessed by the Water Services Authority, and

- b. ensuring there is no cross-connection between the public water supply and:
 - i. any other water supply (potable or non-potable);
 - ii. any other water source;
 - iii. any storage tank; or
 - iv. any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

18.3 Excluding for Ordinary Supply, if the Water Services Authority determines that there is a risk of backflow and the Customer is not able to demonstrate to the Water Services Authority that the risk is being adequately managed, ~~the Water Services Authority may Council retains the right to fit~~ install a backflow prevention device on the Water Services Authority's customer's side of the point of supply and require the Customer to reimburse the Water Services Authority for the cost of installation, maintenance and testing of the device. ~~at the customer's expense.~~

12.1 ~~All water for shipping and fire service connections shall have an approved backflow prevention device installed on the customer's side of the point of supply at the customer's expense.~~

12.218.4 ~~Where a testable backflow prevention device has been installed, ~~the Customer is required to~~ must maintain and test any the backflow prevention device in proper working order and undertake the annual inspection by an Independent Qualified Person (IQP) in accordance with requirements under the Building Code and any additional requirements specified by the Water Services Authority. The annual inspection certification shall be forwarded to the Council's Building Consents and Licensing Services Department.~~

~~Failing to comply with 10.3 will result in the Council Building Consents and Licensing Services Department issuing an infringement notice to the customer.~~

Backflow Prevention Containment Policy

13.19. Meters and flow restrictors

13.119.1 ~~"Ordinary Domestic Use" is not required by the Water Services AuthorityCouncil to be metered unless the provisions of clause 13.1(a)vii are in place.~~

13.219.2 ~~"Non-Domestic Use" shall must be metered. All meters must be installed by the customer in compliance with the requirements of the Water Services Authority,~~the Council~~. The customer will pay for the initial installation of the meters ~~as prescribed in the Water Supply Connection Standards~~. The Water Services Authority~~Council~~ will own and maintain the meter thereafter. All owners of premises which have a metered supply shall must pay the prescribed fee in relation to that supply.~~

13.319.3 ~~All extra-ordinary supply shall must be metered. All meters must be installed by the customer in compliance with the requirements of the Water Services Authority~~Council~~. The customer will pay for the initial installation of the meters ~~as prescribed in the Water Supply Connection Standards~~. The Water Services Authority~~Council~~ will own and maintain the meter thereafter. All owners of premises which have a metered supply shall must pay the prescribed fee in relation to that supply.~~

13.419.4 ~~Restrictors for restricted flow supplies shall will be supplied, installed and maintained by the Water Services Authority~~Council~~ and shall will remain the property of the Water Services Authority~~Council~~.~~

13.519.5 ~~In "Special Circumstances", subject to Clause 13.1(a)vii ~~6.1(f)~~, where known water wastage remains unresolved, subject to the 'Special Circumstances Water Service Bylaw Procedure' establishing water wastage, a metered supply customer shall must pay any prescribed fee and any fee in relation to that supply.~~

~~13.6~~**19.6** Where a customer requests the ~~Water Services Authority Council~~ to test ~~a~~the meter, the ~~Water Services Authority Council~~ will arrange a test to be carried out ~~as prescribed in the Water Supply Connection Standards~~ and all costs associated with test ~~shall must~~ be paid for by the customer.

~~13.7~~**19.7** A customer (with an Ordinary Supply) may make ~~an~~ application for the installation of a water meter to enable the customer to change from a capital value rates charge for water to a water-by-meter charge. The customer will meet all costs in relation to the installation of the water meter. The ~~Water Services Authority Council shall will~~ own and maintain the meter.

~~13.8~~**19.8** If ~~a~~the customer suspects that ~~a~~the meter has been tampered with, ~~the customer must immediately notify the Water Services Authority Council should be notified immediately.~~

~~19.9~~ ~~Should if~~ any meter ~~be is~~ out of repair or ceases to register, the ~~Water Services Authority Council shall will~~ estimate the consumption for the period since the previous reading ~~as prescribed in the Water Supply Connection Standards.~~

14.20. Termination

~~14.1~~**20.1** The customer must make an application to ~~the Water Services Authority Council~~ for termination of water supply on the prescribed form, including all the information required by the ~~Water Services Authority Council~~ and pay any prescribed fee.

~~14.2~~**20.2** On receiving approval of termination from ~~the Water Services Authority Council~~ the customer must arrange for any termination to be undertaken by a ~~Water Services Authority Council~~ Approved Contractor.

~~20.3~~ Where a metered premise is to be demolished, the customer ~~shall will~~ give 48 hours' notice to arrange a final reading. The customer must also make an application to ~~the Water Services Authority Council~~ for removal of the water meter and termination of water supply ~~as per 18.1 above.~~

15.21. Change of premises ownership or tenant

~~15.1~~**21.1** In the event of a premises changing ownership or tenant, ~~the outgoing owner/tenant must advise the Water Services Authority Council requires the outgoing owner/tenant to advise of the~~ details of the new owner or tenant as being the customer at that premises. Where a premise is metered, the outgoing customer ~~shall must~~ give the ~~Water Services Authority Council~~ 48 hours' notice to arrange a final reading.

Part D: General and Administrative

22. Fees, waivers, forms, and processes

~~22.1~~ Wellington City Council may by resolution prescribe or vary any fee in respect of any matter provided for in this Bylaw.

~~22.2~~ The Water Services Authority may refund, remit or waive any fee prescribed by this Bylaw or charge payable for a certificate, authority, permit or consent from, or inspection by, the Water Services Authority, for any reason it thinks fit.

~~22.3~~ The Water Services Authority may prescribe the form of, and process to be followed for, any application, certificate, licence permit or other document, which is required under this Bylaw. These forms and processes may be altered or amended at any time.

~~22.4~~ An application to the Water Services Authority can be made to waive full compliance with any provision of this Bylaw on the basis that it would needlessly injure or affect any person, the operation of any business, or cause loss or inconvenience to any person, without any corresponding benefit to the community.

22.5 On receipt of an application under clause 22.4, the Water Services Authority may waive the strict observance or performance of any provision of this Bylaw and impose such other terms or conditions consistent with the intention and purpose of the Bylaw as the Water Services Authority may think fit.

23. Removal of works in breach of Bylaw and recovery of costs

23.1 The Water Services Authority may remove or alter any work or thing constructed in contravention of any provision of this Bylaw.

23.2 The Water Services Authority may recover from any person responsible for the construction, or permitting the continued existence of any such work or thing, all costs incurred in connection with any removal or alteration.

23.3 The exercise of clause 23.1 will not relieve any person from liability for constructing or permitting the continued existence of any such work or thing.

16.24. Payment

16.124.1 The customer ~~shall~~ will be liable to pay for the supply of water and related services in accordance with the ~~Water Services Authority's Council's~~ prescribed fee.

24.2 The ~~Water Services Authority Council~~ may recover all unpaid water charges for metered water usage, in the manner prescribed in the Local Government (Rating) Act 2002.

16.224.3 Any person who causes damage to any public water services infrastructure ~~shall~~ will be liable to pay the costs of repair.

17.25. Transfer of rights and responsibilities

17.125.1 The customer's rights and responsibilities provided for under this Bylaw are not transferable.

17.225.2 Water which the customer draws from the ~~public Council~~ supply ~~shall~~ will not be provided to any other party without prior ~~Water Services Authority Council~~ approval and a customer ~~shall~~ will not extend the water supply by means of any hose or other pipe to a party beyond the customer's property.

