

Absolutely Positively
Wellington City Council

Me Heke Ki Pōneke

Ordinary Meeting of Environment and Infrastructure Hearings Panel

Rārangi Take | Agenda

9:30 am Rāpare, 2 Haratua 2024

9:30 am Thursday, 2 May 2024

Ngake (16.09), Level 16, Tahiwī

113 The Terrace

Pōneke | Wellington



MEMBERSHIP

Councillor Abdurahman
Councillor Brown (Chair)
Councillor Free
Councillor Matthews
Councillor Randle
Councillor Wi Neera

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.

AREA OF FOCUS

The Kōrau Tūāpapa | Environment and Infrastructure Committee has responsibility for:

- 1) RMA matters, including urban planning, city design, built environment, natural environment, biodiversity, and the District Plan.
- 2) Housing.
- 3) Climate change response and resilience.
- 4) Council property.
- 5) Waste management & minimisation.
- 6) Transport including Let's Get Wellington Moving.
- 7) Council infrastructure and infrastructure strategy.
- 8) Capital works programme delivery, including CCOs' and Wellington Water Limited's capital works programmes.
- 9) Three waters

To read the full delegations of this committee, please visit wellington.govt.nz/meetings.

Quorum: 9 members

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

At the appropriate time, the following karakia will be read to close the hui.

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

1.2 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the hui, where leave of absence has not previously been granted.

1.3 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.

1.4 Confirmation of Minutes

The minutes of the meeting held on 5 April 2023 will be put to the Environment and Infrastructure Hearings Panel for confirmation.

1.5 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows.

Matters Requiring Urgent Attention as Determined by Resolution of the Environment and Infrastructure Hearings Panel.

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 Environment and Infrastructure Hearings Panel.

Minor Matters relating to the General Business of the Environment and Infrastructure Hearings Panel.

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 Environment and Infrastructure Hearings Panel for further discussion.

1.6 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

HALF COST PATHS POLICY REVIEW AND WATER SERVICES BYLAW REVIEW ORAL SUBMISSIONS

Kōrero taunaki | Summary of considerations

Purpose

1. This report to the Environment and Infrastructure Hearings Panel (the Panel) asks that the Panel recognise the speakers who will be speaking to their submissions regarding the Half Cost Paths Policy Review and Water Services Bylaw Review consultations.

Relevant Previous decisions

On 16 Poutū-te-rangi March 2023 the Kōrau Tūāpapa | Environment and Infrastructure Committee (the Committee) resolved to establish the Environment and Infrastructure Hearings Panel to hear oral submissions (if required) on all consultations and engagements that will come to the Committee for decision.

Financial considerations

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

Risk

Low Medium High Extreme

Author	Tian Daniels, Democracy Advisor
Authoriser	Siobhan Procter, Chief Infrastructure Officer

Taunakitanga | Officers' Recommendations

Officers recommend the following motion

That the Environment and Infrastructure Hearings Panel:

1. Receive the information.
2. Hear the oral submitters and thank them for their submissions.

Whakarāpopoto | Executive Summary

2. This report asks that the Panel recognise the speakers who will be speaking to their submissions regarding the Half Cost Paths Policy Review and Water Services Bylaw Review consultations.

Takenga mai | Background

3. Te Kaunihera o Pōneke | Wellington City Council consulted on the Half Cost Paths Policy Review from 26 Hui-tanguru 2024 (26 February 2024) to 27 Poutū-te-rangi 2024 (26 March 2024).
4. Te Kaunihera o Pōneke | Wellington City Council consulted on the Water Services Bylaw Review from 12 Poutū-te-rangi 2024 (12 March 2024) to 15 Pāenga-whāwhā 2024 (15 April 2024).




Kōrerorero | Discussion

5. Attachment 1 comprises the speakers' submissions.
6. The list of speakers and the page number of their submissions is provided at the end of this report.
7. If any further requests to speak are received, their written submissions will be circulated.

Ngā mahinga e whai ake nei | Next actions

8. Recommendation decision of the Half Cost Paths Policy Review is scheduled to go to the meeting (hui) of the Kōrau Tūāpapa | Environment and Infrastructure Committee on 5 Pīpiri 2024 (5 June 2024).
9. Recommendation decision of the Water Services Bylaw Review is scheduled to go to the meeting (hui) of the Kōrau Tūāpapa | Environment and Infrastructure Committee on 5 Pīpiri 2024 (5 June 2024).
10. Adoption of the Water Services Bylaw Review is scheduled to go to the meeting (hui) of the Kōrau Tūāpapa | Environment and Infrastructure Committee on 6 Pīpiri 2024 (6 June 2024).
11. A summary of oral submissions to the Panel and the full submission documents will be published alongside the agenda for the hui of the Committee.

Attachments

- Attachment 1. [Speaker Submissions - Half Cost Path Policy Review](#)  
- Attachment 2. [Speaker Submissions - Water Services Bylaw Review](#) 

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**ENVIRONMENT AND INFRASTRUCTURE
HEARINGS PANEL
2 MAY 2024**

Name	Speaking Topic	Individual/Organisation	Agenda Page Number
Carolyn Scaddan	Half Cost Paths Policy	Individual	15
Chris Scott	Half Cost Paths Policy	Individual	17
Nick Hough	Half Cost Paths Policy	Individual	19
Kathryn and Shan Jordan	Half Cost Paths Policy	Individual	21
Barry John Brown	Half Cost Paths Policy	Individual	26
Kate Jamieson	Half Cost Paths Policy	Individual	28
Paul Ramsay	Half Cost Paths Policy	Individual	38
Ian Biggs	Half Cost Paths Policy	Individual	43
Alistair J Stewart and Susan E M Warwood	Half Cost Paths Policy	Individual	45
Kerry-Lynn Sorrell	Half Cost Paths Policy	Individual	60
Robyn Tiller	Half Cost Paths Policy	Individual	62
Chris Miles	Half Cost Paths Policy	Individual	64
Gillian Hubbard	Half Cost Paths Policy	Individual	66
Sophie Kalderimis	Half Cost Paths Policy	Individual	75
Katy Gibb	Half Cost Paths Policy	Individual	80
Alastair Bisley	Half Cost Paths Policy	Individual	82
Hadleigh Petherick	Half Cost Paths Policy	Individual	86
citizen T	Half Cost Paths Policy	Individual	93
Rosemary Collins	Half Cost Paths Policy	Individual	96
Catherine Nelson	Half Cost Paths Policy	Individual	103

Nigel Charman	Half Cost Paths Policy	Individual	106
John Dalgiesh	Half Cost Paths Policy	Individual	110
Douglas Lynn	Half Cost Paths Policy	Individual	112
Philippa Conway	Half Cost Paths Policy	Individual	117
Marilyn Powell	Half Cost Paths Policy	Individual	119
Carolyn Kern	Half Cost Paths Policy	Individual	121
Elizabeth (Lisa) Stockler	Half Cost Paths Policy	Individual	128
Emma Martin	Half Cost Paths Policy	Individual	130
Anna Thomas	Half Cost Paths Policy	Individual	132
Andrew Hoy	Half Cost Paths Policy	Individual	140
Alice Donnell	Half Cost Paths Policy	Individual	142
Poul Israelson	Half Cost Paths Policy	Individual	144
Jennie Koerner (Cauchi)	Half Cost Paths Policy	Individual	146
Nuala	Half Cost Paths Policy	Individual	149
Anthony Hubbard	Half Cost Paths Policy	Individual	153
Augusta Connor	Half Cost Paths Policy	Individual	155
Matt Dean	Half Cost Paths Policy	Individual	158
Colin Fraser & Garth	Half Cost Paths Policy	Individual	160
Scott Austin	Half Cost Paths Policy	Individual	162
Jon Harris	Half Cost Paths Policy	Individual	164
Carl	Half Cost Paths Policy	Greater Brooklyn Residents Association	166
Dianne Roberts	Half Cost Paths Policy	Individual	168
Jerone Kole	Half Cost Paths Policy	Individual	172
Avryl Bramley	Half Cost Paths Policy	Mount Vic Residents Association	174

**ENVIRONMENT AND INFRASTRUCTURE
HEARINGS PANEL
2 MAY 2024**

Avryl Bramley	Water Services Bylaw	Individual	185
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Respondent No: 115

Login: Registered

Responded At: Mar 24, 2024 09:42:41 am

Last Seen: Mar 23, 2024 19:38:00 pm

Q1. Please enter your name.	Carolyn Scaddan
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	[REDACTED]
Q7. Are you aware of the Half Cost Path Policy?	Yes
Q8. What do you know about the Half Cost Path Policy?	I was NOT aware of the policy when I bought my property in 2011. I would NOT have bought it had a I known. On receiving your letter I've read about the policy that some private access paths of more than 3 houses have responsibility for upkeep of path.
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	The cost, certainly if there was a slip or an earthquake and major work was required and if it needs to be renewed I would not be able to access my home.
Q10. What option do you support for the review of the Half Cost Path policy?	Option 5 (Revoking policy – the Council takes full responsibility)

Q11. Please explain more about your choice.

The path was built by the council on council owned reserve to help develop the hilly suburbs around Wellington. The council collect rates from these otherwise inaccessible properties. There are other paths locally that only provide access to multiple houses that are not half cost paths on your map. I assume the council fully funds them so where is the equality? The majority of the half cost paths are up banks or have retaining walls, if there is a slip or an earthquake and the structure is damaged it would amount to hundreds of thousands, even millions, to repair. How are house owners ever going to afford these repairs? The widening of many of the roads locally has made the banks both steep and unstable. There are many slips locally each year. When these are ignored, as is the case with the major slip on Lennel Road. There were slips there every year since I moved here 13 years ago, each year getting worse until eventually the whole bank came down no doubt costing millions to repair. It would not be possible to insure against slips or earthquakes because this is not our land, it's council reserve. If we had to fund massive repairs, we don't have the money. A bank would not allow mortgage funding on land that you don't own. The council have explained that the current situation does not work and that the provisions put aside for maintenance have not been spent, I would imagine because home owners do not have large sums of money for repairs that this is only going to get worse if you put the full 100% burden on home owners. It is unlikely that multiple homeowners will ever reach a consensus on what needs doing and when AND be able to afford it. Mortgage rates are high, inflation is high, our rates go up by a huge amount each year. There is a cost-of-living crisis and salaries go up very little in comparison, if at all. Some residents are pensioners on fixed incomes, some are on benefits, is WINZ going to fund this work? The letter I received mentions that the council will carry out maintenance work to meet "like for like" standards. I understand that this means patching them up to their original condition, but that in many cases will not meet NBS standards. Our path is structurally failing and was patched up with a wooden slatted walk-way by the homeowner many years ago. This to me seems like another desperate money grab by a council that want to fund too many unnecessary projects.

Q12. What other comments do you have regarding the Half Cost Path policy?

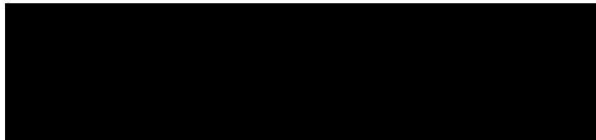
Not everyone affected received a notification letter. My partner who is joint owner was not notified. My neighbour also did not receive a letter and others I have spoken to had neighbours who were not notified. How can changes be made when people have not been consulted, especially as the majority were not previously aware of half cost paths.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

This is council land and council should have full responsibility for these walls and structures as they do in other locations where there is not a path. Wellington is notorious for slips (and earthquakes) and it is unreasonable to put responsibility for banks and retaining walls on homeowners as it is way beyond their means.

Q15. Do you have any additional attachments?





Respondent No: 35
Login: Admin

Responded At: Mar 06, 2024 17:49:23 pm
Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Chris Scott
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** We are part of a half cost path. We had our path renewed 3 years ago.
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** Cost
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)
-
- Q11. **Please explain more about your choice.**
We can look after the maintenance of the path and have been doing so for 30 years. The only time we need Council involvement is to pay for any upgrading of the path for safety. I still do not understand why we have to pay 1/2 when most Wellington ratepayers do not pay anything extra for maintenance of path outside their property.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
I am concerned the Council is looking at revoking any money contribution at a time when there is wasteful spending in areas that are not as important as ratepayer safety.
-
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Council should pay 100%. The Council signed off for each property's location that is accessed thru council land. Council has an obligation to look after every property regardless of their site.

Q15. Do you have any additional attachments?





Respondent No: 3

Login: Registered

Responded At: Feb 28, 2024 09:07:26 am

Last Seen: Feb 26, 2024 02:55:48 am

Q1. Please enter your name.	Nick Hough
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	[REDACTED]
Q7. Are you aware of the Half Cost Path Policy?	Yes
Q8. What do you know about the Half Cost Path Policy?	I fully understand the obligations of both the property owner and Council. It is clearly outlined in the LIM report
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	Getting all property owners to agree to their share of the maintenance costs. The proposed option 4 does not in any way address this problem, it benefits the council as it takes itself out of the decision regarding the distribution of cost between property
Q10. What option do you support for the review of the Half Cost Path policy?	Option 1 (No change)
Q11. Please explain more about your choice.	<p>The reasons for the Council's preferred option is clearly understood – it removes the financial burden off the Council. In the same way option 5 would give the greatest benefit to property owners. Clearly the Council doesn't support this option 5 and for the same reasons as a property owner I don't support the Council's preferred option 4. As I see it Property owners and the Council need to be treated fairly and equitably - neither options 4 or 5 achieve this. With no realistic alternative the status quo should stand – no change to the policy</p>
Q12. What other comments do you have regarding the Half Cost Path policy?	<p>The decision to purchase a property is in no small way based on the information in the LIM. The Council is legally obliged to give all relevant information and records about a property held by Council upon request. There is an understanding that you can rely on the information provided in the LIM in making your decision to purchase a property. The proposed changes (to 100% path maintenance and 50% retaining wall maintenance) would put a significant contingent liability on the property possibly in excess of \$100,000. This would more than likely decrease both the property value and saleability. Given the property was purchased in good faith subject to the information in the LIM at the time, to now instigate the proposed change is not acceptable.</p>

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

In regard to retaining walls how will the council determine whether the bank retention work was originally required to protect the road and pedestrian pathway rather than the 'half cost pathway'? In this situation any necessary repair of the bank and retaining walls would be orientated towards the safety and protection of the road and pedestrian pathway and clearly the responsibility of the Council. Quite clearly any assessment would need to be made by an independent third party, not the council. In my case the shared path, bank and retaining walls are 100% on council land and therefore not covered by household insurance and therefore no EQC cover is available to the property owner. This proposed change would represent a new, significant financial obligation on me as property owner that has never been recorded on the LIM. Again unacceptable. It would be interesting to understand on what legal basis the Council intends to allocate maintenance costs of banks and retaining walls to property owners for land which is 100% council owned and over which property owners have no legal interest.

Q15. Do you have any additional attachments? not answered



Respondent No: 268

Login: Admin

Responded At: Apr 02, 2024 11:41:28 am

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Kathryn and Shan Jordan
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** We weren't aware before we received the Council's letter and when I bought the house in 2022. It is a historical policy introduced by Council as a way to share costs of public paths with access to private property
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** IN ATTACHMENT
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
-
- Q11. **Please explain more about your choice.**
3. What option do you support for the review of the Half Cost Path policy? Option 5: Revoking the policy and the Council taking up the full maintenance responsibility. Please explain more about your choice. It's a public path with pedestrian access not just for residents, anyone has the right to walk up and down it. Therefore Council should take full responsibility like a normal public path. For homeowners to have any maintenance responsibility it would need to be a private access way, only for the sole use of the residents and signposted this way. We have observed that many other non-residents including school children use the Upland Rd half cost path. Also, work has been done to the path, eg tree roots removed from a drain, a new bridge and handrail built after a slip and new tarseal around a burst toby. And none of the residents ever received a half cost path invoice. So, the half cost policy is unclear about exactly what, and who pays for Council land maintenance.

Q12. What other comments do you have regarding the Half Cost Path policy?

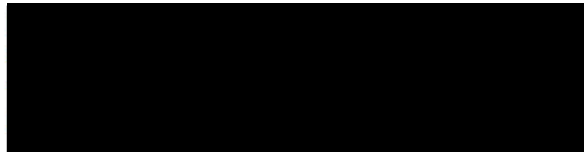
If Council took up the full maintenance responsibility, there would no longer be the costs associated with the 'administrative nightmare'. Instead, rates would be used to assess and fix the paths. We are already paying high rates for which we believe covers maintenance of Council land. Some ratepayers like myself do not use some of the services for which we pay rates, in my case landfill rubbish collection and public transport. And Council now also intends for ratepayers to pay for the upkeep of their land. It is Council land and Council needs to maintain their own land just like a private property owner has to pay for maintenance of their own land.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Information from a local builder says the bank supporting the Upland Rd path is historically a carriageway - a thoroughfare excavated by the Council as one of the main veins to and from Karori. So any retaining wall needed would be Council's responsibility as it is clearly their land. If this kind of cost was put onto ratepayers it would be extremely costly, hugely unfair and illegal. Another visible sign of the land being Council's responsibility is the way they've planted pōhutukawas along the bank and how residents have no right to thin or cut them when blocking their views and sunlight (as they would have if the trees were on their own land).

Q15. Do you have any additional attachments?



From: [REDACTED]
Sent on: Tuesday, March 26, 2024 8:56:27 AM
To: BUS: Policy Submission <policy.submission@wcc.govt.nz>
Subject: Review of the half cost path policy submission - Kathryn and Shan Jordan

Follow up: Follow up
Start date: Wednesday, March 27, 2024 12:00:00 AM
Due date: Wednesday, March 27, 2024 12:00:00 AM

Hi Shu Huang

We are in the process of filling out the survey for our submission. But most of our answers are going over the word limit of 255 words so we are sending it through to you below.

Name: Kathryn and Shan Jordan
Suburb: Kelburn
Email: [REDACTED]
I am making this submission: As an affected property owner
I am making this submission: As an individual
I would like to make an oral submission: Yes
Phone number: [REDACTED]

Are you aware of the Half Cost Path Policy?
Yes

If so, what do you know about it?

We weren't aware before we received the Council's letter and when I bought the house in 2022. It is a historical policy introduced by Council as a way to share costs of public paths with access to private property.

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

Concerns about the bank supporting the path. If there's a slip can I get back to my house and my inability to pay for a share of an extensive retaining wall if needed. The pōhutukawa trees keep growing, the path continues to be uplifted by the trees' roots and deep cracks appearing create a trip hazard. There's an unknown here. How extensive can those trees grow and how much damage can they do? And also, in future storms if something happens to the bank, can we access the house?

The way the pōhutukawa trees block out views and sunlight especially in colder months. And there not being a solution to this problem, and the high arborist costs if we could solve the problem.

Safety of the path is a challenge as the handrail isn't fit for purpose - it's too low and cannot be used as a support structure. There are also rotten wooden posts and rails and no mesh safety barrier preventing a fall down a steep bank. Under the half cost path policy safety issues such as this, are not getting seen too, so best that Council identifies them and does the repairs at its cost.

3. What option do you support for the review of the Half Cost Path policy?

Option 5: Revoking the policy and the Council taking up the full maintenance responsibility.

Please explain more about your choice.

It's a public path with pedestrian access not just for residents, anyone has the right to walk up and down it. Therefore Council should take full responsibility like a normal public path. For homeowners to have any maintenance responsibility it would need to be a private access way, only for the sole use of the residents and signposted this way. We have observed that many other non-residents including school children use the Upland Rd half cost path.