18.26. Offences and penalties

18.126.1 Every person commits an offence against this Bylaw who:

- a. does or permits anything contrary to this Bylaw;
- b. omits or neglects to do anything which ought to be done at the time and in the manner provided in this Bylaw;
- c. fails to comply with any duty, obligation, or condition imposed by this Bylaw;
- d. fails to comply with any resolution made under this Bylaw;
- e. fails to comply with any approval granted under the Bylaw, including any condition of an approval granted under this Bylaw;
- f. provides an incorrect application for supply which fundamentally affects the provisions;
- ~~g. gains access to and draws water from a fire hydrant without prior approval from the Council;~~
- ~~h. makes any connection to the water supply system without prior written approval from the Council; or~~
- ~~— tampers or interferes with Council equipment or water supply system, either directly or indirectly;~~

26.2 The continued existence of any work, building, land, premises or thing in contravention of any part of this Bylaw is deemed to be a continuing offence under this Bylaw.

~~26.3~~ Any person who breaches any part of this Bylaw commits an offence and is liable on conviction to the penalties prescribed in the Local Government Act 2002.

~~26.4~~ Without prejudice to clause 26.3, the Water Services Authority may take any other action in relation to things done or not done under this Bylaw.

~~19.27.~~ Resolution power

~~19.127.1~~ The ~~Water Services Authority Council~~ may, by resolution, impose such prohibitions, restrictions, controls, or directions regarding ~~water supply, wastewater, and stormwater networks and services, the use of water~~ and impose any requirements it sees fit in relation to the installation and maintenance of infrastructure necessary for water supply, ~~wastewater, and stormwater~~.

Commentary

The following comments do not form part of the Bylaw. They are provided as advice on the relevant law and information that relate to the Bylaw.

Statutory authority

This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002.

Legislation

There are a number of statutory provisions that relate to the control of the supply of water, wastage of water and the Council's powers of entry onto private premises. Please refer to sections 171-173 and sections 192-193 of the Local Government Act 2002.

Obtaining approval from the Council

Should you need to obtain approval from the Council in relation to this Bylaw, you should contact the Council's Central City Service Centre, phone 499 4444, and they will direct you to the appropriate person. There will be an application form you will need to fill in. Council officers will be able to assist you in completing an application form.

Schedule 1 – Water Use Restrictions

Clause ~~14.2~~ 'Demand Management' ~~8.4~~ of the Wellington City Council Water Services Bylaw 2024 requires that:

- a. ~~8.3~~ The customer ~~shall~~ **must** comply with any ~~water~~ restrictions which may be ~~approved~~ **prescribed** by ~~the Water Services Authority Council~~ to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule ~~10~~ **One – Water Use Restrictions**, will be imposed by authority delegated to the ~~Wellington City Council~~ Chief Executive Officer and will be advised to Council ~~ors~~ and publicly notified ~~prior to their coming into effect~~.
- a.b. The details of the restrictions or prohibitions set out in Schedule 1 – Water Use Restrictions may be varied at any time by the Water Services Authority. Variations will be made by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and publicly notified.
- c. No person may use, ~~any water~~, or allow ~~to be used, any water from the city's reticulated supply to be used~~, in contravention of any restriction or prohibition made ~~by the Council~~ under this Bylaw.

The Schedule of Water Use Restrictions (~~Level One to Five inclusive~~) that may be imposed by Wellington City Council through the authority delegated to the Chief Executive Officer is as follows:-

~~Level Six and Level Seven may only be imposed following the declaration of a state of local emergency as per section 68 (Declaration of a state of local emergency) of the Civil Defence Emergency Management Act 2002.~~

~~Level One (provides for):~~

- ~~• Daylight Savings alternate day garden watering allowances and hand held hose use~~
- ~~• Water Patrols (providing advice on allowed watering hours)~~
- ~~• Joint advertising across Councils~~

~~Level Two (provides for):~~

- ~~• Base Level and Level One, plus,~~
- ~~• Increased advertising~~
- ~~• Increased use of water patrols~~

~~Level Three (provides for):~~

- ~~• Level Two, plus,~~
- ~~• Increased advertising (restrictions/leak reporting) and water patrols~~
- ~~• Ban on garden sprinklers and unattended irrigation systems (watering only by hand)~~

~~Level Four (provides for):~~

- ~~• Level Three, plus,~~
- ~~• Increased advertising (restrictions/leak reporting) and water patrols~~
- ~~• Ban on domestic hose use (watering can/bucket use only)~~

~~Level Five (provides for):~~

- ~~• Level Four, plus,~~
- ~~• Increased advertising (restrictions/leak reporting) and water patrols~~
- ~~• Ban on all outdoor water use (other than for emergencies)~~

~~Level Six (provides for):~~

- ~~• Level Five, plus,~~
- ~~• Increased advertising (restrictions/leak reporting) and water patrols~~
- ~~• Ban on all non-essential water use (emergency use only)~~

~~Level Seven (provides for):~~

- ~~• Level Six, plus,~~
- ~~• Increased advertising (restrictions/leak reporting) and water patrols~~
- ~~• Life sustaining and emergency water use only.~~

Level One (provides for):

- Daylight Savings alternate day garden watering allowances and handheld hose use during the hours of 6:00am to 8:00am and 7:00pm to 9:00pm
- Water Patrols (providing advice on allowed watering hours)
- Joint communications across councils

Level Two (provides for):

- Level One, plus,
- Ban on garden sprinklers, irrigation systems and unattended hosepipes for all households. Handheld watering devices can be used at any time, on any day as long as they are attended
- Increased communications and proactive water patrols

Level Three (provides for):

- Level Two, plus,
- Ban on domestic hose use (watering-can/bucket use only)
- Increased communications and proactive water patrols

Level Four (provides for):

- Level Three, plus,
- Ban on non-essential water use (banned activities to be publicly notified)
- Supply rationing to prioritise essential services (if required)
- Increased communications and proactive water patrols

Water use restrictions at Level One to Four inclusive may be imposed by Wellington City Council through the authority delegated to the Chief Executive Officer.

Any restrictions over and above Level Four may only be imposed following the declaration of:

- a state of local emergency as per section 68 (*Declaration of state of local emergency*) of the Civil Defence Emergency Management Act 2002; or
- a state of national emergency as per section 66 (*Declaration of state of national emergency*) of the Civil Defence Emergency Management Act 2002; or
- a drinking water emergency as per section 59 (*Taumata Arowai may declare drinking water emergency*) of the Water Services Act 2021.

UPDATE TO ELECTED MEMBER APPOINTMENTS FOR THE 2022-2025 TRIENNIUM

Kōrero taunaki | Summary of considerations

Purpose

1. This report to Te Kaunihera o Pōneke | Council (Council) seeks agreement to update elected member appointments for the 2022/2025 triennium.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy
- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Relevant previous decisions

The governance arrangements for the 2022/2025 triennium were agreed at the meeting of Council on [16 November 2022](#).

Significance

The decision is **rated low significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy.