Also, work has been done to the path, eg tree roots removed from a drain, a new bridge and handrail built after a slip and new tarseal around a burst toby. And none of the residents ever received a half cost path invoice. So, the half cost policy is unclear about exactly what, and who pays for Council land maintenance.

4. What other comments do you have regarding the Half Cost Path policy?

If Council took up the full maintenance responsibility, there would no longer be the costs associated with the 'administrative nightmare'. Instead, rates would be used to assess and fix the paths.

We are already paying high rates for which we believe covers maintenance of Council land. Some ratepayers like myself do not use some of the services for which we pay rates, in my case landfill rubbish collection and public transport. And Council now also intends for ratepayers to pay for the upkeep of their land. It is Council land and Council needs to maintain their own land just like a private property owner has to pay for maintenance of their own land.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

No.

Information from a local builder says the bank supporting the Upland Rd path is historically a carriageway - a thoroughfare excavated by the Council as one of the main veins to and from Karori. So any retaining wall needed would be Council's responsibility as it is clearly their land. If this kind of cost was put onto ratepayers it would be extremely costly, hugely unfair and illegal.

Another visible sign of the land being Council's responsibility is the way they've planted pōhutukawas along the bank and how residents have no right to thin or cut them when blocking their views and sunlight (as they would have if the trees were on their own land).

Thanks,

Kathryn and Shan Jordan



Respondent No: 125

Login: Admin

Responded At: Mar 25, 2024 10:27:45 am

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Barry John Brown
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** The Council says that it will meet half the cost of maintaining paths on public reserve land that provide access to private properties.
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** 1. Maintaining path surface. 2. Maintaining fencing along path. 3. Maintaining structures supporting path.
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 3 (Invoice for half costs)
- Q11. **Please explain more about your choice.**
In the nearly 45 years we have owned and occupied _____ Street the Council has never done any work at all on our path on the fencing or supporting structure, as far as I am aware. The Council should continue its responsibility for ensuring maintenance is undertaken. Residents can pay 50%.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
The Council does not seem to uphold its part of the bargain. It does not renew or maintain our path, as far as I am aware. The Council should continue to be responsible for proper maintenance.
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** Yes

Q14. If so, how could the costs be apportioned fairly? If not, why not?

A fair allowance would be: - Council 80% - Owners 20%

Q15. Do you have any additional attachments?





Respondent No: 263

Login: Admin

Responded At: Apr 02, 2024 09:54:30 am

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Kate Jamieson
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** not answered
- Q8. **What do you know about the Half Cost Path Policy?** not answered
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** see attached.
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)
- Q11. **Please explain more about your choice.**
see attached.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
see attached.
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** Yes
- Q14. **If so, how could the costs be apportioned fairly? If not, why not?**
see attached.

Q15. Do you have any additional attachments?

[REDACTED]

Submission form for public consultation

**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke

Half Cost Path Policy Review 2024

We're keen to hear from you about the proposed Half Cost Path Policy Review 2024 as discussed in the Statement of Proposal.

Privacy statement - what we do with your personal information

Submissions including your name and opinions on the proposed policy are published and made available to elected members and to the public from our offices and on our website. Contact details provided by you (eg phone number, email) may be given to elected members if they wish to contact you about your submission. Personal information will be used for the administration of the process of consultation. Our staff will have access to submissions in their capacity as Council employees.

With the exception of your name, personal details like contact information collected in the 'Your details' section will be redacted prior to publishing. Please note that you should not include any personal information in the open text fields of this survey 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.

Your details

All fields marked with an asterisk (*) are required.

Name*	<i>Kate Jamieson</i>
Suburb	<i>Brooklyn</i>
Email	[REDACTED]
<i>This is so we can confirm your submission and update you about the outcome.</i>	
I am making this submission:	
<input checked="" type="checkbox"/> as an affected property owner or occupier	
<input type="checkbox"/> as a general public member	
<input type="checkbox"/> not sure	
I am making this submission:	
<input checked="" type="checkbox"/> as an individual	
<input type="checkbox"/> on behalf of an organisation. Organisation's name:	
I would like to make an oral submission to the Councillors	
<i>This usually involves a 5-minute presentation in support of your submission to all Councillors. Oral submissions will likely be heard on 24 April.</i>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please give your phone number so that a submission time can be arranged:	
[REDACTED]	

Policy understanding and awareness

1. Are you aware of the Half Cost Path Policy?

Yes

No

If so, what do you know about it?

Please see responses attached.

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

1. Are you aware of the Half Cost Path Policy? If so, what do you know about it.

We are very aware of the Half Cost Path Policy. It was a key factor in our consideration to purchase our first (and current) home. Our property was built in 1922 and has been served by the path ever since, we share this path with 8 other homes, all of whom will have no access to their property without this pedestrian path. These are all existing homes that have been in situ for well over 50-100 years.

Having a mechanism to ensure that the shared path and WCC land is maintained, and an independent party (WCC) to oversee core maintenance of this shared path is a pragmatic and practical solution to path maintenance.

It is understandable that Wellington City may be the only local authority to have such a policy, given the topography of the city. These historical arrangements have ensured that homeowners could rely on practical management of these shared areas, which are essential for access to these properties.

2. If you are a property owner or occupier served by a Half Costs Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path.

We are a property owner served by the Half Cost Path.

Engagement from WCC regarding the bank below the path is the most challenging aspect we encounter. We have lived at this property for over 11 years and for 10 of these years WCC has undertaken no proactive maintenance of this path. All cleaning and shrub trimming is undertaken by owners who access their homes via the path.

However, we and other path users contacted the WCC around a small area of path which needed resealing in 2022 due to water runoff from the surrounding hill. A small patch was completed to allow WCC time to engage contractors (which has since failed). We were advised it would be properly remediated (and costs shared between owners and WCC once contractors had availability). We are still awaiting confirmation on when the works will commence.

However, lack of responsiveness by the WCC cannot be a reason why the WCC seeks to do away with the Half Cost Path Policy. This is within WCC control (and responsibility) and easily addressed. Particularly given there are at least 6 full cost paths in the immediate surrounding area which need ongoing maintenance, and which could be maintained in conjunction with the small number of ½ cost paths in the same vicinity.

3. What Option do you support for the review of the Half Cost Path policy. Please explain more about your choice.

We support OPTION 1 (No Change) for the following reasons:

The current system is not perfect, but it correctly strikes a balance between the pedestrian users of the path on WCC land, and the area in which it is situated. If there was not a path in place, the WCC would have full responsibility to ensure the land was safe, especially as it relates to the public road running directly beneath it. To now make the decision to 'shift the goalposts' so families must now meet all these costs, is unjust and is placing families in a stressful and potentially costly position.

The land on which the path is located is WCC land. In our situation, this path is directly above a main WCC road, which is a high traffic area. Since we have lived here, there have been at least two accidents we are aware of, where drivers have crashed their vehicles into the bank below the path. If in the future such an accident was to affect the path, how would this be managed?

If the WCC is concerned that recouping costs from homeowners who benefit from the path in respect of these remedial works, we would support a targeted rate on each property for their 50% contribution (to be applied only to maintenance of the path affected for those homeowners). This would enable funds to be retained by the WCC and then applied to works which were agreed by WCC and owners. As such we consider OPTION 2 to be the only other suitable option, if the WCC elects to revoke OPTION 1.

Legal Concerns: After making an OIA request, we're advised that the WCC cannot confirm accurately how many property owners are affected by this change (but WCC estimate over 1000). We have genuine concerns around how the proposed removal of this policy will impact all affected landowners, for the following reasons:

- a) With WCC's proposal to refuse to have responsibility for the maintenance of the paths (aside from enforcing health and safety issues), how are homeowners to enforce mutual co-operation? The issues noted in the WCC Statement of Proposal around difficulty regarding engagement with owners will simply be transferred onto path owners – with no independent third party to advise. The power which the WCC is far greater than a private citizen.
- b) Where a property served by the path is owned by any non-occupier – is the WCC to provide the contact details for these homeowners, to enable the neighbours to contact them for path costs? On the sale of a property the WCC is provided with contact details of the new owners, but this information is not publicly available. Will the WCC make this private individual information available to path owners, and has the WCC taken legal advice on privacy consideration in providing such contact information?
- c) In the event the path has deteriorated to the extent that certain properties cannot safely access their homes (but that owner cannot afford to remediate the entire path), how does a private citizen enforce this proposed cost sharing arrangement? It appears this WCC proposal will simply leave this to owners to 'work it out' – something they claim themselves they have trouble enforcing as the landowner. This situation is even more alarming where works are required to the path due to damage or negligence of one party – who then refuses to meet these costs. What happened in this situation?
- d) The WCC proposal to simply place a designation in the LIM as a solution to this issue is weak. Properties are often sold without LIM reports being obtained, and this is no different from the current position, where potential purchasers seek this information from the WCC.
- e) Is the WCC proposing that by removing the policy and placing 100% of the responsibility on the homeowners, that homeowners can instruct third party contractors to maintain and repair these shared paths? It is highly unusual that a contractor will agree to undertake work on land where that land is not owned by the contracting parties (particularly where there is liability risk to the contractor in relation to public roads). If the WCC needs to be involved and provide approval to works etc. this simply confirms that current policy is appropriate and fit for purpose.

On reading the WCC Statement of Proposal and noting the WCC has not set aside funding for its obligations under this bylaw, WCC have under invested and are now seeking to push this issue onto the homeowners, that in good faith relied on this bylaw being followed (WCC in an OIA request confirmed it doesn't allocate any budget to the maintenance of these shared paths, despite the clear bylaw requiring them to have 50% responsibility).

WCC Resources and Expertise: The WCC has a dedicated infrastructure team to manage and service WCC assets, including paths and roads. WCC also has access to preferred contractors (which the average homeowner does not). It makes sense the WCC oversee and contribute to the maintenance of WCC land, particularly where they have historically agreed to this arrangement.

In the local vicinity of our half cost path, are at least 6 full cost paths which the WCC has full responsibility to maintain. The cost efficiencies of having contractors in the area, attending to all such works means that owners will benefit from cost efficiencies and the WCC will have comfort that the works will be completed to a standard required of the WCC (which will have oversight of the works being completed on their land).

As noted earlier, if obtaining payment from homeowners for their portion of the repair works is difficult, the WCC could add these costs to the homeowners' rates (as the WCC/Regional Council has done previously with Warm Home Grants).

4. What other comments do you have regarding the Half Cost policy.

It's clear the driver to remove this policy is simply a cost cutting measure, purely to the benefit of the WCC and to the significant detriment to homeowners. It is saddening to see how this proposal fails to address the real risks faced by homeowners to this proposal and focuses solely on improving 'efficiencies' for the WCC.

The reference in the proposal that "*the policy is operationally challenging to administer and may impose significant financial impact of the Council*" speaks only to the WCC's wish to absolve itself from its historic responsibility, without consideration to the enormous impact this will have on homeowners, the value of their homes, and stress this will place on individuals.

On reviewing the WCC's own priorities and objectives noted on its website, the WCC confirms a core objective is for "Wellington has **affordable, resilient** and safe housing – within an inclusive, accessible, connected, and compact city". The removal of this half share cost path policy will do the opposite for the homes affected.

We have considered the "key problems identified with the policy" raised by the WCC and comment below on each in turn.

a) The policy is 90 years old and is not well publicised.

We consider this a weak argument, particularly given that over 1000 properties are affected this policy, and we were able to easily obtain this information. WCC can simply publicise this more – and send a letter to all affected properties on sale regarding the policy (exactly as they do with encroachment licences when these properties are sold and transferred).

b) There is confusion around the policy.

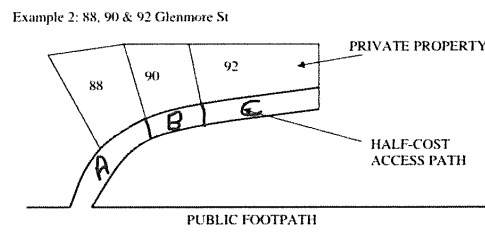
This again is a weak point, given that this information is available from the WCC (which is where we obtained this when we were looking to purchase this property). If the WCC feels this policy needs refinement to make this clearer, then this can be addressed without the need to revoke the entire bylaw.

c) The lack of awareness and understanding of the policy, particularly in relation to the respective responsibilities among the neighbouring property owners, often causes stress and anxiety to them when required agreement to share the remedial costs is sought.

Can the WCC please explain how this concern will be alleviated if the policy is removed and each owner must pay towards 100% of the costs? The removal of this policy, and the removal of any involvement from the WCC will only exacerbate stress and anxiety when homeowners are trying to negotiate.

There are simple algorithms which would address this concern. For example, in the case of a path shared by three properties as per the WCC example in the Statement of Proposal the costs could be split as follows:

- i. WCC pays 50% of costs to honour current bylaw relied on by homeowners;
- ii. House 88 pays 1/6 of cost of path area A
- iii. House 90 pays 1/6 of cost of path area A and 25% of area B
- iv. House 92 pays 1/6 cost of path area A, 25% of area B and 50% of area C.



d) The Maintenance responsibility for supporting structures (mainly retaining walls) is not well understood, often leading to disputes.

Again, this can be addressed by clear guidance from the WCC to clarify its position. Health and Safety obligations are important, and the WCC should appreciate that these paths are only for pedestrian use. As such, it is unreasonable and disproportionate to require landowner to pay for significant retaining works which may be required where the land is directly above a main road (as is the case with our home), where this wall is required more to protect the roading infrastructure than the path.

- e) WCC's argument that there is no legal requirement to have this bylaw in place fails to consider that many homeowners (often of lower value homes) have relied on this bylaw to when purchasing their properties (as we did). The WCC has many bylaws it relies on when enforcing their rights against ratepayers. For the WCC to now propose revoking bylaws it no longer wishes to abide is in bad faith.
- f) All statements in the proposal that WCC finds "*getting agreement from property owners is difficult*" is a strong reason why the WCC should not seek to absolve itself from its responsibilities. As the local authority, if the WCC cannot get agreement from property owners, how do they expect this to change when there is no third party to guide owners? If the revoking of the current half cost path policy passes, significant disputes with no obvious means of resolution are inevitable.
- g) The concern around inequity is also disingenuous. WCC rates are applied to a great many and varied costs around the city, many of which are not utilised or enjoyed by all ratepayers. Arguments that the half cost path is 'inequitable' ignores that dead end streets are only used by the people accessing the homes in that small area – yet these roading costs are met by general rates.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path.

Yes, on the basis the retaining wall is needed for the path, and not another purpose (such as protecting a road). As the path is on WCC land, it's appropriate the path owners' contribution to pedestrian access to their home.

However, if the retaining wall is required due to WCC infrastructure (i.e. roading) then it is unreasonable to expect private landowners to meet these costs. Particularly as noted above where damage to the bank supporting the path occurs from road users or WCC roadside maintenance teams (as has been the case in the past).

6. If so, how could the costs be apportioned fairly, if not, why not.

Please see out point at 4(c) earlier.

We agree with charging people at end of paths (which we are) more – but for continuity (and endurance of the path) the path should be repaired fully, with additional costs met by affected owners. The longevity of any path would be adversely impacted if individual homeowners attempt to patch and repair aspects of the path, without wider considerations around the stability and maintenance of the rest of the path (i.e. one owner repairs the path, so the water drains from their property, but this then flows across the path used by another homeowner and deteriorates this area further).

Conclusion

This attempt by the WCC to remove its responsibilities and revoke this bylaw is a concerning situation. Namely, that homeowners are at the mercy of councillors' decisions to revoke longstanding obligations and enforce significant financial obligations on ratepayers.

Removing the WCC from obligations in respect of these half cost paths will only create more uncertainty, cost, stress and hardship for the over 1000 families affected by this proposal. We hope that WCC acknowledges its involvement in these areas and works with (and not against) the homeowners to ensure continues safe access to their homes.

Policy review

3. What option do you support for the review of the Half Cost Path policy?
- Option 1** (No change): Under this option, the Council continues to offer a 50 percent contribution to the maintenance cost if the relevant property owners agree with the maintenance work and pay their 50 percent share of the cost.
 - Option 2** (Targeted rates): Under this option, the Council undertakes necessary maintenance work on the path and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners through a continuous targeted rate on them based on the estimated and programmed maintenance work across those paths for each year.
 - Option 3** (Invoice for half cost): Under this option, the Council undertakes necessary maintenance work (by Council contractors) on the path following a request from property owners, and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners upon invoice.
 - Option 4:** Revoking the policy to allow private property owners to take over the full maintenance responsibility.
 - Option 5:** Revoking the policy and the Council taking up the full maintenance responsibility.

Please explain more about your choice.

4. What other comments do you have regarding the Half Cost Path policy?

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

- Yes No

If so, how could the costs be apportioned fairly? If not, why not?

1st fold here - fasten here once folded

2nd fold here

CB00058

Freepost Authority Number 2199



Half Cost Path Policy Review
Policy Team
Wellington City Council
PO Box 2199
Wellington 6140

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke



Respondent No: 229
Login: Admin

Responded At: Mar 28, 2024 11:09:18 am
Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. Please enter your name. Paul and Louise Ramsay
- Q2. I am making this submission: as an affected property owner or occupier
- Q3. I am making this submission: as an individual
- Q4. Please enter the name of the organisation you are submitting on behalf of. not answered
- Q5. Would you like to make an oral submission to the Councillors? Yes
- Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. [REDACTED]
- Q7. Are you aware of the Half Cost Path Policy? not answered
- Q8. What do you know about the Half Cost Path Policy? not answered
- Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? not answered
- Q10. What option do you support for the review of the Half Cost Path policy? Option 1 (No change)
- Q11. Please explain more about your choice.
The above has been selected by officer to proceed with the submission. See attached for real position.
- Q12. What other comments do you have regarding the Half Cost Path policy?
see attached
- Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? not answered
- Q14. If so, how could the costs be apportioned fairly? If not, why not?
see attached

Q15. Do you have any additional attachments?

[REDACTED]

Paul and Louise Ramsay

██████████
WELLINGTON 6140

26 March 2024

Policy Team
Wellington City Council
PO Box 2199
WELLINGTON 6140

BY HAND

Dear Policy Team

HALF COST PATH POLICY REVIEW

I am writing to oppose the revocation of this policy (Option 4 in the 'Statement of Proposal for the Review of the Half Cost Path Policy').

This policy has existed since 1934 and reflects a pragmatic response to earlier suburban residential developments where many properties only had pedestrian access. Access paths were provided as part of these developments (such as those by the Hataitai Land Company) and approved by the Council.

As such, the Council has both a legal and moral responsibility to honour the commitments it made at that time and has kept to date. If it wants to apply new rules to any future development, then that is a separate issue, but it has an existing and acknowledged obligation to the current properties.

Many owners have bought their properties on this basis, and it is both inappropriate and unfair to retrospectively change the rules to avoid this obligation. Some of these properties or others that have had subsequent Council-approved subdivisions have no other access except by these paths.

The proposal states that "a half cost path is a footpath providing pedestrian access across Council land, usually road reserve, to three or more private properties" (paragraph 2), but none of the policy statements listed in the proposal (paragraphs 5-10) make any reference to crossing Council land and therefore apply equally to privately owned paths with three or more properties.

In terms of the policy not being well understood or applied, this appears to be more of an issue for the Council than property owners. The advice given by some Council officers is incomplete and contradictory, as reflected in the recent responses to our wider residents group.

The Council must also ensure that all Council-provided documentation (such as correspondence, plans, and LIM reports) accurately reflects the path's status and the owners' responsibilities. The fact that the Council would do this if the policy were revoked (paragraph 46) suggests that it could be done now without this being required, negating many of the related arguments put forward in the assessment of options (Attachment 1).

2.

Likewise, the example of new paths resulting from housing intensification "not being registered in the Council database" (paragraph 32) is the Council's responsibility and under its control, given it would have reviewed and approved any such development. Interestingly, this example uses "private access paths serving three or more properties" and acknowledges that "these new paths meet the half cost path criteria"!

The suggestion that the policy is not legally required is also debatable. While it may not be a 'requirement' (as in under the law), the Council has, in effect, made a longstanding commitment to property owners that they have subsequently relied on in the sale, purchase, and maintenance of these properties. This could reasonably be regarded as a contractual commitment that the Council has made and is therefore liable for.

While the operational challenges are acknowledged, a much more pragmatic approach would be to focus on making the current policy more explicit and workable (something the proposal doesn't address in any meaningful way).

With our path (known as Waipapa Terrace), the property owners funded half the cost of resurfacing in 2003. The Council only undertook this work after it was paid in advance. Many of the property owners had no share in the path or any legal right of access, but they still contributed to the cost. The path is also used to supply several services to these properties including wastewater, stormwater, and utilities.

Using this as an example, the implications of any revocation of the policy would be just as complicated as the policy itself (which is a good argument for retaining the status quo but removing the obligation for shared costs associated with any future development).

The option of targetted rates (Option 2) seems to have been dismissed all too readily. If the Council can introduce and charge ratepayers what was an unexpected 'levy' for the Moa Point sludge minimisation facility – and not call it rates – then I am sure it can do the same for all properties using a shared path. The suggestion that there "might be legal obstacles" to this (Attachment 1) is not elaborated on in any way. Done correctly, there might not be either!

The issue of equity for paths with one or two properties is a red herring. Right from the outset, the policy was never intended to cover this situation. Its primary focus was always on more substantive paths serving multiple properties. The Council needs to remember that these property owners represent a significant number of "general ratepayers" who expect a corresponding and consistent level of service for their rates, which are not insubstantial for the suburbs in question.

The proposal relating to retaining walls is separate from the half cost path policy, and can be considered independently of this. It has been factored into the assessment for the half cost path options to make the argument more compelling especially in terms of risk and public safety.

The Council may also wish to revert back to the 'surfacing, handrails, steps, and drainage' provisions of the original policy.

As my letter reflects, the current proposal contains numerous generalisations with no supporting evidence, logical inconsistencies, and a lack of specific detail to enable Councillors to make an informed and justifiable decision.

3.

I wish to make an oral submission to Councillors in support of this response.

Yours sincerely

Paul Ramsay





Respondent No: 256

Login: Admin

Responded At: Apr 02, 2024 09:20:40 am

Last Seen: Apr 11, 2024 21:10:45 pm

Q1. Please enter your name.	Ian Biggs
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	[REDACTED]
Q7. Are you aware of the Half Cost Path Policy?	not answered
Q8. What do you know about the Half Cost Path Policy?	not answered
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	We have been given no indication as to the likely cost of the implemented plan change so have no idea of what we are to expect.
Q10. What option do you support for the review of the Half Cost Path policy?	Option 5 (Revoking policy – the Council takes full responsibility)
Q11. Please explain more about your choice.	not answered

Q12. What other comments do you have regarding the Half Cost Path policy?

We are on a half cost path that is used by the neighbours but also by; people cutting through from houses that have access to Plunket street, delivery people and trades, fitness types out for a stroll. We are not the only beneficiaries of our path. In some ways we haven't been lucky enough to have had a bank collapse so there is no retaining wall to the quite high bank, cut for one of the main thoroughfares to Karori. Should this bank fail there will be substantial disruption to traffic and a likely hundreds of thousands of dollars of retaining required. I can't speak for my neighbours but I should imagine that this repair cost would be outside of the possible budget of the few households required to effect the repair. This repair I would think would be an urgent one that left for us to fix would see continued disruption to a very busy road. There seems to be a fairly arbitrary definition between through paths, public paths and half cost paths. Our path has two ends as do public and through paths, nowhere is there a suggestion that the public shouldn't access the path. Do we in the future call it ours and gate it? A further gating of communities isn't something I would like to see but would be the outcome of making responsibility for safety ours. If we are responsible for safety in the future will we be required to go through the consent process involving architects, engineers, geotechnical engineers and project managers? We just don't have the were-withal as householders to know the way through this process. Council, however does. If we do take on this mantle will we have to follow the building code? Council doesn't, but I should imagine we will, and it will be way more expensive to do correct balustrading and access ways than is done at present. Council says that it is stymied by lack of agreement between households. Without the presence of council as mediator the likelihood of agreement as to repairs will be nigh on impossible. Some just wont be able to pay. The properties on paths without direct road access are cheaper so attract people with lower budgets- a good thing. Implementation of the suggested plan change will have the effect of reducing the value of the properties, possibly reducing the availability but definitely increasing the cost of insurance while increasing the cost liability of living there. Intensification of housing on available land is something that is being pushed at present. I definitely agree with this principle but see the irony of making it less tempting to put another house on my sub dividable land.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? not answered

Q14. If so, how could the costs be apportioned fairly? If not, why not?

not answered

Q15. Do you have any additional attachments? not answered



Respondent No: 240

Login: Admin

Responded At: Mar 28, 2024 15:06:22 pm

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Alistair J Stewart and Susan E M Warwood
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** see attached
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** see attached
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)
-
- Q11. **Please explain more about your choice.**
see attached.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
see attached.
-
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No
-
- Q14. **If so, how could the costs be apportioned fairly? If not, why not?**
see attached.
-

Q15. Do you have any additional attachments?

[REDACTED]

Submission form for public consultation

**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke

Half Cost Path Policy Review 2024

We're keen to hear from you about the proposed Half Cost Path Policy Review 2024 as discussed in the Statement of Proposal.

Privacy statement - what we do with your personal information

Submissions including your name and opinions on the proposed policy are published and made available to elected members and to the public from our offices and on our website. Contact details provided by you (eg phone number, email) may be given to elected members if they wish to contact you about your submission. Personal information will be used for the administration of the process of consultation. Our staff will have access to submissions in their capacity as Council employees.

With the exception of your name, personal details like contact information collected in the 'Your details' section will be redacted prior to publishing. Please note that you should not include any personal information in the open text fields of this survey 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.

Your details

All fields marked with an asterisk (*) are required.

Name	Alistair J Stewart and Susan E M Warwood
Suburb	Kelburn
Email	[REDACTED]
	<i>This is so we can confirm your submission and update you about the outcome</i>
I am making this submission:	<input checked="" type="checkbox"/> as an affected property owner or occupier <input type="checkbox"/> as a general public member <input type="checkbox"/> not sure
I am making this submission:	<input checked="" type="checkbox"/> as an individual <input type="checkbox"/> on behalf of an organisation. Organisation's name:
I would like to make an oral submission to the Councillors	<i>This usually involves a 5-minute presentation in support of your submission to all Councillors. Oral submissions will likely be heard on 24 April.</i> <input checked="" type="checkbox"/> Yes
If yes, please give your phone number so that a submission time can be arranged:	Alistair Stewart [REDACTED]

Policy understanding and awareness

1. Are you aware of the Half Cost Path Policy?

Yes

If so, what do you know about it?

Please see Attachment 1

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

Please see Attachment 2

Policy review

3. What option do you support for the review of the Half Cost Path policy?

Option 1 (No change): Under this option, the Council continues to offer a 50 percent contribution to the maintenance cost if the relevant property owners agree with the maintenance work and pay their 50 percent share of the cost.

Option 2 (Targeted rates): Under this option, the Council undertakes necessary maintenance work on the path and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners through a continuous targeted rate on them based on the estimated and programmed maintenance work across those paths for each year.

Option 3 (Invoice for half cost): Under this option, the Council undertakes necessary maintenance work (by Council contractors) on the path following a request from property owners, and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners upon invoice.

Option 4: Revoking the policy to allow private property owners to take over the full maintenance responsibility.

Option 5: Revoking the policy and the Council taking up the full maintenance responsibility.

Please explain more about your choice.

Please see Attachment 3

4. What other comments do you have regarding the Half Cost Path policy?

Please see Attachment 4

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

Yes

No **More nuance required - see our comments**

If so, how could the costs be apportioned fairly? If not, why not?

Please see Attachment 5

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----- 2nd fold here -----

CB00058

Free Post Authority Number 2199

**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke



FREEPOST 2199
Half Cost Path Policy Review
Policy Team
Wellington City Council
PO Box 2199
Wellington 6140



Submission for public consultation: Stewart/Warwood

Half Cost Path Policy Review 2024

Alistair J Stewart and Susan E M Warwood
24 March 2024

We would like to make a 5-minute oral submission to the Councillors to support this submission.

1. Are you aware of the Half Cost Path Policy?

Attachment 1:

Yes, we are aware of the Half Cost Path Policy and rate our general understanding of the policy as 'good'.

We have positive experience with the programme in our previous home in Maida Vale Road Roseneath. It was highly effective in facilitating and incentivising neighbourhood cooperation and provided a win/win for council and residents, replacing a dangerous path and handrails with a well-used high quality community facility.

We are submitting to support the policy as it stands. Council itself notes the benefits of the policy in its Statement of Proposal. To slightly paraphrase point 23:

The policy helps a group of neighbours to work together to maintain the path servicing their properties.

The policy recognises the potential challenges for relevant property owners to collaborate without council involvement and **it provides general benefits to the council such as reduced liability for health and safety.** [our emphasis]

We feel the numerous perceived issues the council's officers raise in points 24 – 34 are given disproportionate weight, without equal consideration for the positive effects of the established policy.

After almost 100 years of use, the Half Cost Path Policy is part of Wellington's unique character and has great mana. This is not recognised adequately in the Statement of Proposal.

If the programme is, as council officers say, not well used or understood, that would signal effort is needed to communicate it and get it functioning for all ratepayers' benefit – not a reason to abolish it.

There seems to be little mandate for change and many of the issues identified would continue, or be worsened under the council officers' preferred option number 4.

2. ...what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

Attachment 2:

The challenges in our interaction with the Half Cost Path Policy centre round council's almost 100-year neglect of the policy and failure to deal with support for residents with retaining walls and pathways.

- (i) Lack of clarity around council's responsibilities: in our local case, council's trees with their path-breaking roots, and council's inconsistent decisions around which exposed batters get retaining walls and which do not have made maintenance difficult.
- (ii) The Half Cost Path Policy and practices around retaining walls have been jammed together into one consultation and review – but they are quite different. They should be considered separately. Compared with path maintenance, the consequences of the collapse of a retained or unretained wall would be many times more complex to resolve and potentially expensive for residents.

3. What option do you support for the review of the Half Cost Path policy? Please explain more about your choice.

Attachment 3:

Option 1. This submission supports the Half Cost Path Policy as it stands.

We have 5 key pou which we believe support the established policy and show that the change would be unwise and unjust:

- (i) Mandate, deficient consultation
- (ii) Council's proposed course of action is wrongful and inequitable
- (iii) The change may worsen the situation it seeks to correct
- (iv) The 'like for like' policy is unclear and potentially unaffordable
- (v) Information is missing or unclear; practicalities do not seem to have been thought through
- (vi) There's potential to harm individuals, whānau, communities and the city itself.

4. What other comments do you have regarding the Half Cost Path policy?

Attachment 4

The mandate for change is unclear, and the consultation process is deficient

- (i) The review doesn't seem to be driven by any councillor's election program, research findings, or general public agitation for change. Rather, the policy impetus seems to be

coming from council officers who are motivated to tidy up perceived administrative loose ends.

- (ii) We feel the policy papers, especially the Statement of Proposal, lack balance and risk becoming polemics for their option recommendation (option 4). The numerous perceived issues and case studies raised in points 24 – 34 are given disproportionate weight, without equal consideration for the positive effects of the established policy or examples of the policy working effectively.

Council's proposed course of action is wrongful and doesn't answer all equity considerations

- (i) The policy paper points to a long history of council neglect and lack of clarity around the policy. In this ambiguous environment, people have made decisions relying on council's policies as shown on LIMs and individual agreements with residents over the years. The policy change would unilaterally break these commitments.
- (ii) The policy change would fall more heavily on residents on lower incomes. Even in stereotypically 'wealthy' suburbs, walk up/walk down properties with poor access sell at a discount and are more likely to be bought or rented by lower income people with fewer cash reserves and less resilience.
- (iii) The proposal's attempt to determine public vs. private value is simplistic. Council's own 2008 Access Paths to Private Property on Road Reserve Policy which upheld the 50/50 rationale recognised that "[paths] provide a pedestrian network for the public to use, while also providing access to private properties." In our own case, our path provides direct access for schoolchildren living on Plunket Street without their having to walk round the block to get to Kelburn Normal School.

The change will not incentivise the preferred actions, it may drive ineffective or worse outcomes

- (i) Without the incentive which the 50% council subsidy provides, residents would find it even harder to organise together and make agreements to improve access or retaining walls. Deferred or ad hoc work may lead to larger problems in the future.
- (ii) Our experience of a Half Cost Path shared building project was positive, with a win/win outcome. For council it resolved a potential slip onto roadway that would have cost more to fix; for residents it provided a quality solution at a per-household price much lower than if we had acted individually.
- (iii) If the policy had been better communicated to Wellingtonians over the years, we expect more slips and dangerous pathways could have been resolved sooner.

It's unclear how the proposed 'like for like' policy would work, and there is potential for it to blow out in time/cost

- (i) A process of council survey of paths and walls and some work to improve these before the end of cost sharing is proposed before a hand-over. Responsibility without ownership would then be forced onto affected residents. The details and potential costs to residents are unclear.
- (ii) There's potential imbalance of power and regulation asymmetry between residents and council. Council under its 'like-for-like' undertaking could have minimal repairs built which would only meet previous building standards. On the other hand, residents commissioning repairs would be required to rebuild to a full 'Rolls Royce' standard

under the current building regs. This may require resource management consents and geotechnical, engineering, building, traffic management and materials best-practice. This could be literally ruinously expensive.

- (iii) The practical workings of the 'like for like policy are unclear. How much work will be done by council and how will this be prioritised across the city? Would building contractors be prepared to work outside the current building act? It's also not clear how long the process of make good would take before the handover of responsibility (but not ownership!) to residents.
- (iv) Costing and timetabling the ambiguous like-for-like work is difficult. There is potential for another multi-year, multi-million dollar blow out for council.

[Important information is missing; impacts do not seem to have been thought through](#)

- (i) There's lack of clarity about which paths and residences are covered and what will happen if a major slip onto a road happens. The proposal says the council will make the situation 'safe,' but to what extent? And might they charge residents costs for damage to roads?
- (ii) If residents are expected to take over responsibility for council works, the scope of work required and the potential costs would need to be set out very clearly and agreements formed with each resident.
- (iii) The paper makes it clear that council won't guarantee residents any right to build on council road reserve, or even to maintain access to their properties! Deciding the ownership of any works that might be constructed could be complex.
- (iv) If responsibility is going to be assigned, there must be also a right for residents to formally abandon their interests in paths and structures. For example residents may construct new alternative access rather than maintaining existing paths and structures. It would not be right and just for them to still be liable for shared costs.
- (v) It wouldn't be good for council or residents if the Courts were forced to become the interpreters of the policy change.

[There is potential for community harm](#)

- (i) It would further damage the already battered spirit of Wellington city and its communities if the handing-over of costs and responsibility led to financial ruin for individuals and whānau, abandoned properties or rickety temporary solutions.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

Attachment 5:

No, we do not agree that property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure, and we have several major caveats.

We believe council should be solely responsible for the maintenance and renewal of retaining walls and structures.

The retaining walls policy needs further consultation; the potential for economic harm is greater than for pathways

- (i) The Half Cost Path Policy and practices around retaining walls seem to have been jammed together into one consultation and review, with the latter (points 40-44) appearing to be an add-on. However, the issues and potential for economic harm are quite different.
- (ii) We submit the retaining walls policy should be considered separately from the Half Cost Path Policy decisions.

Important information is missing; impacts do not seem to have been thought through

- (i) There's lack of clarity about which paths and residences are covered and what will happen if a major slip onto a road happens. The proposal (point 43) says the council will only 'clean-up' to make the situation 'safe,' but to what extent? What will be left – another gaping eyesore? And might they charge residents costs for damage to roads?
- (ii) If residents are expected to take over responsibility for council works, the scope of work required and the potential costs would need to be set out very clearly and agreements formed with each resident.
- (iii) The paper makes it clear that council won't guarantee residents any right to build on council road reserve, or even to maintain access to their properties! Deciding the ownership of any works that might be constructed could be complex.
- (iv) If responsibility is going to be assigned, there must be also a right for residents to abandon their interests in paths and structures. For example, residents may construct new alternative access rather than maintaining existing paths and structures. It would not be right and just for them to still be liable for shared costs.
- (v) It wouldn't be good for council or residents if the Courts were forced to become the interpreters of the policy change.

The costs of a major slip are unknown and potentially enormous

- (i) Without council support, residents commissioning repairs would be required to rebuild to a full 'Rolls Royce' standard under the current building regs. This may require resource management consents and geotechnical, engineering, building, traffic management and materials best-practice. This could be literally ruinously expensive.

- (ii) Residents are lay people and completely unprepared to deal with a retaining wall and structure repair and repayment programme , even if the council were sharing the costs with them.

Apportioning cause, and therefore costs, would be difficult and subjective – in our own example the history is complicated

- (i) The Statement of Proposal examples (points 21,22) seem to prioritise apportioning blame for slips or major repairs. However in the real world this is complex and subjective.
- (ii) History is important, but as council themselves note, many records are missing or incomplete.
- (iii) In our own case, would a slip on the Upland Road tree ‘tunnel’ have a primary cause in the council’s 1900s road cutting or factors since, and how would council’s lack of action on their 1956 report (Appendix One, quoted below) contribute blame?
 - a. We note that some neighbouring Kelburn residents received benefits from massive retaining walls built for the 1930s Karori Access Project, but other major road widening batter cuts, such as ours, were left unprotected. The rationales are lost to time.
 - b. We also note a circa 1956 City Engineer’s report (CE File 19/[illegible?]913 - **Appendix One**) on our part of Upland Road noted:

A large batter wall about 200’ long and varying height up to 30’ will eventually be required ... A full investigation appears to be required...
 - c. Despite the Engineer’s comments, there has been only minor remediation in the 68 years since. In today’s economy, the current Upland Road residents would be obviously unable to fund much of the major project envisioned above if a major slip occurred.
- (iv) As a collective of retired and fixed-income people we are concerned about the potential destruction of value in our homes if we had such major and unknown costs hanging over us. We suspect that even the prospect of the changes in the Statement of Proposal has had a chilling effect on local property values.

Thank you for your consideration of these points.

Alistair Stewart and Susan Warwood

24 March 2024

Appendix One

City Engineer’s circa 1956 site report for Upland Road

(source- WCC LIM for 111 Upland Road)

CITY ENGINEER'S DEPARTMENT

C.E. File.....*19/913*.....
T.C. File.....

Location of Slip *101 - 113 Upland Rd.*
Date of Slip *Several over the years*


1. Slip in relation to legal boundaries:
 - (a) wholly on road ✓
 - (b) partly on road

2. (a) who constructed road and batter and when?
(b) any subsequent work by City Council affecting such batter

3. Cause of slips - *Failure of wooden breastwork between 101 & 105, probably defective drain in vicinity of 105 - 107, poor surface grading & s.w. control between 105 & 113.*
any action or omission by the owner that may be considered a cause or a contributing factor causing the slip

4. (a) Does slip affect access to property concerned and are there any other properties affected and to what degree? *The access is still quite usable but is definitely in danger at several points.*
(b) Was access affected approved in writing by the Department?