Financial considerations

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Nil | <input type="checkbox"/> Budgetary provision in Annual Plan / Long-term Plan | <input type="checkbox"/> Unbudgeted \$X |
|---|--|---|

Risk

- | | | | |
|---|---------------------------------|-------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> Low | <input type="checkbox"/> Medium | <input type="checkbox"/> High | <input type="checkbox"/> Extreme |
|---|---------------------------------|-------------------------------|----------------------------------|

Author	Leteicha Lowry, Democracy Advisor
Authoriser	Sean Johnson, Democracy Team Leader Stephen McArthur, Chief Strategy & Governance Officer

Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

1. Receive the information.
2. Agree to the following changes to committee membership:
 - a. Appoint Councillor Ray Chung to the Koata Hātepe | Regulatory Processes Committee.
 - b. Appoint Councillor Rebecca Matthews to the Unaunahi Māhirahira | Audit and Risk Committee.
3. Agree to the following changes to Council Advisory and Reference Groups:
 - a. Appoint Mayor Tory Whanau as the representative on the Wellington Water Committee.
 - b. Appoint Councillor Tony Randle as chair of the Safe and Sustainable Transport Forum.
 - c. Appoint Councillor Sarah Free as alternate for the Safe and Sustainable Transport Forum.

Whakarāpopoto | Executive Summary

2. This report to Te Kaunihera o Pōneke | Council (Council) seeks agreement to update elected member committee memberships and appointments for the 2022/2025 triennium.
3. Recommendations reflect the nominated changes outlined by Mayor Tory Whanau via media release on 7 February 2024.
4. The Mayor has appointed chairs and deputy chairs of the relevant committees.

Takenga mai | Background

5. Governance arrangements including for [Terms of Reference and Delegations of Wellington City Council 2022-2025](#) were agreed at the Council meeting on [16 November 2022](#).

Kōrerorero | Discussion

6. The Mayor announced through media release on 7 February 2024 changes to appointments.
7. Under the Terms of Reference and Delegations of Wellington City Council 2022-2025, the following appointments are automatic:
 - Councillor Tim Brown appointed as a member of the Unaunahi Ngaio | Chief Executive Performance Review Committee by virtue of being chair of the Kōrau Tūāpapa | Environment and Infrastructure Committee.
 - Councillor Geordie Rogers appointed to Te Kaunihera o Pōneke | Council, Kōrau Tūāpapa | Environment and Infrastructure Committee, Kōrau Mātinitini | Social, Cultural, and Economic Committee, and Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee by virtue of being a Councillor.

Kōwhiringa | Options

8. The Council can decide to:
 - a) Agree to the changes to committee, and advisory and reference group membership or not agree to changes to committee, and advisory and reference group membership.

Whai whakaaro ki ngā whakataunga | Considerations for decision-making

Alignment with Council's strategies and policies

9. Not applicable.

Engagement and Consultation

10. Not applicable.

Māori Impact Statement

11. Not applicable.

Financial implications

12. There is no financial impact from this decision.

Legal considerations

13. The provisions of the Local Government Act 2002 apply.

Risks and mitigations

14. Not applicable.

Disability and accessibility impact

15. Not applicable.

Climate Change impact and considerations

16. Not applicable.

Communications Plan

17. Not applicable.

Health and Safety Impact considered

18. Not applicable.

Ngā mahinga e whai ake nei | Next actions

19. Following resolution of Council, the Terms of Reference and Delegations of Wellington City Council 2022-2025, and other civic documents, will be updated appropriately.

Attachments

Nil

ACTIONS TRACKING AND FORWARD PROGRAMME

Kōrero taunaki | Summary of considerations

Purpose

1. This report provides an update on past actions agreed by Te Kaunihera o Pōneke | Council (Council) at its previous meetings (hui).
2. Additionally, this report provides a list of items that are scheduled to be considered at the next two hui of Council.

Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- Sustainable, natural eco city
- People friendly, compact, safe and accessible capital city
- Innovative, inclusive and creative city
- Dynamic and sustainable economy
- Functioning, resilient and reliable three waters infrastructure
- Affordable, resilient and safe place to live
- Safe, resilient and reliable core transport infrastructure network
- Fit-for-purpose community, creative and cultural spaces
- Accelerating zero-carbon and waste-free transition
- Strong partnerships with mana whenua

Strategic alignment with priority objective areas from Long-term Plan 2021–2031

Relevant Previous decisions

Not applicable.

Financial considerations

- Nil
 Budgetary provision in Annual Plan / Long-term Plan
 Unbudgeted \$X

Risk

- Low
 Medium
 High
 Extreme

Author	Lisa Petraschuk, Senior Democracy Advisor
Authoriser	Sean Johnson, Democracy Team Leader Stephen McArthur, Chief Strategy & Governance Officer

Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

1. Receive the information.

Whakarāpopoto | Executive Summary

Actions Tracking

3. Council passed 16 resolutions on 14 Hakihea 2023 (14 December 2023)
 - 10 are complete and 6 are in progress.
4. Council had 84 in progress actions carried forward from previous action tracking reports:
 - 31 are now complete and 53 are still in progress.

Forward Programme

5. The following items are scheduled to go to Council's upcoming hui:
 - 18 Pāenga-whāwhā 2024 (18 April 2024)
 - Animal Bylaw - Approval to adopt
 - 27 Pīpiri 2024 (27 June 2024)
 - Water Services Bylaw - Approval to Adopt
 - Adoption of the Long-term Plan 2024
 - Adoption of Alcohol Fees Bylaw 2024

Takenga mai | Background

Actions Tracking

6. Attachments 1 and 2 list clauses agreed by Council that are still in progress or have been completed since actions were last reported on.
7. For public excluded resolutions, individual clauses will not be reported on in a public hui. An overall status for the item will be given and it will remain in progress until all clauses are complete.
8. Actions will be removed from the list once they have been reported as complete.
9. The purpose of the actions tracking report is to ensure that all resolutions are being actioned over time. It does not take the place of performance monitoring or full updates. Council could resolve to receive a full update report on an item, if it wishes.

Forward Programme

10. The forward programme sets out the reports planned for to go to Council for consideration in the next two hui.
11. It is a working document and is subject to change on a regular basis.

Attachments

- Attachment 1. In Progress Actions [!\[\]\(c25df6c57dccd81095d14ed16c5e6013_img.jpg\)](#) [!\[\]\(427093379526118120820e4db9055b93_img.jpg\)](#)
Attachment 2. Completed Actions [!\[\]\(5d2c8dc5cc493c54db7941bf203eaae6_img.jpg\)](#) [!\[\]\(047d36fa1d62f1184657f2fe2435d4b3_img.jpg\)](#)

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Date	ID	Title	Clause number	Clause	Status	Comment
30/06/2021	2	2.5 Implementation of Parking Charges	7	Request officers to investigate off-street parking opportunities with both council and privately run public parking buildings for evening and weekend parking throughout the year.	In progress	Report back is scheduled for April 2024.
15/12/2021	27	3.1 The Gifting of the name Te Aro Mahana	2	Agree to formally recognise the gift of the name Te Aro Mahana for the new play area within Frank Kitts Park and accordingly name the newly developed play area Te Aro Mahana.	In progress	The name will be formally gifted when the play area is ready to be opened.
24/02/2022	31	3.1 Report of the Pūroro Rangaranga Social, Cultural and Economic Committee Meeting of 3 February 2022 25 Hanson Street	2	Agree to dispose of the Land, in order to give effect to the exchange.	In progress	31/01/2024 Settlement pushed back again as purchaser seeks mortgagee sign-off on covenant registration.
31/03/2022	38	4.2 Report of the Pūroro Waihangā Infrastructure Committee Meeting of 23 March 2022: PROPOSED DISPOSAL - PART OF 39 CHAPMAN STREET, JOHNSONVILLE	2	Agree to dispose of the Land to the adjoining owner at 15 Chesterton Street, Johnsonville.	In progress	30/01/24 - Owner has copy of revised draft sale and purchase to review. Waiting on outcome for rezoning submission for the PDP.
28/04/2022	43	3.2 Report of the Pūroro Waihangā Infrastructure Committee Meeting of 27 April 2022 LAND DISPOSAL (ISOLATION STRIPS) - HANSON STREET SERVICE LANE, MOUNT COOK	2	Agree to dispose of the Land to the adjoining owner of 25 Hanson Street (Lot 1 DP 358660, ROT 238839), for amalgamation with that property.	In progress	31/01/2024 Settlement pushed back again as purchaser seeks mortgagee sign-off on covenant registration.
31/03/2022	44	4.1 Report of the Pūroro Tahua Finance and Performance Committee Meeting of 17 March 2022: DEVELOPMENT CONTRIBUTIONS POLICY REPORT BACK ON CONSULTATION AND FINAL VERSION FOR APPROVAL	3	Note that the Policy will be reviewed in time for the 2024 Long-Term Plan and at that time reserves acquisition will be fully included.	In progress	In Progress - draft due Q3 2023/24. Included in the LTP process
30/06/2022	74	3.4.1 Report of the Pūroro Hātepe Regulatory Processes Committee Meeting of 8 June 2022: Background to Oral Submissions and Decision on Objections to Proposed Road Stopping – 24 Cave Road, Houghton Bay.	2	Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if required.	In progress	30/01/2024. All objectors have now withdrawn. Applicant has requested to place application on hold for 2 years, request was approved.
30/06/2022	80	2.2 Sludge Minimisation Facility Business Case	4	Request officers bring back to Council options for sludge disposal, in the event that the Sludge Minimisation Facility cannot be built in time to meet the 2026 deadline.	In progress	22/02/2024 Work on this will be completed following the final consent decision in April 24(following the appeal period).

Date	ID	Title	Clause number	Clause	Status	Comment
6/07/2022	105	2.2 Let's Get Wellington Moving: MRT/SHI Preferred Programme Option	20	Endorse LGWM on behalf of partners, including mana whenua, preparing a proposal for a Specified Development Project with Kāinga Ora, noting that LGWM will report back to partners with final recommendations on a Specified Development Project proposal.	In progress	20/02/2024 Work on a Specified Development Project is paused as we await further information from Waka Kotahi about the future of the transformational business case.
25/08/2022	648	2.2 Decision on Shelly Bay Road upgrade options following community engagement	8a	Agree that: The Shelly Bay Road upgrade will be comprised of the work undertaken by the Developer to deliver the consented design, followed by any localised upgrades which will be delivered by WCC within the existing road corridor and the current \$2.4m LTP budget. The WCC work will prioritise active transport modes and aim to enhance the recreational value of Shelly Bay Road as part of Te Motu Kairangi.	In progress	
25/08/2022	649	2.2 Decision on Shelly Bay Road upgrade options following community engagement	8b	Agree that: Officers will further explore the long-term opportunities to upgrade Shelly Bay Road in such a way that will enable the road to meet Waka Kotahi design guidance (as a minimum) and the Great Harbour Way plan (as an aspiration), noting that: (i) N o opex costs have been set aside for this work; (ii) G iven lead in times, these opportunities will not be able to be implemented until after their consented design has been delivered; and (iii) A s no budget (other than the initial \$2.4m capex) is included for any of these options in the long term plan, all options would be subject to future Council decision making processes. (iv) R equest an initial report be undertaken in time for the 2023/4 Draft Annual Plan to request any necessary feasibility funding, noting that, until any funding is provided, there would be no resources to progress this part of the work.	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
25/08/2022	650	2.2 Decision on Shelly Bay Road upgrade options following community engagement	8c	Agree that: Officers to start the process to investigate a 30km/hr speed limit on Shelly Bay Rd between the Miramar cutting and the Shelly Bay development, either through the Speed Management Review process or the standard speed review process, whichever is faster.	In progress	
25/08/2022	651	2.2 Decision on Shelly Bay Road upgrade options following community engagement	9	Note that, given the constraints identified and the levels of community interest in achieving a higher level of service, officers have also investigated how to improve the level of service for active mode users (beyond that provided by the consented design), without delivering a shared path that meets Waka Kotahi design guidance. This has included consideration of the process by which any such change could be delivered. .	In progress	
25/08/2022	653	2.2 Decision on Shelly Bay Road upgrade options following community engagement	10	Agree that officers will progress localised upgrades to the consented design in accordance with the discussion contained below.	In progress	
30/09/2021	692	4.1 Mākara Cemetery - potential land acquisition	All clauses	All clauses - public	In progress	19/02/24 Formal discussions with owner began Dec 2023, need to get land valued before drafting sale and purchase agreement.
29/09/2022	710	2.4 Development Contributions Remission Request for 4 Oxford Terrace	5	Agree to increase the budget for Social and Recreational Grant Pool (1124) in the year which Development Contribution relating to this development falls due and debt fund this grant at the time.	In progress	Ongoing - the changes will be dealt with through the annual plan.
29/09/2022	711	2.4 Development Contributions Remission Request for 4 Oxford Terrace	6	Agree to reduce the budget for the Environmental and Accessibility Fund (1220) by \$383k in order to fund the above grant.	In progress	Ongoing - the changes will be dealt with through the annual plan.
29/09/2022	755	4.1 Land Acquisition Taranaki Street	All clauses	All clauses	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
15/12/2022	1158	3.3.2 Report of the Koata Hātepe Regulatory Processes Committee Meeting of 14 December 2022: PROPOSED ROAD STOPPING – LAND ADJOINING 76 ADJOINING 76 ORANGI KAUPAPA ROAD, NORTHLAND	2 (c)	c.Delegate to the Chief Executive Officer the power to conclude all matters in relations to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	In progress	31/01/2024 Still trying to finalise Sale & Purchase Agreement wording with the buyer's solicitor, before proceeding to public notification
15/12/2022	1159	3.3.2 Report of the Koata Hātepe Regulatory Processes Committee Meeting of 14 December 2022: PROPOSED ROAD STOPPING – LAND ADJOINING 76 ADJOINING 76 ORANGI KAUPAPA ROAD, NORTHLAND	2 (c)	c.Delegate to the Chief Executive Officer the power to conclude all matters in relations to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	In progress	31/01/2024 Still trying to finalise Sale & Purchase Agreement wording with the buyer's solicitor, before proceeding to public notification
15/12/2022	1160	3.3.2 Report of the Koata Hātepe Regulatory Processes Committee Meeting of 14 December 2022: PROPOSED ROAD STOPPING – LAND ADJOINING 76 ADJOINING 76 ORANGI KAUPAPA ROAD, NORTHLAND	3	Delegate to the Chief Executive Officer the power to conclude all matters in relations to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	In progress	31/01/2024 Still trying to finalise Sale & Purchase Agreement wording with the buyer's solicitor, before proceeding to public notification
15/12/2022	1219	4.4 Land Acquisition - Aotea Quay	All clauses	All clauses	In progress	
20/04/2023	1487	2.1 Election Matters	2	Agree that a representation review be undertaken in the 2025-2028 triennium for the 2028 local election	In progress	This will be actioned in the 2025-28 triennium.
20/04/2023	1489	2.1 Election Matters	4	Agree that Officers will report back to Council when data from Census 2023 is available as information for the 2025-2028 triennium representation review.	In progress	Current indications are that this data is expected in mid-2024.
1/06/2023	1605	2.4 Sport Facilities Fees and Charges Review	2	Agree to complete the review into Council's sport facilities fees and charges	In progress	Review underway. Expected completion date 30 March 2024