5. Are services affected and to what degree? *house services to at least seven properties to traverse the area*
6. Some indication of extent - if any - of remedial work required *A large batter wall about 200' long & varying in height up to 30' will eventually be required.*
7. Has it been necessary to carry out any temporary work for:
- (a) public safety? *Yes.*
 - (b) temporary access to property? *A wooden bridge outside No 109 was constructed some years ago & ~~was~~ repaired recently.*
 - (c) any further work required in the interest of public safety. *Not at present.*
8. Has the slip been photographed? *No.*
9. Has any claim or request been made on behalf of the owner in connection with slip? *See letter dated 17/10/56 on T.C.'s memo dated 24/10/56.*
10. General (any further comments.) *A full investigation appears to be required. Sanitary branch should check all sewers & S.W. drain which traverse the batter.*


	Respondent No: 124	Responded At: Mar 24, 2024 23:48:20 pm
	Login: Registered	Last Seen: Mar 24, 2024 10:25:50 am

- Q1. **Please enter your name.** Kerry-Lynn Sorrell
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** I understand what the proposal says the policy is currently and what it is proposed to become.
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** The coordination of several households to engage in maintenance. Under the current policy the Council clearly have great difficulty coordinating all 'path' householders to agree to maintenance, under the proposal the individual is even less empowered.
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 2 (Targeted rates)
-
- Q11. **Please explain more about your choice.**
If there is to be a change I would like a well defined structure that ensures that all interested parties are paying their fare share. I therefore prefer option 2 and option 3 would be my second choice.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
The proposal by the Council to move to Option 4 is of significant concern. I am concerned that the existing issue which the Council suffers from, of getting all parties to agree to maintenance is simply being pushed onto individual households who are less well equipped than the Council to coordinate such matters. This will only become harder with 'densification' as there will be more parties involved.
-
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

As the Council approved the location of the half cost path originally, if this required a retaining wall then the Council entered into this situation understanding this and should therefore pay for the maintenance of the retaining wall. This level of cost is beyond the abilities of most households. The nature of the proposed changes means that its impossible for the householder to insure against such contingency.

Q15. Do you have any additional attachments? not answered

	Respondent No: 221	Responded At: Mar 28, 2024 09:29:15 am
	Login: Admin	Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. Please enter your name. Robyn Tiller
-
- Q2. I am making this submission: as an affected property owner or occupier
-
- Q3. I am making this submission: as an individual
-
- Q4. Please enter the name of the organisation you are submitting on behalf of. not answered
-
- Q5. Would you like to make an oral submission to the Councillors? Yes
-
- Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. [REDACTED]
-
- Q7. Are you aware of the Half Cost Path Policy? not answered
-
- Q8. What do you know about the Half Cost Path Policy? not answered
-
- Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? As a property owner this policy does not apply to me under the Council's own definition. Parliament st is a carriageway with no footpath. The path in front of my house is a loop that connects with the bottom and the top of Parliament St. This constitutes
-
- Q10. What option do you support for the review of the Half Cost Path policy? Option 5 (Revoking policy – the Council takes full responsibility)
-
- Q11. Please explain more about your choice.
This does not apply to me as per my comments in part 2. But it is my observation that many paths are in a v poor state.
-
- Q12. What other comments do you have regarding the Half Cost Path policy?
continue from Q6: a public footpath.
-
- Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No
-
- Q14. If so, how could the costs be apportioned fairly? If not, why not?
not answered
-

Q15. Do you have any additional attachments?

not answered



Respondent No: 172

Login: Registered

Responded At: Mar 27, 2024 01:34:35 am

Last Seen: Mar 26, 2024 12:13:16 pm

- Q1. **Please enter your name.** Christopher Miles
- Q2. **I am making this submission:** as a general public member
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** Currently provides for WCC to share 50% of costs with owners of designated paths. Creates anomalies and admin issues.
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** Getting agreement of other owners on anything. No legal right to enforce it either.
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. **Please explain more about your choice.**
Option 5 is the simplest, for everyone, expect the accountants. Options 4 reduced issues for council (budgetary and admin), in the short term, but does not remove root cause. There are no enforcement teeth in what is proposed under Option 4 , this would need to be addressed for Option 4 to get my support, and even then, I would need to see the detail before voting FOR it.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
I would recommend taking steps to address the issues of the current policy and set up (over the next few years) foundations necessary to make Option 4 more workable. Closing legal gaps, getting consistency across LIMS for all properties, and Liens on Titles where debts have been incurred, including provision to charge interest on such debts.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? Yes

Q14. If so, how could the costs be apportioned fairly? If not, why not?

This needs to be on an equal share basis as applies in private situations, unless owners agree otherwise. In this situations if council need to claim against owners then I advocate pragmatism, so I recommend the equal (rather than setting up council to become caught in the middle of people with different agenda who cannot agree on what the proportional basis should be).

Q15. Do you have any additional attachments? not answered



Respondent No: 253

Login: Admin

Responded At: Apr 02, 2024 08:56:25 am

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Gillian Hubbard
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** to a degree. It does seem hard to have clarity on the implications of the policy. We have previously engaged with the council over the safety of the bridge on the path outside our property and because of the pohutukawa tree roots affecting our sewer
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** The most challenging matter is the relationship with the council as owner of the road reserve and so the bank batter. Fully grown pohutukawa trees on the bank batter affect the surface of the path, distort the handrails and have infiltrated the sewerage d
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. **Please explain more about your choice.**
We support this option particularly because of the proposal that supporting structures are added to the current policy. This is because with supporting structures added the policy will be unaffordable for us in our remaining lifespan on a fixed income. We could become trapped because if there is a significant problem with the path we will be unable to sell the house to pay for the costs of fixing the path because no one will want to buy the house because of the problem with the path.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
see the attached.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?
see the attached.

Q15. Do you have any additional attachments?



Submission on the Statement of Proposal for the Review of the Half Cost Path Policy

Name: Gillian Hubbard

Suburb: Kelburn

Email: [REDACTED]

I am making this submission as an affected property owner.

I am making this submission as an individual

I would like to make an oral submission to the council. My phone number is [REDACTED]

1. Are you aware of the Half Cost Path Policy?

Yes, to a degree. It does seem hard to have clarity on the implications of the policy.

We have previously engaged with the council over the safety of the bridge on the path outside our property and because of the pohutukawa tree roots affecting our sewerage pipes.

We had some knowledge of the history of repairs to the bridge because the neighbour [REDACTED] was the granddaughter of the original owner. We heard that her husband had previously repaired the bridge outside our house we understand with council paying the costs of the materials.

We have now accessed the archives and discovered a longer history of engagement with the council over the maintenance of the path and problems affecting the path relating to the bank batter which extend back to the 1940s.

We were not aware that this is not a policy contained in one document and that it is hard to interpret and that other policy documents had implications for our responsibilities as stated in our LIM. This lack of clarity extends to the council itself. The proposal (point 40) notes that "retaining walls are not covered by the half cost policy. The maintenance responsibility of the existing retaining walls and other supporting structures remains uncertain." If the consultation document states this it is unreasonable to expect that we would have clarity on this point as affected property owners.

We don't fully understand the council's process for checking the safety needs of paths and our relationship to it i.e. it depends on us informing the council of concerns with the maintenance of the path. So, at one point we consulted with the council about our concerns about the safety of the bridge in front of our property and our concerns for the safety of people walking across it. The council inspected it and informed us that they thought that subsidence under the bridge was stable. Then suddenly one day much later but subsequent to the fatality in Glenmore St our bridge was repaired. There was no consultation with us about this repair process but the fence and handrail next to the bridge at the apex of the

path was not repaired at this time and so this left us puzzled about the safety inspection process.

2.If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

The most challenging matter is the relationship with the council as owner of the road reserve and so the bank batter. Fully grown pohutukawa trees on the bank batter affect the surface of the path, distort the handrails and have infiltrated the sewerage drains. The council asserts its ownership of the trees when it comes to the issue of thinning the trees and the council's ownership of the trees was strongly confirmed in our meeting with council officials on March 14 2024. In this way it asserts its ownership of the batter. Because we do not own the road reserve we cannot insure ourselves against the possibility of a slip on the batter. We are concerned that in the event of significantly heavy rainfall the weight of the pohutukawa trees could exacerbate the instability of the bank contributing to the size of a slip that could affect not only the half cost path but our property itself. It is hard to know how much the roots system of the pohutukawa trees or the recent removal of a dead tree on the bank batter may be involved in any current minor subsidence on the batter.

The council has raised its concerns with drainage issues affecting the stability of bank batters. In the case of our batter three houses already have PVC pipes. There is a reciprocal relationship in drainage issues. For example, recently a water pipe leak on the path needed to be fixed but this was not attended to for some weeks despite notification to the council. Probably the damage to the path at this time was not significant (we hope) but I cite it to explain that liability for damage to paths and batters does not all go one way.

Our path has a long history of discussion of liability. For example, in the 1950s there is correspondence from the resident at 107 Upland Rd about the way the removal of gorse and fennel from the bank batter through grubbing had led to some subsidence on the bank batter which in turn affected the path.

Unless the council proposes to gift the road reserve to the property owners it will remain in a relationship with the users of the paths as owner of the road reserve. We understand that this is administratively difficult for the council but I suspect this is just in the nature of council and property owner relationships and especially after reading the archival material. If revoking the half cost path policy (policy statements) changes council liability as owner of the road reserve then this should have been made transparent in the proposal documents and does need to be part of a more open and transparent consultation process.

3.What option do you support for the review of the Half Cost Path policy?

It is important to point out that these option choices are affected by significant paucity of information about the implications of the choices. We have gleaned some understanding by requesting a meeting with five council officials (Shu Huang, Geoff Lawson, Adam Comrie, Kylie Hook and Tiffany Matsis), talking to two ward councilors (Nicola Young and Iona Pannett) and attending a meeting at Aro St Hall organized by two rate payers (which was

addressed by Shu Huang and Kylie Hook). It seems negligent to us that that no public consultation meeting was organized by the council in support of an open and transparent consultation process. Even after these points of contact we remain puzzled on many points and particularly around issues of liability. As a result of our discussions and on the basis of continued unresolved issues we have shifted our shared path group feeling of goodwill towards the retention of the existing half cost policy remaining as responsible members of the community (Option 1) to a feeling that we have no choice but to support Option 5.

Option 5: (Revoking the policy and Council taking up the responsibility for all current half cost paths). We support this option particularly because of the proposal that supporting structures are added to the current policy. This is because with supporting structures added the policy will be unaffordable for us in our remaining lifespan on a fixed income. We could become trapped because if there is a significant problem with the path we will be unable to sell the house to pay for the costs of fixing the path because no one will want to buy the house because of the problem with the path.

Option 1 (No change) (Under this option, the Council continues to offer a 50 per cent contribution to the maintenance if the relevant property owners agree with the maintenance work and pay their 50 percent share of the cost).

We would prefer to support this option in so far as it involves the maintenance of the footpath surface, steps, handrail/ fence and stormwater channels. We accept that the shared path has some private benefit and that we should arguably contribute towards the costs. The council should also continue to contribute as vegetation on its road reserve contributes to problems on the path and ½ costs is an efficient way of meeting costs half way.

We would like to develop the kind of relationship with our neighbours that enables us to work together on issues to do with the path surface, handrails and drainage channels. There are of course intrinsic problems about fairness when maintenance issues affect one house or two houses more than the others or relate to negligence on the part of a particular property owner.

Retaining the current policy does not disrupt the expectations of owners who bought under this policy. It is unreasonable to expect owners on fixed incomes or people with significant mortgages on properties which may already be devalued through the very imposition of the policy discussion, to face what could be significant future costs at some unspecified future date. We have been led to believe that if supporting structures are added to the policy these costs could amount to hundreds of thousands of dollars.

Some people who live up shared paths are already at a disadvantage in terms of access and the subsequent lower value of their properties in relation to equivalent properties with vehicular access to their properties.

In terms of the argument about equity I would suggest that a half cost path is half-way between a private path and a public path. Its owners have an advantage in comparison with fully private paths but a disadvantage in relation to fully funded public paths. There just is

addressed by Shu Huang and Kylie Hook). It seems negligent to us that that no public consultation meeting was organized by the council in support of an open and transparent consultation process. Even after these points of contact we remain puzzled on many points and particularly around issues of liability. As a result of our discussions and on the basis of continued unresolved issues we have shifted our shared path group feeling of goodwill towards the retention of the existing half cost policy remaining as responsible members of the community (Option 1) to a feeling that we have no choice but to support Option 5.

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more foot traffic on shared paths like ours with six or more houses and more owners to negotiate with about maintenance. Our path has entrance and egress and runs parallel to the road and so looks very like equivalent nearby public paths (in for example Hadfield Terrace and Fairview Terrace). The only difference between our path and a public path is a footpath below the bank (which does not give us access to our houses). School children use our path as an alternative path to school and the archives suggest have done so during its history. Two ward councillors happened to meet school children from a house in Plunket St on the path on the day of their visit to the path.

There is an arbitrariness about these rulings. People living on cul de sacs are not made to pay for the footpaths on their part of the road but their roads do not lead anywhere and will have limited foot traffic as a result. In this case people living up paths face an inequity in comparison with people living on roads.

Perhaps a more nuanced approach could be taken to the different types of half cost paths within this scoping exercise? Some will be clearly unproblematic to move to private management or perhaps the council could gift or offer to sell ownership of the relevant road reserve to the affected owners. (This has already clearly happened in some instances, for example in Central Terrace). A more nuanced approach could perhaps apply the proposed change to paths with three or four properties with a transition period of ten years for path with three properties and of twenty years to paths with four properties. Paths with five or more properties could be moved to full council ownership as public paths over a twenty-year period. I am suggesting this because one of the issues raised by the council has been council control of maintenance issues which have public safety implications and these become increasingly problematic with paths with more ownership.

4. What other comments do you have regarding the Half Cost Policy?

The council is in a relationship with the owners of properties that use the shared path as a neighbour. It has an obligation as a neighbour to make sure that we do not become landlocked in the event of significant subsidence of the road reserve by maintaining its road reserve. (In our case the bank batter was created for the purpose of the carriageway and footpath running alongside it and not for the purpose of the footpath which runs along the natural contours of the land). As a neighbour, we need to retain the right to contest the causes of damage to the bank batter and to negotiate liability.

We wonder in fact if it was to counter this problem of liability between the property owners and the council that the half cost path policy was designed to counter in the first place. There is a benefit to the council in avoiding the costs of prospective future litigation. If the policy was originally developed to encourage property ownership on steep land then the council has at the very least a moral obligation to the property ownership that was supported in this way.

The time period for the proposed “like for like” upgrading is unspecified. This makes future planning difficult for owners who may need to sell their properties within the period. We are in effect in limbo in terms of what we might tell prospective buyers. There are range of

reasons, such as health issues and changes in employment that mean people cannot be expected to outlast the uncertainty of an unknown period of transition or the implications for property values of this change in policy. At the least a reasonable time period needs to be presented to those of us being asked to submit on this proposed change.

An unforeseen consequence of the proposed policy change could be that houses up shared paths become unaffordable for ordinary middle-class families because the costs of maintaining the paths will be out of proportion to the value of the houses. People buy houses up paths for the very reason they are generally more affordable. Ownership of the houses up our shared path has been remarkably stable over the hundred-year period. We have lived here eighteen years and are only the third owner of the house and the other houses follow a similar pattern, rarely changing hands. One current owner has lived here for 42 years. The children of neighbours and previous neighbours have attended the local school. Continuity of ownership contributes to a stable neighborhood and this may be lost under this proposed policy change because no family buyer will want to incur the potential costs of the paths. This cannot lead to improvement in the maintenance of the paths if this is the desired outcome.

This is a unilateral change that, the document makes clear in its discussion table of Option 5, is to the disadvantage of the property owners. The “millions of dollars” required to bring the paths up to Council standards are transferred by this policy change from the council to the property owners. It is a transfer of responsibility but not ownership. It is hard to avoid a perception that this is an intrinsically unfair proposition to spring on people a significant proportion of these “millions of dollars” with such a short consultation period. This policy emerges it seems from nowhere but it is presumably related to council’s wider consideration of emerging needs with climate change. Again, it does not seem reasonable or fair to ask for consultation feedback on a small part of what is wider policy consideration without being able to see the whole picture of council’s concerns and possible solutions for future roading and access needs in a time of climate change. We are left otherwise with a possible impression that our choices could have unforeseen impacts on other ratepayers who are not on half-cost paths, especially in relation to council liability.

This policy change will devolve to us what most of us might have reasonably assumed would be covered by rates, especially when it comes to the maintenance of council road reserve. So, it will in the future amount to a de facto massive increase in rates to a targeted group, those unfortunate enough to have bought properties up paths without knowledge of the implications of this policy change. This both seems discriminatory and leaves an open question about what other costs may unexpectedly be devolved to other ratepayers.

The consultation document does not clarify health and safety liability under the proposed change of policy. This is a significant omission which leaves property owners uninformed about a potentially significant implication of their choices of options. Council officials were not able to clarify this with us at our meeting with them on 14 March 2024. The Council may, in my opinion, need to consider withdrawing this proposed policy change because of this lack of clarity on such an important point within the consultation process. Liability for health and safety on paths can, as the example of the fatality at Glenmore St demonstrates, involve life and death. The possibility that liability could shift within this proposed policy

change strengthens the appeal of Option 5 in the current policy proposal and certainly would not encourage us to endorse Option 4. Without an overt discussion of the issues we cannot possibly make an informed choice.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

No.

The policy discussion document does not explicitly discuss bank batters and so it is (again) unclear if a bank batter will be considered as a “supporting structure” under this proposed change in policy.

We submit that the bank batter beside our half cost path was created for the purpose of the construction of the carriageway (road) and the footpath alongside the road. This is a major road that connects the inner city with Karori across the viaduct.

Current or future subsidence of the batter is the consequence of the construction of the bank batter for the purpose of the carriageway and footpath alongside it.

Our pathway on the unformed council road reserve follows the natural contours of the original hill.



Respondent No: 288

Login: Admin

Responded At: Apr 02, 2024 15:07:53 pm

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Sophie Kalderimis
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** see attached.
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** see attached.
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)
-
- Q11. **Please explain more about your choice.**
see attached.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
see attached.
-
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** Yes
-
- Q14. **If so, how could the costs be apportioned fairly? If not, why not?**
see attached.
-

Q15. Do you have any additional attachments?

[REDACTED]

Name: Sophie Kalderimis

Suburb: Brooklyn

Email: [REDACTED]

I am making this submission as an affected property owner. I am making this submission as an individual.

I do want to make an oral submission to the Councillors (phone number is: [REDACTED]).

1. Are you aware of the Half Cost Path policy? What do you know about it?

Yes, we are aware of the Half Cost Path Policy. Our property was built in the late 1930s and has been served by a path ever since; we share this path with 4 other homes.

For all intent and purposes the path is a thoroughfare as it connects to the path in front of number 82 Mills Road and then to the path in front of 78 Mills Road. It would be classed as a thoroughfare, as we would accordingly get the benefit of such a classification, if our neighbours did not own part of the land on which the section of the path that is in front of their house sits.

Having a mechanism to ensure that the shared path and WCC land is maintained, and an independent party (WCC) can oversee core maintenance of this shared path is a pragmatic and practical solution to path maintenance.

It is understandable that Wellington City may be the only local authority to have such a policy, given the topography and situation of the City. These historical arrangements have ensured that property owners could rely on access to their properties and the practical management of these shared areas.

2. Most challenging matter?

We are worried about the retaining of the area in front of our house and in front of number 82, which is above power lines and a heavy use road that double decker buses go down. This bank in front of our house is on road reserve. There has been a history of complaints to the Council about the bank (including in 1974, 1978, 2007, twice in 2008 and in 2015, 2020 and 2021). Little has been done to assess the condition of the bank and remedy the long history of slips. The planting on the bank has been done by the Council, with the removal of a tree in 2017 most likely contributing to the issue. The Council policy team confirmed to our neighbours that this area remains the responsibility of the Council as road reserve and we urgently request that the Council assess this bank before another slip occurs, blocking a main road and compromising our property and the half cost path.

3. What option do you support and why?

We support OPTION 1 (No Change)

We have genuine concerns around how the proposed removal of this policy will impact all affected landowners, for the following reasons.

The current system strikes a balance between the pedestrian users of the path on WCC land, and the area it is in. If there wasn't a path in place, the WCC would have full responsibility to ensure the land was safe – especially as it relates to the public road running directly beneath it. Pedestrians beyond those directly resident in houses on the path use the path, so it is not simply an access way for properties. To now make the decision for adjacent property owners to now meet all these costs, is unjust given we relied on this bylaw when purchasing our properties. The land on which the path is located is WCC land. In our situation, this path is directly above a main WCC road, which is a high traffic area including a bus route with double decker buses. On reading the WCC Statement of Proposal, it simply reads as

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though the WCC have under invested and are now seeking to push this issue onto the parties that in good faith relied on this bylaw being followed.

WCC Resources and Expertise: The WCC has a dedicated infrastructure team to manage and service WCC assets, including paths and roads. WCC also has access to preferred contractors (which the average homeowner does not). In the local vicinity of our half cost path, there are a number of full cost paths which the WCC has full responsibility to maintain. The cost efficiencies of having contractors in the area, attending to all such works means that owners will benefit from cost efficiencies and the WCC will have comfort that the works will be completed to a standard required of the WCC (which will have oversight of the works being completed on their land).

Is the WCC proposing that by removing the policy and placing 100% of the responsibility on the homeowners that homeowners could contract third party contractors to maintain and repair these shared paths? It would be highly unusual that a contractor will agree to undertake work on land where that land is not owned by the contracting parties. If the WCC was required to be involved, provide approval to works etc. this simply confirms that the current policy is appropriate and fit for purpose.

Ability for WCC to recoup costs and enforce mutual co-operation: There will likely be significant difficulty for homeowners in enforcing mutual cooperation. The issues noted in the WCC Statement of Proposal around difficulty of engagement from owners will simply be transferred onto path owners – with no independent third party. For example, in the event that a path deteriorates to the extent that certain properties cannot safely access their homes (but one or more relevant property owners cannot afford to remediate the entire path), how would a private citizen enforce a cost sharing arrangement? This situation is even more alarming where works are required to the path due to damage or negligence of one party – who then refuses to meet these costs. The WCC proposal to simply place a designation in the LIM as a solution to this issue is weak. If obtaining payment from homeowners for their portion of the repair works is difficult, the WCC could add these costs to the homeowners' rates (as the WCC has done previously with Warm Home Grants).

4. Other comments.

It's clear the driver behind the WCC Statement of Proposal to remove this policy is simply a cost cutting measure. The reference in the proposal that "*the policy is operationally challenging to administer and may impose significant financial impact of the Council*" speaks only to the WCC's wish to absolve itself from a historic responsibility it has, without consideration to the impact this will have on homeowners, the value of their homes, and stress this will place on individuals. On reviewing the WCC's own priorities and objectives noted on its website, the WCC confirms a core objective is that "*Wellington has affordable, resilient and safe housing – within an inclusive, accessible, connected, and compact city*". The removal of this half share cost path policy will do the opposite for the homes affected. Some points to note as per the "*key problems identified with the policy*" raised by the WCC in the proposal are also outlined below.

The policy is 90 years old and is not well publicised. We consider this a weak argument, particularly given that over 1,000 properties are affected by this policy, and information is easily obtainable. WCC can simply publicise this more – and send a letter to all affected properties on sale (much as they do with encroachment licences when these properties are sold and transferred).

The lack of awareness and understanding of the policy, particularly in relation to the respective responsibilities among the neighbouring property owners, often causes stress and anxiety to them when required agreement to share the remedial costs is sought. Can the WCC please explain how this concern will be alleviated if the policy is removed and each owner must pay towards 100% of the costs? The removal of this policy, and the removal of any involvement from the WCC will only increase stress and anxiety when homeowners are trying to negotiate.

The Maintenance responsibility for supporting structures (mainly retaining walls) is not well understood, often leading to disputes. Again, this can be addressed by clear guidance from the WCC to clarify its position. Health and Safety obligations are important, and the WCC should appreciate that these paths are only for pedestrian use. As such, it is unreasonable and disproportionate to require landowners to pay for significant retaining works which may be required where the land is directly above a main road (as is the case with our home). The argument that there is no legal requirement fails to consider that many homeowners have relied on this bylaw when purchasing their properties. The WCC has a number of bylaws it relies on when enforcing their rights against ratepayers. For the WCC to now propose revoking bylaws it no longer wishes to abide by feels like bad faith. All statements in the proposal that WCC finds “getting agreement from property owners is difficult” is a strong reason why the WCC should not seek to absolve themselves from historic responsibilities. As the local authority, if the WCC cannot get agreement from property owners, how do they expect this to change when there is no third party to guide owners? The concern around inequity is also disingenuous. WCC rates are applied to a great many and varied costs around the city, many of which are not utilised or enjoyed by all ratepayers. Arguments that the half cost path is ‘inequitable’ ignores that dead end streets are only used by the people visiting the homes in that area – yet these roading costs are met by general rates.

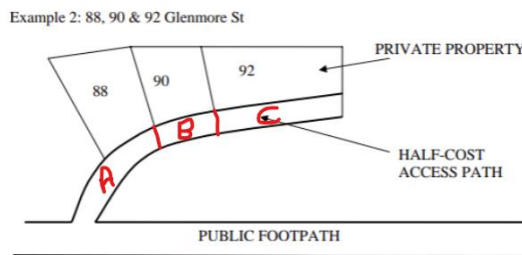
5. Do you agree that the property owners and council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

Yes, **on the basis the retaining wall is needed for the path, and not another purpose (such as protecting a road).** In respect of a path like the one in front of our house, as the path is on WCC land, it’s appropriate the path owners contribute to pedestrian access to their home. However, if the retaining wall is required due to WCC infrastructure (i.e. roading) then it is unreasonable to expect private landowners to meet these costs. Particularly as noted above where damage to the bank supporting the path occurs from road users, failing WCC infrastructure or WCC roadside maintenance teams.


If so, how could the costs be apportioned fairly, If not, why not.

There are simple algorithms which would address this concern. For example, in the case of a path shared by three properties as per the WCC example in the Statement of Proposal the costs could be split as follows:

- i. WCC pays 50% of costs to honour current bylaw relied on by homeowners;
- ii. House 88 pays 1/6 of cost of path area A
- iii. House 90 pays 1/6 of cost of path area A and 25% of area B
- iv. House 92 pays 1/6 cost of path area A, 25% of area B and 50% of area C.



For continuity the path should be repaired in full with additional costs met by affected owners. The worst thing which could happen is if individual homeowners attempt to patch and repair aspects of the path, without the wider consideration to the rest of the path (i.e. repairing it so the water drains from their property, across the path used by another homeowner).

	Respondent No: 159	Responded At: Mar 27, 2024 16:52:43 pm
	Login: Registered	Last Seen: Mar 26, 2024 06:36:04 am

- Q1. Please enter your name. Katy Gibb
-
- Q2. I am making this submission: as an affected property owner or occupier
-
- Q3. I am making this submission: as an individual
-
- Q4. Please enter the name of the organisation you are submitting on behalf of. not answered
-
- Q5. Would you like to make an oral submission to the Councillors? Yes
-
- Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. [REDACTED]
-
- Q7. Are you aware of the Half Cost Path Policy? Yes
-
- Q8. What do you know about the Half Cost Path Policy? I have read the full policy review
-
- Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? The ability of some people not to be able to financially contribute to costly work done by contractors, but the work being too difficult for those people to contribute with their own time and labour. Also the retaining wall issue, massive issue.
-
- Q10. What option do you support for the review of the Half Cost Path policy? Option 1 (No change)
-
- Q11. Please explain more about your choice.
The path actually needs very little maintenance and I wouldn't want to be invoiced for contractor rates that seemed unnecessary.
-
- Q12. What other comments do you have regarding the Half Cost Path policy?
My biggest concern is the retaining wall issue. But. Regards to the path policy, what if there was a memorandum of understanding with the 1000 wonders of the properties so that they are aware of costs that may arise and need to be paid.
-
- Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? Yes

Q14. If so, how could the costs be apportioned fairly? If not, why not?

It seems a bit crazy that the council would take on the entire cost of fixing a roadside rock face that had slipped undermining a path, but not a retaining wall. I understand you can't find out the history of who built each one, but for us to personally take on a \$50k - \$100k risk because our property sits in front of the only concrete retaining wall with access steps to the path. I think if the council took on at least 50% then it would be much easier to get all the neighbours to chip in with their proportion. If the didn't want to help pay for it, maybe we'd need to fence it off so they couldn't use the steps up.

Q15. Do you have any additional attachments?

not answered



Respondent No: 239
Login: Admin

Responded At: Mar 28, 2024 15:02:37 pm
Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Alastair Bisley
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** I have been informed about the half cost paths policy from the Council's consultation document. It is germane that although I have owned my house on Upland Road since 1986, I was unaware of the policy until the Council made its current proposal to revoke
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** The most challenging matter in relation to the maintenance and renewal of our half cost path has been the absence of a clear and practicable policy with a sensible rationale, and one which is widely understood and has general agreement.
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. **Please explain more about your choice.**
Half cost paths provide an essential right of access to a not insignificant number of Wellington ratepayers. No clear rationale for this policy has been expressed in the consultation document, beyond a set of past administrative decisions which have not however been implemented. It could perhaps be inferred from the document, however, that its rationale has to do with a perceived low ratio of public to private benefits that these pathways deliver.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
see attachment

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

see attachment

Q15. Do you have any additional attachments?



3. What option do you support for the review of the Half Cost Path policy?

I support Option 5: Revoking the policy and the Council taking up the full maintenance responsibility.

Half cost paths provide an essential right of access to a not insignificant number of Wellington ratepayers. No clear rationale for this policy has been expressed in the consultation document, beyond a set of past administrative decisions which have not however been implemented. It could perhaps be inferred from the document, however, that its rationale has to do with a perceived low ratio of public to private benefits that these pathways deliver.

In the first place, the ratio of public to private benefits is by no means constant between these pathways - some stop at the last house they serve, while others, like the one I live on, constitute an alternative route which a variety of pedestrians use. The ratio of private to public benefits from walkways, moreover, is not constant between city walkways in general. A cul de sac, to choose one example, is likely to have many fewer general pedestrians walking along its footpaths than, say, Upland Road does. In short, it is entirely unclear why ratepayers whose right of access to their houses comes through half cost pathways should be made responsible for a particular contribution towards pathway maintenance, beyond their contribution to the general rates.

Experience, moreover, has shown the impracticality of seeking to fund the maintenance of half-cost pathways by a particular contribution levied from the ratepayers who live along them on a case-by-case basis. There has been no general acceptance of this approach; there is no general practice by which it has been carried out, and there is no recipe for it to succeed. It is entirely unclear why it would be easier to secure agreement between the ratepayers along a particular path in the future, or why increasing the costs they would be liable for would make the policy work better than it has to date. Paying the full maintenance costs, especially if the costs of maintaining and restoring retaining walls and other supporting structures were added, would place an enormous burden on the groups of ratepayers in question, including of time, money, anxiety and good will. There is no guarantee that they would reach agreement with one another and no clear course if they failed to do so. Their right of access to their properties would be in jeopardy. It

would constitute a serious risk to important urban infrastructure and a large discrimination against a particular subset of ratepayers.

The Council is the owner of the road reserve and the paths constructed on that land. As such, it has legal duties and obligations to the neighbouring landowners. Aspects of the road reserve - trees and shrubs for example which may impinge on and materially effect the state of the pathways - are under its control. Under the law of nuisance, where there is hazard such as a risk of instability on land owned by the Council, then it is responsible to take reasonably prompt and effective steps to address that hazard. To remove even the current arrangement for a Council contribution to the maintenance of the pathways would be for Council to resile from the legal duty that it owes to its neighbours, complicate the task of maintenance and repair and increase the risk of ratepayers' loss of their rights of access to their land.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

No. I am strongly opposed to the proposal for ratepayers on half cost paths to share the potentially huge remedial costs for existing and new retaining walls or other supporting structures. Decisions on payments for retaining walls and other supporting structures need to be made with general effect, not just in relation to half cost paths.

This is a narrow proposal because it will only apply to structures that support half cost paths. It overlooks the fact that throughout the city there are retaining walls and other supporting structures (such as batters) located on Council land, only a small subset of which are linked to half cost paths. Instead of focussing on a new policy for that small subset, the Council should take this opportunity to develop an integrated and coherent policy to address what it sees as the "uncertain" position regarding maintenance of existing retaining and other supporting structures. Such a policy should address the general issue of how the costs of maintaining such structures should be borne, bearing in mind that these structures will very often provide significant benefit to adjacent Council roads, footpaths and parks. Only then will it be possible to decide how costs should be apportioned fairly.



Respondent No: 184

Login: Admin

Responded At: Mar 27, 2024 10:36:25 am

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Hadleigh Petherick
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** IN ATTACHMENT
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** IN ATTACHMENT
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)

Q11. Please explain more about your choice.

The Half Cost Path policy is well outdated for its intended use in 1934 when the pathways were originally created and this policy is the only one left in New Zealand for a good reason as it creates a huge amount of contention between local residents and council. If the council decides to push forward with the half cost path policy, it will open up the council to hundreds of civil law cases from each affected parties which would explode the cost of what is being proposed. Not only this, having access to our homes will be severely impacted by your proposed works which we have no say on. We have been provided with no consultation on the proposed works whatsoever, nothing of what work is being proposed on our pathway, how it is being constructed, by who and a breakdown of the costs. To repair my footpath, I believe all that is required is a small retaining wall and some concrete stairs poured. This should not cost anywhere near what the \$210k + GST the council engineers proposed in 2022 which my neighbor and I objected to and will continue to object too in court if required. If no formal right of way was created when the land was first subdivided and built on, the owner of the land subject to the reservation would be enjoying a customary right of access and egress over the reserved land. Legal responsibility for the reserved land rested, and still does, with the local body. If that land was higher than the roadway, and slips or other events occurred on that land, the local body had, and still has a duty in law to make that good. The land owner has a right of support from that land. Historically, was it the practice of local bodies to contribute to the cost of maintaining access to properties partly contained by reserved land? If so, what was the basis of such practice? Where a formal right of way was constituted did it incorporate such a duty on the part of the local body, with a correlative right in favour of the land owner? It is not open to local bodies to purport to transfer legal responsibility for necessary remedial work on paths, retaining walls and banks on Council land. Local bodies have a duty in law to keep the same safe for use by the public who cross that land.

Q12. What other comments do you have regarding the Half Cost Path policy?

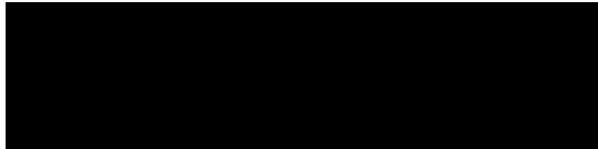
Has the council even got a firm estimation and tenders for the costs of the proposed works and do you have the funds available for undertaking the works along with the likely enormous cost run-overs? Even if this crazy idea was to go ahead, it is unlikely that homeowners would be able to agree on what needed doing. If maintenance was required and people didn't have the money, as many residents are retired and living on set incomes, or are on benefits, how could it be funded? For working homeowners, how could they add on to their already hefty mortgages to do work on land that they don't own, banks would not entertain this. WCC has posted on LinkedIn "When property owners cannot agree to pay the 50% costs, the work can't go ahead. – even crucial work like retaining walls. What makes them think that it is going to improve if homeowners have full responsibility." The proposal is very badly thought-out. I understand it has been raised previously by council internally and had been rejected because it is not workable and legally cannot be upheld. The upkeep of the pathways should be covered by the rates we pay as a collective Wellington rate payer. When land is approved for subdivision by local bodies, for residential building, the local body has over many decades taken (or reserved) part of that land for road widening and other future purposes. Land so reserved often lies between the properties so divided and the roadways serving the subdivisions. Quite naturally, the purchasers of the land so divided must have access over such reserved land to get to their properties. A specific right to do so may be created by a formal right of way at the time of subdivision. If no formal right of way was created by council, the owner of the land subject to the reservation would be enjoying a customary right of access and egress over the reserved land. Legal responsibility for the reserved land rested, and still does, with the local body. If that land was higher than the roadway, and slips or other events occurred on that land, the local body had, and still has a duty in law to make that good. The Council's intention to transfer legal and financial responsibility for the maintenance of paths, retaining walls and banks on its own land to property owners is not open to it in law. It must keep that land safe for public use at its own cost. Responsibility for the maintenance of these structures on private land falls upon the property owner - The WCC.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

The only way it would be considered fairly apportioned would be for the Wellington City Council to offer to sell the land to the affected parties for \$1 NZD so there is a legal exchange of tender and then the affected parties can plan out the upgrade works themselves, saving the council potentially hundreds of millions of dollars in liabilities for these works. This way the home owners and affected parties could take out a loan against their properties with the added land value under their ownership. They would also likely find a much more economic and cost efficient way of improving their pathways and bringing them up to a suitable standard instead of the 'like for like' proposed. For the pathway to our home you are estimating a cost over \$240k in May 2022 which is absolutely mind blowing and simply an unacceptable amount of money to spend on improving the pathway to our homes. The council rarely tender out their works and large private companies like Fulton Hogan are just taking advantage of a monopoly on the councils work, road and cycleway projects. These jobs should be tendered out to at least five companies to undertake the works on each and every individual project to ensure savings and speed of works are achieved. Something that council simply do not have the workforce or time for enacting with this policy in an efficient manner.

Q15. Do you have any additional attachments?



Submission form for public consultation

Half Cost Path Policy Review 2024

We're keen to hear from you about the proposed Half Cost Path Policy Review 2024 as discussed in the Statement of Proposal.

Privacy statement - what we do with your personal information

Submissions including your name and opinions on the proposed policy are published and made available to elected members and to the public from our offices and on our website. Contact details provided by you (eg phone number, email) may be given to elected members if they wish to contact you about your submission. Personal information will be used for the administration of the process of consultation. Our staff will have access to submissions in their capacity as Council employees.

With the exception of your name, personal details like contact information collected in the 'Your details' section will be redacted prior to publishing. Please note that you should not include any personal information in the open text fields of this survey 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.

Your details

All fields marked with an asterisk (*) are required.