Date	ID	Title	Clause number	Clause	Status	Comment
29/06/2023	1770	2.1 Notice of Motion Regarding State of Palestine	1	Direct officers to initiate a Friendly City relationship with Ramallah, with the longer-term intent of building a Sister City relationship in line with criteria set by the International Relations Policy once it has been updated in 2024.	In progress	An action plan for engagement with Ramallah is currently being drafted. Engagement with Ramallah is on hold given the current situation in Gaza. Initial contact with Palestine Ambassador to Australia and New Zealand has been made.
29/06/2023	1805	2.4 Golden Mile Traffic Resolution and Detailed Design	13	20/02/2024 Establish a Business Advisory Group to engage with members of the Wellington Business Community to inform the design and delivery of LGWM projects.	In progress	
29/06/2023	1806	2.4 Golden Mile Traffic Resolution and Detailed Design	14	Instruct officers to develop clear criteria and rules for the exemption permitting system and report these back to Council to make a final decision.	In progress	
4/10/2023	2279	2.1 City Activation Project	All clauses	All clauses	In progress	All clauses reporting on public excluded item.
4/10/2023	2281	2. Public Excluded	2	Direct officers to consider the release of the publicly excluded information in this report by 30 November 2023.	In progress	
25/10/2023	2382	2.2 Town Hall update and funding approval	2	Note the forecast cost to the Council to complete the Town Hall redevelopment has increased from its current budget of \$182.4m to between \$252m to \$329m, an increase of \$70m to \$147m	In progress	
25/10/2023	2383	2.2 Town Hall update and funding approval	3	Note the cost range reflects a number of risk scenarios that could still eventuate on the project and a set of choices about scope and timing that are available to the Council	In progress	
25/10/2023	2387	2.2 Town Hall update and funding approval	7	Agree to include provision in the Long-Term Plan (LTP) for up to \$133m additional budget for the Town Hall across the following financial years: a. \$50m 2024/25 b. \$48m 2025/26 c. \$30m 2026/27 d. \$5m 2027/28	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
25/10/2023	2389	2.2 Town Hall update and funding approval	9	Note officers strongly recommend against delaying the decision and/or approving part of the required funding for the following reasons: a. It would impact the construction programme's critical path with immediate consequences for time and cost over and above the numbers in this report; b. Recent engagement from the LTP's Citizens' Assembly provides evidence of support for continuing with in-flight projects, including the Town Hall; c. Providing certainty about the way forward is a critical recommendation of the RCP review in order to manage the project; and d. The Council has all the necessary information to make the required decision	In progress	
25/10/2023	2390	2.2 Town Hall update and funding approval	10	Note that, with respect to the 2024/34 LTP: a. There is current sufficient capacity in the Council's debt-to-revenue ratio for this funding to be approved; and b. Approving this funding will have an impact on other capital programme decisions available to the Council	In progress	
25/10/2023	2391	2.2 Town Hall update and funding approval	11	Agree that the Council seeks to offset the additional cost by: a. Partnering with a private developer to complete the Town Hall project via a redevelopment on the MOB site which delivers the Town Hall's front-of-house requirements and meets the objectives of the Te Ngākau framework; and b. If necessary, delay the opening of the Town Hall until the MOB development is complete to avoid the cost of temporary front-of-house works	In progress	Procurement process underway and officers will report back to Council in April on outcome.