Name*	Hadleigh Petherick
Suburb	Wadestown - Barnard Street
Email	[REDACTED]
<i>This is so we can confirm your submission and update you about the outcome</i>	
I am making this submission:	
<input checked="" type="checkbox"/> as an affected property owner or occupier	
<input type="checkbox"/> as a general public member	
<input type="checkbox"/> not sure	
I am making this submission:	
<input checked="" type="checkbox"/> as an individual	
<input type="checkbox"/> on behalf of an organisation. Organisation's name:	
I would like to make an oral submission to the Councillors	
<i>This usually involves a 5-minute presentation in support of your submission to all Councillors. Oral submissions will likely be heard on 24 April.</i>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please give your phone number so that a submission time can be arranged: [REDACTED]	

Policy understanding and awareness

1. Are you aware of the Half Cost Path Policy?

Yes

No

If so, what do you know about it?

I was NOT aware of this policy when I purchased my home in Wadestown in March of 2009. Neither was my direct neighbours who purchased in 2011 who are also affected parties. Nothing appears on our certificate of Title for this policy nor a formal right of way imposed by WCC.

We are now aware of what the WCC are proposing under the Half Cost Path Policy. I have taken legal advice and I do not believe it is legal, fair or equitable policy to impose on property owners. Council have a duty of care to its residents and rate payers. This policy is a kick in the guts during a cost of living crisis for many hard working Wellingtonian's and their families.

Proposing to charge property owners for repairs on land and property that they do not have any ownership or have a financial interest in is a massive over-reach of power for council and also in breach of our universal declaration of human rights under Article 12 and 17.

This policy is nothing short of unconstitutional and is also against the principles of the Treaty of Waitangi. Unjustly enriching yourselves using outdated 1934 council policy unfit for our current timeline.

The pathways have been neglected for decades by the WCC and no decent budget / depreciation has ever been allocated to upkeep for their maintenance and repairs as a prudent council should have. (Estimated \$2.7m required p.a and only ten's of thousands and under \$200k spent on the budget in recent years).

These shared paths were built to aid housing development to the hilly suburbs of Wellington such as Wadestown, for which the council collects large amounts of revenue through the rates that we have paid for generations.

The policy suggests that costs are born by the neighbouring house owners despite this being on the council's land which is council responsibility and legal obligation to maintain. This policy opens up a whole world of legal disputes for council.

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

The financial burden you are proposing to charge on the half cost path policy to home owners and landlords would absolutely devastate them, including me and my family.

Just having this policy hanging over our heads as affected property owners substantially negatively impacts the value of our homes (by approximately \$200k - \$500k) and many of us would likely have to reluctantly forcefully sell our homes to get out of the liability and financial burden council are trying to enforce on them.

The other legal issue I have with council is that the damaged caused to the pathway to my home was caused by council's contractors during the road widening project which was undertaken in the 1960 - 1980's. The council owned land in the front of my property was cut away to widen the road and caused the land underneath my pathway access to my property to be undermined which caused the resulting damage. This damage was not caused by me or my families use.

The resulting damage should have been claimed under an insurance policy to be fixed by the WCC, however this was not claimed by Council at the time of incidence. This is neglect on your behalf and lack of action at the time of incident has caused the issues we face today. They should have been built to last for the foreseeable future at the time of construction.

I have been advised that the previous owners of my property had to repair the damage that your contractors caused themselves by installing a wooden stair ramp as council took so long to take action to fix the damage and it was a hazard. The proper repairs to the pathway should have been undertaken at the time of damage by your contractors, not waiting decades and then try and charge new property owners to pay half of the costs of repairing council's negligence.

Policy review

3. What option do you support for the review of the Half Cost Path policy?

- Option 1** (No change): Under this option, the Council continues to offer a 50 percent contribution to the maintenance cost if the relevant property owners agree with the maintenance work and pay their 50 percent share of the cost.
- Option 2** (Targeted rates): Under this option, the Council undertakes necessary maintenance work on the path and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners through a continuous targeted rate on them based on the estimated and programmed maintenance work across those paths for each year.
- Option 3** (Invoice for half cost): Under this option, the Council undertakes necessary maintenance work (by Council contractors) on the path following a request from property owners, and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners upon invoice.
- Option 4:** Revoking the policy to allow private property owners to take over the full maintenance responsibility.
- Option 5:** Revoking the policy and the Council taking up the full maintenance responsibility.

Please explain more about your choice.

The Half Cost Path policy is well outdated for its intended use in 1934 when the pathways were originally created and this policy is the only one left in New Zealand for a good reason as it creates a huge amount of contention between local residents and council. If the council decides to push forward with the half cost path policy, it will open up the council to hundreds of civil law cases from each affected parties which would explode the cost of what is being proposed. Not only this, having access to our homes will be severely impacted by your proposed works which we have no say on.

We have been provided with no consultation on the proposed works whatsoever, nothing of what work is being proposed on our pathway, how it is being constructed, by who and a breakdown of the costs. To repair my footpath, I believe all that is required is a small retaining wall and some concrete stairs poured. This should not cost anywhere near what the \$210k + GST the council engineers proposed in 2022 which my neighbor and I objected to and will continue to object too in court if required.

If no formal right of way was created when the land was first subdivided and built on, the owner of the land subject to the reservation would be enjoying a customary right of access and egress over the reserved land. Legal responsibility for the reserved land rested, and still does, with the local body. If that land was higher than the roadway, and slips or other events occurred on that land, the local body had, and still has a duty in law to make that good. The land owner has a right of support from that land. Historically, was it the practice of local bodies to contribute to the cost of maintaining access to properties partly contained by reserved land? If so, what was the basis of such practice? Where a formal right of way was constituted did it incorporate such a duty on the part of the local body, with a correlative right in favour of the land owner? It is not open to local bodies to purport to transfer legal responsibility for necessary remedial work on paths, retaining walls and banks on Council land. Local bodies have a duty in law to keep the same safe for use by the public who cross that land.

4. What other comments do you have regarding the Half Cost Path policy?

Has the council even got a firm estimation and tenders for the costs of the proposed works and do you have the funds available for undertaking the works along with the likely enormous cost run-overs?

Even if this crazy idea was to go ahead, it is unlikely that homeowners would be able to agree on what needed doing. If maintenance was required and people didn't have the money, as many residents are retired and living on set incomes, or are on benefits, how could it be funded? For working homeowners, how could they add on to their already hefty mortgages to do work on land that they don't own, banks would not entertain this. WCC has posted on LinkedIn "When property owners cannot agree to pay the 50% costs, the work can't go ahead. – even crucial work like retaining walls. What makes them think that it is going to improve if homeowners have full responsibility."

The proposal is very badly thought-out. I understand it has been raised previously by council internally and had been rejected because it is not workable and legally cannot be upheld. The upkeep of the pathways should be covered by the rates we pay as a collective Wellington rate payer.

When land is approved for subdivision by local bodies, for residential building, the local body has over many decades taken (or reserved) part of that land for road widening and other future purposes. Land so reserved often lies between the properties so divided and the roadways serving the subdivisions. Quite naturally, the purchasers of the land so divided must have access over such reserved land to get to their properties.

A specific right to do so may be created by a formal right of way at the time of subdivision. If no formal right of way was created by council, the owner of the land subject to the reservation would be enjoying a customary right of access and egress over the reserved land. Legal responsibility for the reserved land rested, and still does, with the local body. If that land was higher than the roadway, and slips or other events occurred on that land, the local body had, and still has a duty in law to make that good. The Council's intention to transfer legal and financial responsibility for the maintenance of paths, retaining walls and banks on its own land to property owners is not open to it in law. It must keep that land safe for public use at its own cost. Responsibility for the maintenance of these structures on private land falls upon the property owner - The WCC.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

- Yes No

If so, how could the costs be apportioned fairly? If not, why not?

The only way it would be considered fairly apportioned would be for the Wellington City Council to offer to sell the land to the affected parties for \$1 NZD so there is a legal exchange of tender and then the affected parties can plan out the upgrade works themselves, saving the council potentially hundreds of millions of dollars in liabilities for these works.

This way the home owners and affected parties could take out a loan against their properties with the added land value under their ownership. They would also likely find a much more economic and cost efficient way of improving their pathways and bringing them up to a suitable standard instead of the 'like for like' proposed. For the pathway to our home you are estimating a cost over \$240k in May 2022 which is absolutely mind blowing and simply an unacceptable amount of money to spend on improving the pathway to our homes.

The council rarely tender out their works and large private companies like Fulton Hogan are just taking advantage of a monopoly on the councils work, road and cycleway projects. These jobs should be tendered out to at least five companies to undertake the works on each and every individual project to ensure savings and speed of works are achieved. Something that council simply do not have the workforce or time for enacting with this policy in an efficient manner.

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CB00058

Free Post Authority Number 2199

**Absolutely Positively
Wellington City Council**
Me Heke Ki Pōneke



FREEPOST 2199
Half Cost Path Policy Review
Policy Team
Wellington City Council
PO Box 2199
Wellington 6140





Respondent No: 166

Login: Registered

Responded At: Mar 27, 2024 12:36:19 pm

Last Seen: Mar 26, 2024 08:29:13 am

Q1. Please enter your name.	citizenT
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	use email address
Q7. Are you aware of the Half Cost Path Policy?	No
Q8. What do you know about the Half Cost Path Policy?	not answered
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	1934 policy is used as a pretext for another agenda. The process seems biased, aiming to gather data only in support of shifting path maintenance costs onto homeowners. This approach lacks transparency and lead to an unfair outcome pre-set by the council
Q10. What option do you support for the review of the Half Cost Path policy?	Option 5 (Revoking policy – the Council takes full responsibility)

Q11. Please explain more about your choice.

As a homeowner paying rates, I firmly believe the 1934 "half cost path" policy should be revoked, and the Council must assume full responsibility for maintaining these pedestrian access paths on their public land. The original policy attempting to offset maintenance costs to homeowners was unethical and inequitable from the outset. When approving residential developments, the Council determined these paths' placement and engineered them as public infrastructure on their property. Any perceived "private benefit" is false - these paths facilitate community connectivity just like sidewalks and the argument about who exactly is using them and how often is a discriminatory approach to target affected homeowners and turn public opinion against them. If the Council foresaw potential future costs, they should have incorporated path maintenance into municipal responsibilities during the planning phase, not established policies downloading expenses to residents years later. This unilateral cost-shifting erodes the fundamental rights and investment premises homeowners relied upon when purchasing their properties. Moreover, transferring perpetual major infrastructure costs like pathway resurfacing and retaining wall replacements etc. solely to adjacent homeowners is an unacceptable regression from principles of affordable housing and equitable public policy. Household financial constraints may render some unable to afford this obligatory cost burden, creating public safety hazards if the Council abdicates oversight of its own property. Good governance requires solutions that uphold ethical obligations to the community they serve, not piecemeal privatization masquerading as pragmatism. Revoking the flawed 1934 policy with the Council assuming full maintenance aligns with their responsibilities as property owners and custodians of public assets. This equitable outcome upholds housing affordability while ensuring pedestrian pathways remain safely operational for all through centralized funding sources like rates.

Q12. What other comments do you have regarding the Half Cost Path policy?

Even though these pedestrian paths provide direct access only to a few private residences, since they are on council-owned land running along public streets, there is an argument that they serve some public benefit as well. A few considerations based on this perspective: 1. These paths were likely originally constructed when the residential areas were developed, with the council approving plans and dedicating that land for pedestrian access. So the paths were always intended for public use, even if primarily benefiting certain homeowners. 2. Being elevated from the street level does not necessarily make them fully private paths, as public sidewalks and paths often have grade changes or stairs. 3. While the paths provide direct access for homeowners, they may also allow general public passage and connectivity within neighborhoods. 4. Transferring full maintenance responsibility to homeowners could be seen as unfair if the paths are still deemed public infrastructure on council property. I believe that there are other council's potential motivations behind the original "half cost path". It allowed council to skirt full obligation by creating in the past a cost-sharing policy that was likely unenforceable from the start due to the complexities of coordinating between homeowners. Meanwhile, the paths were always public infrastructure by the council's own planning. Even now this somehow is true, as is not coincidence that council is bringing this matter to the public view in the time when desperately searching for money and savings. This approach will not resolve the issue, as is unlikely that homeowners will be able to take the burden of the cost but gives council clear benefits, like by shifting the cost to homeowners provides benefit in form of offsetting the responsibility for it and allow council for punitive approach and prosecution of homeowners that will fall short of their new responsibilities.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

When it comes to pedestrian paths and sidewalks providing access to residential properties, they inherently serve the "private" purposes of those residing at or visiting those homes more directly. Even public sidewalks along streets could be viewed through that lens - the portion of sidewalk immediately in front of someone's home will naturally get the most use from the residents and their guests going to/from that specific property. So arguing that these particular elevated pedestrian paths are purely for "private benefit" and should have maintenance costs transferred to homeowners is flawed logic, because:

- 1) All sidewalks/paths provide that direct "private" access as their core purpose, in addition to public connectivity.
- 2) The degree to which a path is elevated or has different accessibility is irrelevant to whether it serves broader public use.
- 3) Trying to distinguish these paths as only benefiting a "few" private residences is arbitrary, as public sidewalks essentially do the same. There is a flaw in the city's reasoning. By rationale mentioned above, council could potentially transfer maintenance of any residential sidewalk to homeowners, since all sidewalks facilitate first and foremost the "private" purpose of accessing homes. Unless there is a clear distinction that these paths are gated/restricted only to homeowners and provide no public connectivity whatsoever, the city does not have strong justification to treat them differently than other public sidewalks/paths on municipal property. Other points to consider and that further reinforce why the council should maintain responsibility for the elevated pedestrian paths, is just as council do for other public infrastructure paid for by all ratepayers which is: 1) As a ratepayer, I contribute to the maintenance of all public infrastructure in Wellington, including paths/sidewalks I may never personally use. 2) The council uses ratepayer money to fund projects like cycleways that benefit some residents more directly than others based on transportation mode preferences. 3) It is no different than my tax/rate money going towards maintaining these pedestrian paths that I may not directly use, but others rely upon. 4) Trying to single out these particular paths as only providing "private benefit" is inconsistent with how public infrastructure is typically funded through rates/taxes paid collectively by all residents. The principles outlined here align with the typical responsibilities of local governments to maintain public rights-of-way, connectivity, and associated infrastructure using general funding from all ratepayers. Unless the council can demonstrate these particular paths are genuinely restricted only for private use, the rationale shows why council should maintained public infrastructure just like any other path or sidewalk in the city's network.

Q15. Do you have any additional attachments?

not answered



Respondent No: 228

Login: Admin

Responded At: Mar 28, 2024 09:55:43 am

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Rosemary Collins
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** see attached
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** see attached
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)
- Q11. **Please explain more about your choice.**
see attached
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
see attached
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No
- Q14. **If so, how could the costs be apportioned fairly? If not, why not?**
see attached

Q15. Do you have any additional attachments?

[REDACTED]

Submission form for public consultation

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Half Cost Path Policy Review 2024

We're keen to hear from you about the proposed Half Cost Path Policy Review 2024 as discussed in the Statement of Proposal.

Privacy statement - what we do with your personal information

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Your details

All fields marked with an asterisk (*) are required.

Name*	Rosemary Collins
Suburb	Northland
Email	[REDACTED]
<i>This is so we can confirm your submission and update you about the outcome</i>	
I am making this submission:	
<input checked="" type="checkbox"/>	as an affected property owner or occupier
<input type="checkbox"/>	as a general public member
<input type="checkbox"/>	not sure
I am making this submission:	
<input checked="" type="checkbox"/>	as an individual
<input type="checkbox"/>	on behalf of an organisation. Organisation's name:
I would like to make an oral submission to the Councillors	
<i>This usually involves a 5-minute presentation in support of your submission to all Councillors. Oral submissions will likely be heard on 24 April.</i>	
<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No
If yes, please give your phone number so that a submission time can be arranged:	
	[REDACTED]

Policy understanding and awareness

1. Are you aware of the Half Cost Path Policy?

Yes

No

If so, what do you know about it?

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

Submission concerning Half Cost Path Policy Review 2024

Introduction

I am the owner occupier of [REDACTED] Northland, a two-bedroom cottage built in 1918. I share a half cost path with 198, 200 and 202 Glenmore Street. It seems to me that shared access paths were part of the housing/growth strategy of their day. They allowed for the land in question to be developed and houses constructed, thus increasing not only the city's housing stock, but also its rate payer base. It benefitted all parties. In your letter dated 22 February 2024 regarding the review of half cost path policy, it is noted that these pedestrian paths provide sole access to three or more properties. Is that so unusual? If I lived at street level, would I not have access to my property via a footpath? Are half cost paths costlier to maintain than footpaths on steep streets or ones with few dwellings? I would argue they are not.

Retaining walls

The Council has said it is also looking to share costs associated with any retaining walls and/or structures built to support these paths.

In my case, there is a concrete wall below the access path that serves my house and neighbouring properties, however, the wall extends to the mouth of the Karori tunnel, far beyond the access path. This suggests the wall was not built for the path.

The Karori tunnel was constructed in 1900. Since its erection, it has been a hub for vehicular and foot traffic. The wall offers a measure of protection to passers by from falling plant material and debris. Also, there is a drainage channel at the base of the wall. Ideally, this should be kept free of debris too.

In the letter dated 22 February 2024, the Council proposes bringing all the paths and related structures to a 'like to like' standard before passing responsibility on to private property owners. I can foresee the Council coming back to affected owners within a relatively short space of time with a requirement for these same walls and/or structures to be upgraded to the current building code. In essence, they would be required to adopt a higher duty of care than the Council is prepared to exercise itself.

I am strongly of the view that the Council is solely responsible for any retaining walls or structures which it has built on road reserve land. Road reserve is there for the benefit and convenience of the Council. It would be extremely unfair to expect individual property owners to assume responsibility for structures they did not build and do not own; moreover, on land they do not own.

Half cost paths – a perspective

In Report 3 (1215/52/IM) dated 21 August 2008 – Wellington City Council (WCC) Strategy and Policy Committee – Access Paths to Private Property on Road Reserve Policy, it was noted that there were 403 half cost paths (16 kms) which represented 1.9% of the public footpath (850 kms). There was a capped budget of \$31,000 per year for contributing to

such paths. In addition, the cost of maintaining structures associated with these paths was put at \$30,000 to \$40,000 per year.

In an article entitled 'all in a day's work for our transport and infrastructure crew' dated 24 October 2023 on WCC's news and information site, it was noted that this group was responsible for overseeing, inter alia, 2,000 kms of footpaths. If the latter figure is correct, 403 half cost paths would constitute 0.9% of this total.

More recently the number of half cost paths has been listed as 288. According to The Post, the Council notified 1018 property owners on 288 half cost paths of its proposed policy change. In addition, there were reported to be 219 retaining walls and 33 support structures.

Chief Infrastructure Officer Siobhan Proctor was quoted as saying if the current policy were scrapped, it would take around \$1.3 million to bring the paths up to scratch. (Path policy change 'not easy fix' council told - The Post, 27 February 2024). In an earlier article (Path plan 'poisoned chalice' – The Post, 26 February 2024), the sum of \$2.7 million was mentioned. Quoting Council figures, the paper reported that in 2020-2021 the Council spent \$7,559 on path maintenance and, in recent years, between \$36,000 and \$183,000 a year on retaining walls.