Date	ID	Title	Clause number	Clause	Status	Comment
25/10/2023	2392	2.2 Town Hall update and funding approval	12	Note, in addition to these cost offsets, officers are taking the following management actions to manage the project going forward: a. Implementing the recommendations of the RCP review, which include exploring opportunities for fixed price contract portions, reallocation of risk, and lump sum settlement of past contract instructions; and b. Implementing increased reporting for the Environment and Infrastructure Committee on the Te Ngākau programme	In progress	
25/10/2023	2393	2.2 Town Hall update and funding approval	13	Agree the following changes to the Town Hall's design to improve its utilisation for a range of functions and performances, and reduce the building's early reliance on the Michael Fowler Centre (MFC): a. Repurpose Mayoral suite to three rooms for security operations and Venues Wellington staff room, and two additional events and VIP spaces (which could be used for the Council's civic events, citizenship ceremonies and functions); and b. Assign the space currently allocated for dual use as a performance venue and Council debating chamber to a sole purpose smaller performance venue	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
25/10/2023	2396	2.2 Town Hall update and funding approval	16	Note officers are initiating a formal tender process for the CAB and MOB buildings, running between November 2023 and March 2024, seeking proposals that: a. Redevelop CAB; b. Redevelop or strengthen MOB, and include delivery of the Council's Town Hall requirements; c. As far as possible, deliver both buildings in a way that minimises impact on the Town Hall's construction timetable and seeks to align the delivery of MOB with the completion of the Town Hall to minimise costs to the Council; and d. Meet the vision and objectives of the Te Ngākau Civic Precinct Framework	In progress	Procurement process underway and officers will report back to Council in April.
25/10/2023	2397	2.2 Town Hall update and funding approval	17	Note the Council will be updated on the Te Ngākau programme: a. At the completion of the tender process for MOB/CAB sites, with a recommended development option (March/April 2024); and b. Regularly via new four-monthly programme briefings to the Environment and Infrastructure Committee	In progress	
25/10/2023	2398	2.2 Town Hall update and funding approval	18	Note the completion of a development plan for the wider Te Ngākau precinct is a Chief Executive KPI and will be provided to the Council by June 2024, following the completion of a tender process which will go to market in early November.	In progress	Procurement process underway. Council will be updated in March.
25/10/2023	2399	2.2 Town Hall update and funding approval	19	Agree to repurpose the Mayoral suite to three rooms for security operations and Venues Wellington staff room, and two additional events and VIP spaces (which could be used for the Council's civic events, citizenship ceremonies and functions)	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
25/10/2023	2400	2.2 Town Hall update and funding approval	20	Agree to designate one of the two events/VIP spaces as "Te Ngākau - The Civic Room", ensuring it is appropriately furnished to reflect the Council's mana with key ceremonial and historical items, and ensure the Council has prioritised use of this room for ceremonial and civic functions.	In progress	
25/10/2023	2401	2.2 Town Hall update and funding approval	21	Note that Officers will provide monthly project reporting to Council	In progress	
25/10/2023	2403	2.2 Town Hall update and funding approval	22	Agree that officers report back to the Environment and Infrastructure Committee by 30 November on cost, process and scope of completing this work to enable the funding to be approved before work begins.	In progress	
25/10/2023	2404	2.2 Town Hall update and funding approval	23	Agree that officers commence exploration of the viability of a local bill, and other options, that will allow WCC sufficient legislative flexibility as both property owner and regulator for projects where earthquake strengthening, heritage constraints and/or resource consenting issues have combined to create prohibitive cost or stagnating development outcomes.	In progress	
25/10/2023	2405	2.2 Town Hall update and funding approval	24	Agree to explore alternative funding options including fundraising from private donors before the end of 2023/24 financial year	In progress	
25/10/2023	2406	2.2 Town Hall update and funding approval	25	Direct officers to prioritise management of project cost over heritage restoration for the remainder of the project, where these objectives are in direct tension and where achievement of both is not possible (i.e., where cost management is not in contradiction with the project's resource consent or other regulatory requirements).	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
25/10/2023	2418	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	2	Declare that the approximately 23 m2 (subject to survey) of unformed legal-road land (the Land) adjoining 3 Liffey Street (Part Lot 3 DP 1911, held on ROT WNB1/687) is not required for a public work and is surplus to Council's operational requirements.	In progress	31/01/2024 Draft Sale & Purchase Agreement sent to owner for review with his lawyer; will proceed to public notification once executed agreement is in place.
25/10/2023	2419	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	2	Declare that the approximately 23 m2 (subject to survey) of unformed legal-road land (the Land) adjoining 3 Liffey Street (Part Lot 3 DP 1911, held on ROT WNB1/687) is not required for a public work and is surplus to Council's operational requirements.	In progress	31/01/2024 Draft Sale & Purchase Agreement sent to owner for review with his lawyer; will proceed to public notification once executed agreement is in place.
25/10/2023	2420	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	3	Agree to dispose of the Land.	In progress	31/01/2024 Draft Sale & Purchase Agreement sent to owner for review with his lawyer; will proceed to public notification once executed agreement is in place.
25/10/2023	2421	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	4	Delegate to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	In progress	31/01/2024 Draft Sale & Purchase Agreement sent to owner for review with his lawyer; will proceed to public notification once executed agreement is in place.
25/10/2023	2422	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	5	Note that if objections to the road stopping process are received and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee and Council for consideration.	In progress	31/01/2024 Draft Sale & Purchase Agreement sent to owner for review with his lawyer; will proceed to public notification once executed agreement is in place.
14/12/2023	2854	2.1 Funding for Wellington Water Limited	6	Authorise officers to release a further \$1m in operational funding for leak repair to Wellington Water Ltd if, by 15 March, the initial \$1m has been fully utilised and Wellington Water Ltd has provided the reporting outlined in 5) to the satisfaction of officers.	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
14/12/2023	2856	2.2 Te Atakura 2023 Update	2	Request that officers report back to the committee on the next steps for communicating effective climate action to residents before the end of the next financial quarter	In progress	Action is in progress.
14/12/2023	2857	2.2 Te Atakura 2023 Update	3	Note that officers will include key actions and updates for The Food Futures work as part of quarterly reporting and in the next Te Atakura update	In progress	May not be achieved for Q2 reporting.
14/12/2023	2858	2.2 Te Atakura 2023 Update	4	Request that officers investigate approaches to help our communities engage in climate action, including the use of a citizen's assembly.	In progress	Discussions underway.
14/12/2023	2862	3.2 Report of the Koata Hātepe Regulatory Processes Committee Meeting of 13 December 2023	1	Approve the new premises lease for Port Nicholson & Poneke Cycling Club, as required under the Wellington Town Belt Act 2016.	In progress	Sent for execution.
14/12/2023	2872	4.1 Report of the Unaunahi Māhirahira Audit and Risk Committee 29 November 2023 - Te Kāinga Update	All clauses	All clauses	In progress	

Date	ID	Title	Clause number	Clause	Status	Comment
26/08/2021	6	2.2. Annual Dog Control Report 2020-21	4	Agree that officers report back through the Animal Bylaw/Dog Policy process later this year on metrics for the objectives set out in the Annual Dog Report.	Completed	
26/08/2021	8	2.2. Annual Dog Control Report 2020-21	6	Request officers bring back options for better resourcing of Animal Control in order to help protect our wildlife. Resourcing could include partnership opportunities, shared resourcing and fee reallocation and/or increase, as well as investigating the provision of off-leash dog facilities.	Completed	
26/08/2021	9	2.6 Strategy and Policy Work Programme	3	Note that once agreed, the programme will be included in the relevant Committee Forward Programmes.	Completed	
30/06/2022	67	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	2	Agree to grant stormwater and wastewater easements, pursuant to Section 48 of the Reserves Act 1977, to the owners of 324 and 326 Main Road, Tawa, over Council recreation reserve land at Duncan Park and Play Area, being part of Lot 26 Deposited Plan 15397 and held on ROT WN790/45.	Completed	Remaining actions are with the landowner. no further councillor action required. The Applicant will implement the pipes as part of the building project. The builder will contact Reserves Planner prior to this work to arrange a Temporary Vehicle Access Permit from the Park Ranger team. The easement areas will be surveyed and legalised after the pipes have been laid and the reserve reinstated.
30/06/2022	68	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	3	Delegate to the Chief Executive the power to carry out all steps to effect the easements.	Completed	Remaining actions are with the landowner. no further councillor action required.
30/06/2022	69	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	4	Note that the works within the easement areas will be subject to the relevant bylaw, building and/or resource consent requirements.	Completed	Remaining actions are with the landowner. no further councillor action required.
30/06/2022	70	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	5	Note that the works to install the stormwater and wastewater lateral pipes will proceed in accordance with final Parks, Sport and Recreation agreement to all reserve management, work access and reinstatement plans.	Completed	Remaining actions are with the landowner. no further councillor action required.

Date	ID	Title	Clause number	Clause	Status	Comment
30/06/2022	71	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	6	Note that under the Instrument of Delegations for Territorial Authorities dated 12 July 2013, the Minister of Conservation has delegated the authority to grant easements over reserve land under Section 48 of the Reserves Act 1977 to Council.	Completed	Remaining actions are with the landowner. no further councillor action required.
30/06/2022	72	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	7	Note that approval to grant these easements will be conditional on: a. The applicant being responsible for all costs associated with the creation of the easements, including any of Council's fair and reasonable costs. b. The requirement for public notice under Section 48(2) of the Reserves Act 1977 being waived as the reserve is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of these easements.	Completed	Remaining actions are with the landowner. no further councillor action required.
6/07/2022	113	2.2 Let's Get Wellington Moving: MRT/SHI Preferred Programme Option	28	Note that the LGWM will regularly report back to partner shareholding governing bodies against progress milestones in the preparation of the Detailed Business Case	Completed	Partners have agreed to disestablish LGWM, the programme will no longer exist post 31 March.
25/08/2022	673	4.1 Sludge Minimisation Facility Project Funding	All Clauses	All clauses - public	Completed	
15/12/2022	1157	3.3.1 Report of the Koata Hātepe Regulatory Processes Committee Meeting of 14 December 2022: NEW GROUND LEASE FOR VICTORIA BOWLING CLUB	1	Approve a new lease pursuant to the Wellington Town Belt Act 2016 for Victoria Bowling Club Incorporated for a 10-year term with a further renewal term of 10 years.	Completed	Negotiating terms of the lease with club.
20/04/2023	1544	4.2 LAND ACQUISITION - OHARIU VALLEY ROAD, OHARIU	All clauses	All clauses.	Completed	
20/04/2023	1558	4.3 Te Kāinga Project Decision	All clauses	All clauses	Completed	
1/06/2023	1609	2.4 Sport Facilities Fees and Charges Review	6	Agree to delegate to the Mayor and Chief Executive the appointment of an independent consultant informed by a recommendation from the independent chair and working group.	Completed	MartinJenkins was appointed as consultant.