What is clear is that, over many years, the Council has spent very little on the maintenance of these paths. This ties in with my own experience. I have lived in my present house for 39 years. Shortly after I moved in, two neighbours and I replaced the handrail with wood provided by the Council. Later, the Council resurfaced part of the path and replaced the five steps connecting it to Glenmore Street. I contributed towards the cost of repairs. Last year, Wellington Water fixed a leaking tobe on the path. Some years ago, a Council contractor said the handrail was due for upgrading. In the 106 years my house has been in existence, it has paid for the path many times over through rates. The same might also be said for the other 1017 affected property owners.

Equity

The Council is weighing up public vs private benefits in respect to the paths yet there is no consistent rule. For instance, recently when advising ratepayers of the introduction of a new levy for the Moa Point sludge minimisation facility, it was stated that the levy would not apply to protected Maori land. In October 2023, WCC Transport and Infrastructure manager Brad Singh noted his team looked after 26 kms of bike lanes, expected to increase to 166 kms. Have cyclists been asked to contribute to the cost of building this network? Will they be required to contribute to future maintenance costs? As ratepayers, we all subsidise one another to some extent.

Issues

The half cost path policy is said to have been introduced in 1934. I would be interested in knowing what the situation was prior to then as a number of properties, including my own, predate this arrangement. What easement provisions were in place when the properties were built?

Also, clarification is required as to how the policy currently operates. In my opinion, the fairest system would be for the half cost component to be divided equally between the number of properties sharing a path.

In the February 2024 Statement of Proposal for the Review of the Half Cost Path Policy, landlords or property trusts were reported to be generally less willing to engage and agree on maintenance work than owner occupiers. Surely the Council needs to address this situation itself. The challenges identified by the Council in administering the present policy are not going to be resolved simply by pursuing a different option. Given the WCC infrastructure group's extensive range of responsibilities, this cannot be the only thorny issue it has to deal with.

Preferred option

I endorse the current policy (option 1) which excludes retaining walls and structures. I think this is a fair system provided property owners honour the 50:50 cost share arrangement.

Option 3 seems very similar to 1.

As for option 2, while it is a good idea to have targeted maintenance, I am less certain about targeted rates. We (the owners of affected properties) could find ourselves paying for programmed maintenance that is not prioritised and is slow to materialise.

Option 5 is tempting but I cannot see it being accepted by the Council.

I oppose what appears to be the Council's preferred option (4) for the reasons outlined in my submission. In my view, transferring full maintenance costs for paths, retaining walls or structures to private property owners would be unfair and legally and morally questionable.



Respondent No: 112

Login: Registered

Responded At: Mar 27, 2024 12:46:09 pm

Last Seen: Mar 27, 2024 01:46:27 am

- Q1. **Please enter your name.** Catherine Nelson
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** I have lived on the shared path all my life and I am aware that the path was constructed by Wellington City Council and the land on the hillside along our path directly above our street is Wellington City Council land.
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** Wellington City Council provides reactive help following slips below the path. They cut vegetation along the roadside perhaps once or twice each year. They do not maintain council land along the path extending up the hillside.
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
-
- Q11. **Please explain more about your choice.**
- The option I would choose does not seem to be available. Our house was consented by Wellington City Council and built in 1971. We live along a shared path with rights of ways allowing us and our neighbours to access our homes. Together we keep our path safe with regular sweeping and Hiro at 97 has installed solar lights along the path to provide lighting. We are responsible property owners. We keep the shared path safe. The biggest threat to our half cost path is unmaintained land owned by Wellington City Council slipping away and destroying our path. This is the reason I ticked option 5 if the Council maintained their land it would make a huge difference.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
- A bit more context about our half cost path. I have attached a photograph of the hillside below our path. I have several photographs which I wanted to attach to this submission but I was only able to attach one supporting document. I will send some more photographs to Shu Huang, Senior Policy Advisor. The concrete railing along the shared path is very old and similar to other railings erected by Wellington City Council in the distant past. I have seen this type of railing around

Wellington on through ways such on the steps between Barnard Street and Anne Street. In 2012 new asphalt was laid on our shared path and the handrailing was extended further along the hillside. This work was done following a large slip on Council owned land in 2010 as a result of a previous neighbour requesting that Wellington City Council staff assess our path. Payment for the work was as per the half cost path policy. Even though I am aware of the half cost path policy and that there are areas on the path which currently require maintenance I have not contacted the Council to address these concerns. It seems like everyday there is information about financial problems and funding issues impacting our city in the media. This has deterred me from even attempting to approach the Council regarding the path as I didn't want to contribute to the problem or cause a fuss. Like the Council we have our own financial issues. Things including the cost of living are difficult for lots of people at the moment. I think perhaps even people who are aware of the half cost path policy are reluctant to contact the Council as they only request help when they really need it and perhaps like me they felt the Council will be there if there is major damage to the accessway to our home. The letter regarding the review has caused a lot of distress especially when on page 1 of the Statement of Proposal for the Review of the Half Cost Path Policy mentions that when the current policy is revoked private property owners will take full responsibility for the maintenance and remedial work of the path including retaining walls and other access or supporting structures. This is horrifying for people on limited income who have minimal resources and little hope due to their age or health related conditions to be able to afford to fund maintenance let alone remedial work associated with slips which occur on Wellington hillsides. It does not seem equitable or fair that updates to the policy will come into force on 1 May 2024, that is less than two months away. The document mentions that the current policy is not well publicised or clearly understood. Perhaps information about half cost paths could have been included on our rates invoice in the same manner encroachments are recorded. It is really disturbing that the impact of the proposal will have on people including potential for the reducing the value of their properties. Over the years I and other neighbours on our shared path have attempted to have the council owned land on the hillside below our path maintained by the Council. Since the letter regarding the review of the half cost path policy arrived at our home I have made three attempts to find out who at Wellington City Council is responsible for maintenance work of the Council owned land. I was advised that the Transport Business Unit is busy and that they may contact me in the future. The Council owned land on the other side of the shared path is dangerous and difficult to access as the risk of falling from a height onto the road below is very real. Although vegetation along the shared path at street level is cut back by the Council perhaps once or twice a year the vegetation including heavy and dense weeds and trees above road level is not maintained. With rain the land and vegetation becomes heavier and prone to falling away. This is the major risk for our path but it is a risk on land that we do not own or have any control of. Thank you for the link to the Local Maps Gallery which I found rather interesting. I note that the boundary lines in the aerial photograph of our property on the Wellington City Council Property search page and on Local Maps Gallery do not appear to be accurate. We had our property surveyed and boundary pegs placed around our property by a Registered Surveyor which clearly show where our parcel of land is and the location of the land owned by Wellington City Council. I have given up trying to contact someone at Wellington City Council regarding the maintenance of Council owned land which threatens the safety of the privately owned properties along our shared path. I think the reason I gave up was I always thought if there was a major slip threatening our path or even severing the access way to our home the Council would help as they have helped other property owners including the building of retaining walls in our neighbourhood. Now that the letter addressed to my brother arrived at our home I realise that I should have persevered. It is unreasonable to expect that people who share a path will agree to maintenance schedules and paying for remedial work which may be required in the future, without some sort of oversight from Wellington City Council. Our path includes five homes with five unique sets of circumstances in each home. We work together to care for the path but when our property was built in 1971 we did not sign up to take full responsibility of the shared path, none of the homeowners on our path did. It is not fair or equitable to compare people who live along a half cost path with property owners who have private accessways on private land. People who have private accessways on their own land do not have to consider the needs of their neighbours they knew when they purchased their property where their responsibilities lay. Also the design of our half cost path which is nearly 60 metres long is not the same as would be constructed to service a property with a single dwelling. Currently the households along our path are a small supportive community of diverse cultures and backgrounds with ages ranging from young children to retirees. We look out for and care for each other. This has created a sense of belonging and wellbeing along our path. It is entirely possible the proposed changes could cause significant conflict between us which would destroy the goodwill we have strived to build and nurture over the years. It is proposed that information about shared paths will be placed on LIM reports for our properties. This will potentially impact the value of and the ability for us to sell our homes. This is really upsetting as our home is our biggest asset. It has left me feeling like we will have to leave our home which is located on the same land where four generations of my family have It is proposed that information about shared paths will be

placed on LIM reports for our properties. This will potentially impact the value of and the ability for us to sell our homes. This is really upsetting as our home is our biggest asset. It has left me feeling like we will have to leave our home which is located on the same land where four generations of my family have lived. This is incredibly upsetting as we don't want to leave and we are hoping future generations will be able to live on our property, a property we are strongly connected with and attached to. Generations our family has worked incredibly hard to establish a family base which provides security not just for us but extended family and friends too. We have spent considerable time planting and caring for native trees, plants including harakeke over our property to support birds and insects and geckos, we also trap on our property and report catches to Predator Free Wellington. In contrast the Council owned land is largely covered in agapanthus and other introduced invasive plant species. It is unfair to make major changes like the one proposed for current owners of homes on half cost paths. It is different if people are aware of the proposed changes and what they will be responsible for before they buy a property. The consultation process seems rather limited and unsettlingly brief with minimal effort in notifying property owners regarding the review. The letter regarding the half cost path policy review 2024 was not addressed to me even though I am one of the house owners, it was instead only addressed to my brother who is not currently living in the house. The information was not emailed even though the Council has a record of my brother's email address. Many people hardly ever check their mailboxes these days. If people have provided an email address for their rates invoice it probably indicates that email is their preferred method of communication. The short "consultation" timeframe and having the oral submission date on a day before a public holiday are potentially unhelpful barriers. It feels from the tone of the language in the letter and the statement of proposal that a decision has already been made. The use of terms such as, avoiding perceived inequity among private property owners and that maintenance work for half cost paths is funded by ratepayers intimates that houses served by half cost paths are receiving support for their properties. People who own properties on half cost paths are ratepayers too and the paths were constructed to enable people to access homes which were consented to be built where they are located by Wellington City Council. I feel disempowered by the process especially as I do not have the legal knowledge or the financial capability to access legal help to write this submission.

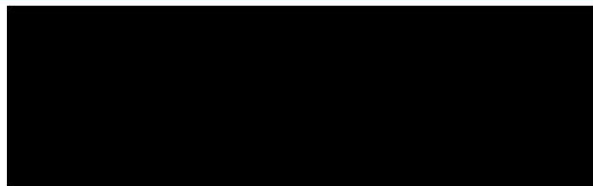
Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?

No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

If my property was slipping away and threatening someone else's property I imagine I would have to pay to protect their land. This would include regular maintenance of my land and building necessary support structures such as retaining walls to protect both my land and their land. The land which is threatening not only our path but also our property and home is owned by Wellington City Council. Wellington City Council have a responsibility to pay for retaining walls.

Q15. Do you have any additional attachments?





Respondent No: 272

Login: Admin

Responded At: Apr 02, 2024 12:11:13 pm

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Nigel Charman
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** IN ATTACHMENT
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** Determining the action to be taken and splitting the costs across neighbours. After completion of one of the previous lots of work, one of our neighbours refused to pay so we ended up paying their share.
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 3 (Invoice for half costs)
- Q11. **Please explain more about your choice.**
Splitting the costs acknowledges that the property owners have some responsibility for maintaining the path, as does WCC as the land owner. Invoicing the owners reduces the risk that one owner won't pay.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
4. Assuming that the Half Cost Path policy only covers the maintenance of the path (eg the path surface, steps, handrails and stormwater channels), the costs of maintenance are relatively low compared to the costs of retaining the land supporting the paths. In our situation, the questions below about retaining are much more significant than the questions about the path itself.
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Property owners are unable to insure or claim EQC on WCC owned road reserve land. Sharing the cost of retaining including maintenance and renewal would mean property owners personally taking on the risk of hundreds of thousands of dollars of retaining/support. I assume that the hillside has been cut historically to provide a flat road below our property. This benefits all users of the road, so any risk with this cutting should be a general risk rather than specific to the property owners. Should the path be undermined by a slip, it is likely that the private land above the path would also be threatened or affected. Should a slip occur that affects the path and the private property, it may open up legal questions over who would be responsible for supporting the path and the land above it.

Q15. Do you have any additional attachments?



From: Nigel Charman [REDACTED] >
Sent on: Wednesday, March 27, 2024 6:06:25 AM
To: BUS: Policy Submission <policy.submission@wcc.govt.nz>
Subject: Half-cost path policy submission

Hi,

I wasn't expecting the policy submission to close until midnight today since the main Key Dates box says Public Submissions are open **26 February → 27 March 2024**.

Please accept this submission since it is still 27 March.

Name: **Nigel Charman**

Suburb: **Aro Valley**

Email: [REDACTED]

I am making this submission **as an affected property owner or occupier**

I am making this submission **as an individual**

I would like to make an oral submission to the Councillors: **Yes**

Phone number: [REDACTED]

1. Are you aware of the Half Cost Path Policy: **Yes**

If so, what do you know about it:

I have had two lots of work completed under the Half Cost Path policy.

The rules and understanding around retaining of the half cost path are not clear or communicated well. We had a slip below our path that undermined the path and affected the road below. It's unclear whose responsibility it was to fix this, but we paid half of it, split equally between the four property owners using the path.

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

Determining the action to be taken and splitting the costs across neighbours. After completion of one of the previous lots of work, one of our neighbours refused to pay so we ended up paying their share.

3. Option 3

Splitting the costs acknowledges that the property owners have some responsibility for maintaining the path, as does WCC as the land owner. Invoicing the owners reduces the risk that one owner won't pay.

4. Assuming that the Half Cost Path policy only covers the maintenance of the path (eg the path surface, steps, handrails and stormwater channels), the costs of maintenance are relatively low compared to the costs of retaining the land supporting the paths. In our situation, the questions below about retaining are much

more significant than the questions about the path itself.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support the half cost path?

No. Council should be fully responsible for retaining its land.

6. If not, why not?

1. Property owners are unable to insure or claim EQC on WCC owned road reserve land. Sharing the cost of retaining including maintenance and renewal would mean property owners personally taking on the risk of hundreds of thousands of dollars of retaining/support.
2. I assume that the hillside has been cut historically to provide a flat road below our property. This benefits all users of the road, so any risk with this cutting should be a general risk rather than specific to the property owners.
3. Should the path be undermined by a slip, it is likely that the private land above the path would also be threatened or affected. Should a slip occur that affects the path and the private property, it may open up legal questions over who would be responsible for supporting the path and the land above it.

thanks

Nigel

	Respondent No: 133	Responded At: Mar 25, 2024 13:16:09 pm
	Login: Registered	Last Seen: Mar 24, 2024 23:26:06 pm

- Q1. Please enter your name. John Dalgliesh
-
- Q2. I am making this submission: as an affected property owner or occupier
-
- Q3. I am making this submission: as an individual
-
- Q4. Please enter the name of the organisation you are submitting on behalf of. not answered
-
- Q5. Would you like to make an oral submission to the Councillors? Yes
-
- Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. [REDACTED]
-
- Q7. Are you aware of the Half Cost Path Policy? Yes
-
- Q8. What do you know about the Half Cost Path Policy? That there is nothing wrong with the existing policy. The Council has decided that after the policy working well for more than 80 years, its time to try and shift the cost to property owners because its "difficult to administer" !!!!!
-
- Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? There is no issue in maintaining the path. The potential issue is the collapse of the vertical clay bank on which the path sits. The Council has refused to remove overgrowth from the top of the bank which will inevitably lead to the bank failing.
-
- Q10. What option do you support for the review of the Half Cost Path policy? Option 5 (Revoking policy – the Council takes full responsibility)
-
- Q11. Please explain more about your choice.
#5 is clearly the best option for property owners, and removes the administrative burden that the Council is seeking to avoid.
-
- Q12. What other comments do you have regarding the Half Cost Path policy?
The Council is simply looking to shift the half share cost out of the General rate as a cost saving measure. It offers no benefit to the property owners. If the Council truly had the best interests of the property owners at heart, it would pick up the full cost and just add the work onto the list of items that Downers routinely take care. That would be something positive rather than punitive for a change.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?

Yes
No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

I see what you did... trick question !!! Does the Council pay the cost of repairing a public footpath when the supporting bank gives way ? So why treat the small number of footpaths leading to walk up/walk down residential properties any differently ? "half cost footpaths are essential to gain access to homes that are built on difficult sections and are usually to only means of access. Why should they be treated any differently from public footpaths that allow pedestrian access to residential properties ? Public footpaths are fully funded out of the General Rate, and maintenance of the handful of "half cost" footpaths should also be fully funded.

Q15. Do you have any additional attachments? not answered



Respondent No: 247

Login: Admin

Responded At: Mar 28, 2024 16:02:13 pm

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Douglas Lynn
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** I know its intentions.
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** Aligning the agreement and contributions of property owners with the needs for maintenance.
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. **Please explain more about your choice.**
This is the Council's civic duty to ratepayers. why single out the paths covered by the current policy? why are cul-de-sacs that provide vehicular access excluded? They are the same in principle.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
These Paths are an intrinsic feature of Wellington landscape.
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Again, why single out these paths for this approach?

Q15. Do you have any additional attachments? not answered

Review of the “Half Cost Path” Policy: Submission by Residents or Owners of Properties on Doctors Common

Brad Singh
Manager Transport & Infrastructure
Wellington Council

27 March 2024

Kia ora

We are residents or owners of properties on Doctors Common, and we are writing in response to your letter of 22 February 2024 on the Council’s review of the Half Cost Path Policy. We thank you for giving us the opportunity to comment on the proposed policy change. For the reasons we explain below, we believe that the issues you raise in the letter do not justify the proposed change in policy and imply instead that the Council should take *full* responsibility for the maintenance of the paths (that is, adopt Option 5 in “Statement of Proposal for the Review of the Half Cost Path Policy”).

First, as the letter notes, the paths are on “Council land”. It seems illogical and unfair for the Council to require others to maintain Council land, except indirectly through the levying of rates.

Second, the letter states that the current policy “is difficult to administer” and “creates equity concerns among private property owners”. The likely reasons for the difficulty and the concerns are, however, reasons that the Council should *fully* fund the upkeep of the paths.

Those reasons are the difficulties created by the need for all the owners or occupiers to agree collectively on the nature of the required upkeep and then to decide how to share the costs. For example, to what standard should the path be maintained? How can different views of the appropriate standard be reconciled? Should the costs of the upkeep be allocated equally, or should those at the end of a dead-end path pay more? Should costs instead be allocated according to incomes or house values? And who should apply for any necessary consents, and who should oversee the contracting? The difficulty of resolving such problems can lead to difficult negotiations, money spent on lawyers, and more generally, excessive “transactions costs”. At worst, it can lead to free-riding and holdouts, the repeated deferral of maintenance, and risks to safety.

The efficient solution of such problems is a main reason for the existence of city councils: one of their central purposes is to solve local “collective action” problems such as these. Their role, that is, is to fund and make decisions about local public goods and services whose private provision is made inefficient or impossible by the associated transaction costs.

Third, the Council’s argument for the change in policy seems to imply that residents of streets designed for cars ought to be required to pay for all the upkeep of those streets. Especially when such streets are small and have no exit, the benefits of the upkeep accrue mainly to the streets’ residents. The Council’s apparent thinking

would then seem to imply that the streets' residents should pay for the streets' upkeep. A proposal to require the residents of such streets to pay for all or half the cost of the streets' upkeep would, however, be considered absurd.

A difference in policy toward the paths and streets for cars might also suggest that the Council wants to encourage driving, which seems unlikely. The Council should, instead, recognize the value of its pedestrian paths. Given Wellington's steep, hilly topography, pedestrian accessways were, we understand, an efficient way for the Council in the early days of the city's development to provide access to many residents (and thereby to increase its rating base and revenue). The initial capital costs involved, and the subsequent maintenance costs, were and remain minor compared to those required to establish and maintain roads that provide vehicular access. We note, too, that the residents of our path are not the only people to use it: walkers exploring the city visit it, and Wellington College students run up and down it as part of a fitness routine.