Date	ID	Title	Clause number	Clause	Status	Comment
29/06/2023	1808	2.4 Golden Mile Traffic Resolution and Detailed Design	12.a	a) Agree for the Mayor and interested Elected Members to meet with Greater Wellington Regional Council and Waka Kotahi to review the location and design of bus stops along the Golden Mile in the next two months and to report back to Council on any improvements that can be made to the allocation of bus stops to maintain the existing high level of service.	Completed	
7/09/2023	2239	2.1 Approval of the Updated Wellington Regional Leadership Committee Agreement and Terms of Reference	3	Agree that the Wellington Regional Leadership Committee continues as a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002, with the amended terms set out in the attached Joint Committee Agreement (dated 2023), with the amendments in effect from the date the Wellington Regional Leadership Committee Joint Committee Agreement is signed by all local authority parties.	Completed	
25/10/2023	2380	3.2 Report of the Kōrau Mātinitini Social, Cultural, and Economic Committee Meeting of 12 October 2023	2	Agree an increase to operational budget for 2023/24 of \$6.7m for Let's Get Wellington Moving, which is a carry-forward of prior year underspend	Completed	
25/10/2023	2384	2.2 Town Hall update and funding approval	4	Note, in response to escalating costs, officers initiated an independent review of the project from RCP, a nationwide project management and construction consultancy with experience in heritage projects, and has accepted the review's recommendations	Completed	
25/10/2023	2386	2.2 Town Hall update and funding approval	6	Agree to increase the budget for the Town Hall by \$14m for the current 2023/24 year	Completed	
25/10/2023	2388	2.2 Town Hall update and funding approval	8	Note these costs have been developed by officers and the project's quantity surveyor (RLB) and subject to internal peer review by RLB and external review by RCP	Completed	
25/10/2023	2394	2.2 Town Hall update and funding approval	14	Note the Council will receive further advice on options for future Council accommodation in November 2023	Completed	

Date	ID	Title	Clause number	Clause	Status	Comment
25/10/2023	2395	2.2 Town Hall update and funding approval	15	Note a successful market soundings process has been completed by PwC to test developer interest in funding the redevelopment of MOB and the Civic Administration Building (CAB)	Completed	
25/10/2023	2408	2.1 Strategy and Policy Priorities	2	Agree the strategy and policy work programme for 2023-25 as outlined in Attachment 1, including: a) Moving Climate Adaptation Roadmap work from priority ranking of 4 to a 3. b) Confirming that the Rainbow Strategy is completed at the latest by mid-2025. c) Confirming that Our Natural Capital will be completed at the latest by mid-2025.	Completed	
25/10/2023	2409	2.1 Strategy and Policy Priorities	3	Note that the strategy and policy work programme is a live programme. As committee decisions are made or needs are identified, timing or priority of the programme contents will need to be reviewed and the updated overall programme will be reported periodically to the Council.	Completed	
25/10/2023	2410	2.3 Submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options Paper)	1	Receive the information.	Completed	
25/10/2023	2411	2.3 Submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options Paper)	2	Approve the submission, as set out in Attachment One: Wellington City Council's submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options paper).	Completed	
25/10/2023	2412	2.3 Submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options Paper)	3	Agree to delegate authority to the Chair and Deputy Chair of Te Kaunihera o Pōneke Council and the Chief Executive to finalise the submission, including any amendments agreed by Te Kaunihera o Pōneke Council and any minor consequential edits.	Completed	

Date	ID	Title	Clause number	Clause	Status	Comment
25/10/2023	2413	2.4 Wellington District Licensing Committee Annual Report for the Year Ending 30 June 2023	1	Receive the information.	Completed	
25/10/2023	2414	2.4 Wellington District Licensing Committee Annual Report for the Year Ending 30 June 2023	2	Agree that this Annual Report may be submitted to the Alcohol Regulatory Licensing Authority (ARLA).	Completed	
25/10/2023	2416	2.5 Proposed Road Closure	2	Agree to close Ganges Road (Agra Street to Dekka Street - one way portion only from number 1 to 19) for the Khandallah Fair on 10th December 2023, from 6.00am to 4.00pm. The road closure will apply to vehicles and cyclists including motorised scooters, and is subject to the conditions listed in the proposed road closure impact report.	Completed	
14/12/2023	2849	2.1 Funding for Wellington Water Limited	1	Receive the information.	Completed	
14/12/2023	2850	2.1 Funding for Wellington Water Limited	2	Determine whether an additional \$2 million in operational funding for leak repair will be allocated to Wellington Water Limited (WWL) in the 2023/24 financial year.	Completed	
14/12/2023	2851	2.1 Funding for Wellington Water Limited	3	Note that this would need to be funded by debt.	Completed	
14/12/2023	2852	2.1 Funding for Wellington Water Limited	4	Note that Wellington Water Limited has indicated that it is unable to provide the Council with a prioritised list of target leaks to be fixed in any given period and that progress and actual costs to fix leaks would require a substantial increase to its current reporting that its systems cannot readily provide.	Completed	
14/12/2023	2853	2.1 Funding for Wellington Water Limited	5	Authorise an additional \$1m in operational funding for leak repair to Wellington Water Limited (WWL) in the 2023/24 financial year subject to WWL confirming it can provide the following data each month for the remainder of the financial year: Leak data - address, date reported, date fixed.	Completed	
14/12/2023	2855	2.2 Te Atakura 2023 Update	1	Receive the information.	Completed	Te Atakura is loaded onto the Wellington City Council website.

Date	ID	Title	Clause number	Clause	Status	Comment
14/12/2023	2859	2.2 Te Atakura 2023 Update	5	Formally endorse the international Fossil Fuel Non-Proliferation Treaty.	Completed	Wellington City Council's endorsement is recorded on the Fossil Fuel Treaty website: https://fossilfueltreaty.org/wellington
14/12/2023	2860	2.3 Actions Tracking and Forward Programme	1	Receive the information.	Completed	
14/12/2023	2861	3.1 Report of the Kōrau Mātinitini Social, Cultural, and Economic Committee Meeting of 23 November 2023	1	Adopt the updated freedom camping rules of the Public Places Bylaw 2022 as Attachment 1.	Completed	The update freedom camping rules has been adopted and the Pubic Places Bylaw 2022 has been updated and publicly notified.
14/12/2023	2863	3.3 Report of the Pītau Pūmanawa Grants Subcommittee Meeting of 6 December 2023	1	Agree to allocate \$543,345 of funding from the FY24/25 Social and Recreation Fund for Downtown Community Ministry Inc (trading as DCM).	Completed	This allocation, as part of the Social and Recreation Fund, is included within the draft Long-term Plan.

3. Public Excluded

Recommendation

That the Te Kaunihera o Pōneke | Council:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
3.1 Notice of Motion of Revocation: City Activation	<p>7(2)(b)(ii) The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>7(2)(i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>

2. Agree to release the details of the vote on the Notice of Motion of Revocation in the public minutes of this meeting.
-

NOTICE OF MOTION OF REVOCATION: CITY ACTIVATION

PUBLIC EXCLUDED

Grounds: Section s48(1)(a) - That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.

Reasons: Section 7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Section 7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Kōrero taunaki | Summary of considerations

Purpose

1. This report fulfils the requirement under Standing Order 24.1 to include on the agenda of the meeting on 29 February 2024 a notice of motion received by the Chief Executive from Councillor Iona Pannett.

Financial considerations

Nil Budgetary provision in Annual Plan / Long-term Plan Unbudgeted \$X

Risk

Low Medium High Extreme

Authors	Phil Becker, Manager Build Wellington Jo Leung, Principal Counsel
Authoriser	Andrea Reeves, Chief Financial Officer

Motion

That Te Kaunihera o Pōneke | Council:

- 1) Agrees to revoke all the recommendations agreed to by Council on the 4th October 2023 in relation to land owned by Reading Courtenay Central.

Takenga mai | Background

4. The notice of motion of revocation has been received in accordance with the Council's Standing Orders.
5. Standing Order 24.1 requires the notice of motion of revocation to be submitted to the Chief Executive not less than seven clear working days prior to the specific meeting at which it is to be considered. This notice of motion was submitted to the Chief Executive on 14 February 2024.

6. Standing Order 24.1 requires the notice of motion to be signed by at least one-third of elected members. This notice of motion was signed by six of sixteen elected members.
7. Once the notice of motion has been accepted onto the agenda of the meeting, the procedure for resolving notices of motion is set through standing orders 23.4 to 23.6.
 - The motion can only be altered by the mover with the agreement of a majority of members present at the meeting.
 - Once moved and seconded, no amendments can be proposed.
8. As the information considered by the Council on 4 October 2023 remains public excluded, that information is to remain confidential and not be debated as part of the notice of motion proceedings.

Officer's Response

Background

9. On 4 October 2023 the Te Kaunihera o Pōneke | Council agreed to approve the key commercial terms outlined in the City Activation Project report (Report) of that date, and to which this report references. The Report outlined a range of risks and benefits to Council's involvement.
10. The key commercial terms agreed with Reading on 5 October 2023, and outlined within the Report, laid out a range of conditions and controls to be met by Reading.
11. The Council also considered a range of benefits when making the decision to support the initiative. Council's intervention presents a unique opportunity for bringing forward economic and social revitalisation in Wellington's Courtenay Place precinct, and recognises the Reading Courtenay Central Complex (Courtenay Central) is earthquake prone and which was voluntarily closed. It is not due to be strengthened for another 11 years (due 2035).
 - Economically, this initiative aims to restore vitality to a key area of the city, transforming the currently vacant site into an active hub for commercial and social interaction. This revitalisation will not only attract new businesses to the city and create jobs, but likely stimulate further private investment in neighbouring properties, creating a positive ripple effect throughout the central city.
 - Socially, the redevelopment is pivotal in enhancing community safety and connectivity. A globally accepted planning and design principle for regenerating and revitalising a city precinct is to seek opportunities to increase the diversity and mix of community using a space. There has been considerable public commentary about the state of the Courtenay Place entertainment precinct and surrounds, and a consistent call for its revitalisation. The transformation of the Courtenay Central site into a safe, family-friendly space will significantly improve the overall atmosphere and appeal of the area, making it more inviting for residents, visitors, and businesses alike.
 - Overall, the Council's participation in this redevelopment is central to catalysing both public and private investment in the economic and social revitalisation of Wellington's central city area and is aligned with both the City Revitalisation Programme and the Council's Economic Wellbeing Strategy (2022).

12. Community and stakeholder feedback corroborates that these benefits remain valid, but that they will not be realised if the 4 October decision is revoked.

Financial implications

13. As outlined in the Report, the initiative is predicated on a fundamental requirement that it is fiscally neutral to Council, and otherwise generally on usual market terms acceptable to Council, in Council's sole discretion.
14. The Report noted that the primary implications of the Council's involvement in this initiative was that it is debt funded and therefore carries an opportunity cost. However, at the 4 October 2023 meeting a further recommendation was resolved to direct officers to report back to Council on existing Council ground leases that could be sold in order to reduce the Council's overall debt position.
15. The Council's property team has identified ground leases, which have an active market for the amount, with a value equivalent to the purchase price of the Reading land.
16. The underlying information for the Long-Term Plan has been prepared on the assumption that the purchase of the land will be funded by the sale of a ground lease. This would make the initiative fiscally neutral from a debt perspective also.

Status

17. The parties have, in accordance with the key commercial terms dated 5 October 2023, been negotiating the relevant contractual documents, with the Sale & Purchase Agreement, and Lease terms agreed in principle, and work is well advanced on the Deed – collectively approximately 80% complete.

Legal and contractual considerations

18. As the initiative is still being negotiated, Council is not contractually bound to commit to an agreement with Reading that supports their redevelopment of Courtenay Central. The Report to the meeting of 4 October 2023, Executive Summary, paragraph 27 and the Key Commercial Terms, paragraph 32, set out the non-binding framework that Officers' have been negotiating under.
19. Both parties continue to have the right to terminate the Memorandum of Collaboration and Understanding (MoCU) by giving notice at any time.
20. However, the Council is legally bound to a range of clauses which survive termination, including Confidentiality (which has standard exceptions for disclosures required by law or regulators), and joint agreement of press releases or information being given to the media.
21. The further effect, notwithstanding the binding obligations contained within the MoCU, will be negative reputational risk arising from withdrawing from the initiative at this late stage. This is anticipated to have a negative impact on the Council's future ability to participate in a commercial environment.

Attachments

Attachment 1. Signed Notice of Motion [!\[\]\(17413706fd4997a1a4bdf85c6864eee1_img.jpg\) !\[\]\(f419710cbe076aa30a9c6c031b5cbe84_img.jpg\)](#)

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Notice of Motion of Revocation relating to decisions around the Reading Cinema

To

Ms Barbara McKerrow
Chief Executive
Wellington City Council
113 The Terrace
Wellington 6011

Mover:- Councillor Iona Pannett
Seconder:- Councillor Nicola Young

Background

On the 4th October 2023, the Council voted to acquire the underlying fee simple estate in the Reading Courtenay Ltd land at 80 Courtenay Place and approved the leaseback of this land to Reading International Ltd at terms no less favourable than outlined in the paper to Council.

Subsequent to this decision, new information has emerged which necessitates an evaluation of whether this project is a priority for the city.

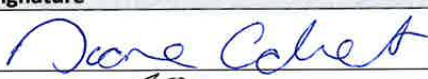

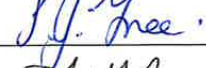
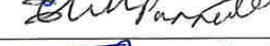

This information includes the need for further significant investment in our water network and our long-term resilience needs, the costs facing owners of other earthquake prone buildings and the election of a government which has put a priority on the need for councils to invest in core infrastructure.

In accordance with Standing Orders 24.1-24.5, it is proposed to move the following motion at the meeting of the Council on the 29th of February 2024:

That Te Kaunihera o Pōneke | Council:

1. Agrees to revoke all the recommendations agreed to by Council on the 4th October 2023 in relation to land owned by Reading International Inc.

Signed this day of 14th February 2024 by

Name	Signature
Cllr Diane Calvert	
Cllr Ray Chung	
Cllr Sarah Free	
Cllr Iona Pannett	
Cllr Tony Randle	
Cllr Nicola Young	