Fourth, our analysis suggests that the Council's summary analysis of Option 5 (the Council assuming full responsibility for upkeep of the paths) is not correct. Our summary analysis against the Council's criteria is set out in the table below. We also note that, though each of the criteria included in the Council's analysis is important, the set of criteria excludes what would seem to be the most important one: is the option consistent with the Council's central role in providing local public services?

Option 5	Transparency	Clarity of responsibilities	Fairness and equity	Operational and financial feasibility
Revoking the policy and the council taking up responsibility for all current half cost paths	We agree that this option provides the greatest transparency.	<p>This option makes it clear that responsibility for maintenance and safety of paths and structures on council land lies with the Council.</p> <p>This is the most efficient and effective way to ensure that minimum standards of upkeep and safety are provided. Differing expectations from property owners in terms of the work scope and standard is an issue across many council functions – it is not a valid reason for council to not maintain structures on Council land.</p>	This option is the fairest as it ensures that half cost paths are treated the same as cul-de-sacs and no-exit roads that also serve a small portion of private property owners.	There is insufficient financial information in the policy document to support the conclusion that it is financially prohibitive for Council to be responsible for all current half cost paths. This conclusion also appears at odds with the Council's undertaking that it will carry out necessary maintenance work to bring all the paths and related retaining walls and structures to a "like for like standard".

We acknowledge that the Council needs to balance its budget. Doing so may require increases in rates or the reduction of services for which there is no strong rationale for Council involvement. But for the reasons we have set out the upkeep of the paths is not such a service. It should be fully funded by the Council.

Ben Briggs
Paul Goulter
Kirsty Hutchison
Tim Irwin
Mizuho Kida
Douglas Lynn
Karen Salmon
Andrew Squires
Jane Szentiványi
Simon Terry

Residents or owners, Doctors Common



Respondent No: 302

Login: Admin

Responded At: Apr 08, 2024 08:55:42 am

Last Seen: Apr 11, 2024 21:10:45 pm

Q1. Please enter your name.	Philippa Conway
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	[REDACTED]
Q7. Are you aware of the Half Cost Path Policy?	No
Q8. What do you know about the Half Cost Path Policy?	not answered
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	In the case of the houses serviced by the path from 28-36 Plunket Street the most challenging matter would be being required to maintain the massive concrete wall built by the Council circa 1929 in order to widen the road. This would be an unrealistic
Q10. What option do you support for the review of the Half Cost Path policy?	Option 5 (Revoking policy – the Council takes full responsibility)
Q11. Please explain more about your choice.	<p>I do not agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall and steps that were built to enable access to households when their own individual paths were taken away as part of the widening of the top Plunket Street.</p>
Q12. What other comments do you have regarding the Half Cost Path policy?	con't from q7- burden on these households.
Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?	not answered

Q14. If so, how could the costs be apportioned fairly? If not, why not?

not answered

Q15. Do you have any additional attachments?

not answered



Respondent No: 214

Login: Registered

Responded At: Mar 27, 2024 15:54:31 pm

Last Seen: Mar 27, 2024 02:30:14 am

Q1. Please enter your name.	Marilyn Powell
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	email
Q7. Are you aware of the Half Cost Path Policy?	No
Q8. What do you know about the Half Cost Path Policy?	not answered
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	not answered
Q10. What option do you support for the review of the Half Cost Path policy?	Option 5 (Revoking policy – the Council takes full responsibility)
Q11. Please explain more about your choice.	<p>The Plunket Street footpath to the north is the only footpath on that side. It is up high, as it runs along the top of the WCC retaining wall which retains the WCC road edge below. It is normal enough to have a footpath beside a road and this is what this is. That the footpath is not a thoroughfare is the same situation as a footpath on a cul-de-sac. If residents who access their properties by the footpath beside the road have to pay for the footpath then it follows that all residents on all cul de sacs or no-exit roads all over the city should do the same. It beggars belief that the WCC should even suggest that users of a WCC footpath should pay for the WCC retaining wall which stops the WCC land falling into the WCC road.</p>
Q12. What other comments do you have regarding the Half Cost Path policy?	not answered

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

not answered

Q15. Do you have any additional attachments? not answered



Respondent No: 246

Login: Admin

Responded At: Mar 28, 2024 15:51:42 pm

Last Seen: Apr 11, 2024 21:10:45 pm

Q1. Please enter your name.	Carolyn Kern
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	[REDACTED]
Q7. Are you aware of the Half Cost Path Policy?	No
Q8. What do you know about the Half Cost Path Policy?	not answered
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	I was previously an occupier (renter) and am now a property owner-occupier. I do not believe my tenants, who live below me and use the shared path received a letter or have had the opportunity to give their views. The most challenging matter in relati
Q10. What option do you support for the review of the Half Cost Path policy?	Option 1 (No change)

Q11. Please explain more about your choice.

I would support option 1 (no change) as the half cost maintenance/repair policy seems a good compromise. The homeowners agree to pay for improvement/maintenance to land they do not own in recognition that they may benefit more than other ratepayers – I presume this was the purpose for the half cost path policy. This policy recognizes that you, WCC are part of us and represent us, along with all the other ratepayers. While it is good at a theoretical level, there are clearly issues with its implementation and affected users' knowledge of it and how to make it work. I do not support option 2, because it takes any control and input away from the users of the shared paths. Option 3 is slightly better, but still removes input from the users. Not all users have the ability to pay an assigned share, and they need to have an opportunity to voice this to WCC and their fellow path users. Option 4 is completely objectionable and possibly illegal!!! Are you planning to transfer the ownership of the land the paths are on to the homeowners collectively? Your communication does not provide so. The users could not insure against disasters relating to this land, if they do not own it. This option amounts to a shifting of the responsibility for the asset w/o the benefit of shifting ownership. NO WAY!!! Option 5 might be acceptable BUT there would need to be a process for applying for a repair/maintenance and a system for determining the priorities of which work is done first, etc., and this should all be transparent. Actually, this should be the case under any of the options – so there may be further issues with option 1 (no change). Perhaps the question the Council should be asking the users is how do you find the current policy working and how might it be improved.

Q12. What other comments do you have regarding the Half Cost Path policy?

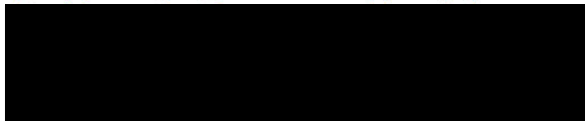
The half cost path policy creates a partnership between the users of the council land, and the council, as owners of the land. It is disturbing that the Council would send the users a letter stating "we consider revoking the policy to be the most appropriate option" BEFORE ANY INPUT OF USERS HAS BEEN SOUGHT OR OBTAINED. On what basis has the WCC determined this is the most appropriate option? Why has that information not been shared with the users? I also note that although the letter states "The Council is also looking at sharing the maintenance and remedial costs of any retaining walls and or structures build to support the path," there is no reference to this in the options presented – so are the options even valid options? It is also an unbelievable statement in the letter that the "Council would carry out necessary maintenance work to bring all the paths and related retaining structures to meet 'like for like' standards for access and safety needs before private property owners take over responsibility." Is this work being offered at 100% Council cost? And how is it possible that this could now be done when past requests have been denied/ignored? And what about where a retaining structure is needed, but does not exist – like in my shared path situation – what happens then? It seems that the proposal is not well thought out or much of its basis and reasoning has not been presented to the public in the process of "consulting." What would it cost to bring all paths to "like for like" standards, and what does that even mean? Councilmembers, please go back to the beginning and seek user input to how this policy is working and how it could be changed to be made better (w/o increasing costs). You could also seek ideas for cost savings from users and non-users alike. But until that first step is taken, it does not seem that you are ready to put "options" to a vote. You are our elected representatives and you vote on our behalf. Please do not do so in such an uninformed way, particularly when it could change a long standing, relied upon policy.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? Yes

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Yes, I could possibly agree that property owners and the Council should share the costs for a retaining wall or other support structure to be built to support the shared path, BUT I would need more information. How will it be made affordable for the homeowners? For example, if this work requires \$1m to engineer and build in relation to a single path, then the property owners' half would be \$500k. If there were only 5 houses using the path, it would require \$100,000 from each household? I do not think the users on my shared path would be able to afford this. We have retirees, disabled individuals, young families – all of which would struggle to meet that obligation. I'm sure the situation is even more dire in other areas where there are shared paths. We all pay a significant property tax based on values which have been set at the high end. That should be the source for such retaining walls or structures, with only a reasonable contribution towards the cost from the property owners with shared paths requiring this public infrastructure.

Q15. Do you have any additional attachments?



SUBMISSION FORM FOR PUBLIC CONSULTATION

Half Cost Path Policy Review 2024

Your details

Name: Carolyn Kern

Suburb: Wadestown

Email: [REDACTED]

I am making a submission: as an affected property owner or occupier

I am making a submission: as an individual

I would like to make an oral submission to the Councilors – YES

Contact phone number: [REDACTED]

1. Are you aware of the Half Cost Path Policy? YES/NO

If so, what do you know about it?

I was barely aware of this policy before receiving these documents. I have owned my home on a shared path for 7 years and I rented on the same shared path for 4 years prior to that.

I have never encountered WCC performing any maintenance on the shared path during this time – I have only seen them trim foliage at the street level in a manner that leaves some of the trees with grossly broken branches and mis-formed shapes. My husband has attempted to repair some of this damage at times, but frequently there is no hope for saving any kind of natural shape. There are frequently sharp, stripped branches left that present a danger to the residents and public using the path and he tries to repair these with his hand saw – not very successfully.

I was informed by the prior owner that she had attempted to obtain WCC assistance when a significant portion of the bank supporting the top of our path slipped away – but she was unsuccessful. I was not aware there was a half cost policy in place.

The shared path is maintained by the homeowners as far as picking up the wind-blown trash from other properties, sweeping the leaves and debris and attempting to keep the gutters cleared so that the water leaking from the adjoining property for the past 11 years (reported more than once), can drain and not cause mud to accumulate at the base of our shared path (mixed success with this).

WCC did respond to a request to paint yellow lines at the base of the path after we had experienced long-term vehicles parking across our access making it difficult to access with

bags of groceries, prams and so forth. The residents were not asked to pay one half of this maintenance, so thank you for that

Since receiving the letter, I have spoken with neighbours and reviewed WCC information and have learned more about this policy and that it does not seem to be working well.

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?
-

I was previously an occupier (renter) and am now a property owner-occupier. I do not believe my tenants, who live below me and use the shared path received a letter or have had the opportunity to give their views.

The most challenging matter in relation to the maintenance or renewal of the half cost path has to be the worry that there will be a further erosion or slip of the unstable bank supporting the top of our path. If such a thing should happen, at least 2 of 5 houses on our path, including mine, would be without an alternative means of reaching the street (other than getting out ropes and hiking boots).

Depending on how much add'l slippage there was (over the existing, non-repaired/maintained condition), the other 3 homes' access might be impacted as well.

As a group we can deal with the day-to-day maintenance and slight safety upgrades (trimming council trees when their branches overhang the path too low, for example) but it is the lack of insurance and/or WCC support to deal with the bigger disasters that happen (as in the past) or that could happen to council-owned land that present the biggest challenge.

3. What option do you support for the review of the Half Cost Path policy?
- Option 1 - yes
 - Option 2 – no
 - Option 3 - no
 - Option 4 – absolutely not!
 - Option 5 – possibly yes
-

Please explain more about your choice.

I would support option 1 (no change) as the half cost maintenance/repair policy seems a good compromise. The homeowners agree to pay for improvement/maintenance to land they do not own in recognition that they may benefit more than other ratepayers – I presume this was the purpose for the half cost path policy. This policy recognizes that you, WCC are part of us and represent us, along with all the other ratepayers. While it is good at

a theoretical level, there are clearly issues with its implementation and affected users' knowledge of it and how to make it work.

I do not support option 2, because it takes any control and input away from the users of the shared paths. Option 3 is slightly better, but still removes input from the users. Not all users have the ability to pay an assigned share, and they need to have an opportunity to voice this to WCC and their fellow path users.

Option 4 is **completely objectionable** and possibly illegal!!! Are you planning to transfer the ownership of the land the paths are on to the homeowners collectively? Your communication does not provide so. The users could not insure against disasters relating to this land, if they do not own it. This option amounts to a shifting of the responsibility for the asset w/o the benefit of shifting ownership. **NO WAY!!!**

Option 5 **might** be acceptable BUT there would need to be a process for applying for a repair/maintenance and a system for determining the priorities of which work is done first, etc., and this should all be transparent.

Actually, this should be the case under any of the options – so there may be further issues with option 1 (no change). Perhaps the question the Council should be asking the users is how do you find the current policy working and how might it be improved.

4. What other comments do you have regarding the Half Cost Path policy?

The half cost path policy creates a partnership between the users of the council land, and the council, as owners of the land.

It is disturbing that the Council would send the users a letter stating “we consider revoking the policy to be the most appropriate option” **BEFORE ANY INPUT OF USERS HAS BEEN SOUGHT OR OBTAINED.**

On what basis has the WCC determined this is the most appropriate option? Why has that information not been shared with the users?

I also note that although the letter states “The Council is also looking at sharing the maintenance and remedial costs of any retaining walls and or structures build to support the path,” there is no reference to this in the options presented – so are the options even valid options?

It is also an unbelievable statement in the letter that the “Council would carry out necessary maintenance work to bring all the paths and related retaining structures to meet ‘like for like’ standards for access and safety needs before private property owners take over responsibility.” Is this work being offered at 100% Council cost? And how is it possible that this could now be done when past requests have been denied/ignored? And what about where a retaining structure is needed, but does not exist – like in my shared path situation – what happens then? It seems that the proposal is not well thought out or much of its basis and reasoning has not been presented to the public in the process of “consulting.” What would it cost to bring all paths to “like for like” standards, and what does that even mean?

Councilmembers, please go back to the beginning and seek user input to how this policy is working and how it could be changed to be made better (w/o increasing costs). You could also seek ideas for cost savings from users and non-users alike. But until that first step is taken, it does not seem that you are ready to put “options” to a vote. You are our elected representatives and you vote on our behalf. Please do not do so in such an uninformed way, particularly when it could change a long standing, relied upon policy.

-
5. Do you agree that the property owners and the Council should share the maintenance and renewal cost for a retaining wall or other supporting structure that is built to support a Half Cost Path? Possibly, so cannot answer yes/no
- Yes No

If so, how could the costs be apportioned fairly? In not, why?

Yes, I could possibly agree that property owners and the Council should share the costs for a retaining wall or other support structure to be built to support the shared path, BUT I would need more information. How will it be made affordable for the homeowners?

For example, if this work requires \$1m to engineer and build in relation to a single path, then the property owners’ half would be \$500k. If there were only 5 houses using the path, it would require \$100,000 from each household? I do not think the users on my shared path would be able to afford this. We have retirees, disabled individuals, young families – all of which would struggle to meet that obligation. I’m sure the situation is even more dire in other areas where there are shared paths.

We all pay a significant property tax based on values which have been set at the high end. That should be the source for such retaining walls or structures, with only a reasonable contribution towards the cost from the property owners with shared paths requiring this public infrastructure.



Respondent No: 296

Login: Admin

Responded At: Apr 03, 2024 09:07:19 am

Last Seen: Apr 11, 2024 21:10:45 pm

Q1. Please enter your name.	Elizabeth Stockler
Q2. I am making this submission:	as an affected property owner or occupier
Q3. I am making this submission:	as an individual
Q4. Please enter the name of the organisation you are submitting on behalf of.	not answered
Q5. Would you like to make an oral submission to the Councillors?	Yes
Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.	[REDACTED]
Q7. Are you aware of the Half Cost Path Policy?	Yes
Q8. What do you know about the Half Cost Path Policy?	I have read it through about 3 times during this and previous occasions.
Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?	No challenging matter thus far as it seems I am the only person keeping things tidy. Other neighbours all with rentals. Non owner occupiers.
Q10. What option do you support for the review of the Half Cost Path policy?	Option 1 (No change)
Q11. Please explain more about your choice.	Neighbours (owners change) no contact. It appears Council is trying to transfer problems with this policy over to home owners who may or may not have any idea where to start and with whom. It would create a total mess throughout the city. I really cannot believe this Council dept has put forward such options as with the long term outcome has to be disaster. It is ambition without knowledge or guidelines.
Q12. What other comments do you have regarding the Half Cost Path policy?	Owners already pay encroachment fees. Communicating problems seems straightforward - Council has all the necessary contacts. 288 pathways cannot take a lot of management as they all don't need care at once (major care).
Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?	No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

not answered

Q15. Do you have any additional attachments?

not answered



Respondent No: 174

Login: Registered

Responded At: Mar 27, 2024 09:30:36 am


Last Seen: Mar 26, 2024 20:17:16 pm

- Q1. Please enter your name. Emma Martin
- Q2. I am making this submission: as an affected property owner or occupier
- Q3. I am making this submission: as an individual
- Q4. Please enter the name of the organisation you are submitting on behalf of. not answered
- Q5. Would you like to make an oral submission to the Councillors? Yes
- Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. [REDACTED]
- Q7. Are you aware of the Half Cost Path Policy? Yes
- Q8. What do you know about the Half Cost Path Policy? not answered
- Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? not answered
- Q10. What option do you support for the review of the Half Cost Path policy? Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. Please explain more about your choice.
- My choice relates specifically to the path designated as a half cost path, outside my house at [REDACTED] I would like to contest this designation. These steps are part of a continuous path that runs the length of our section of Antico St and are used by all households on this street (on both sides of the street), as well other pedestrians. Children on our street use this path every day to walk to school as it is the ONLY footpath on Antico St and it is not safe for them to walk down the road. This path is functionally a public footpath and should be designated as such. It is manifestly unjust for myself and my immediate neighbours to have to pay for the maintenance of infrastructure that is used as a public path. Several of my neighbours on other parts of the street have offered to support this request to have the path redesignated as a public path.
- Q12. What other comments do you have regarding the Half Cost Path policy?
- not answered

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? not answered

Q14. If so, how could the costs be apportioned fairly? If not, why not?
not answered

Q15. Do you have any additional attachments? not answered

	Respondent No: 244 Login: Admin	Responded At: Mar 28, 2024 15:31:12 pm Last Seen: Apr 11, 2024 21:10:45 pm
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- | | |
|---|---|
| Q1. Please enter your name. | Anna and Barry Thomas |
| Q2. I am making this submission: | as an affected property owner or occupier |
| Q3. I am making this submission: | as an individual |
| Q4. Please enter the name of the organisation you are submitting on behalf of. | not answered |
| Q5. Would you like to make an oral submission to the Councillors? | Yes |
| Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. | <div style="background-color: black; width: 100px; height: 20px;"></div> |
| Q7. Are you aware of the Half Cost Path Policy? | Yes |
| Q8. What do you know about the Half Cost Path Policy? | The Wellington City Council has a legacy policy that no longer suits them and they are looking at 5 possible options for a way forward. After our submission, we don't get much of a say what happens next. We do not know how the current status q |
| Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? | We do not agree that Councils and Private homeowners should share the cost and responsibility of road-side banks or retaining walls. Roadside retaining walls and banks should be maintained and owned by the Council, especially when they are against major |
| Q10. What option do you support for the review of the Half Cost Path policy? | Option 5 (Revoking policy – the Council takes full responsibility) |

Q11. Please explain more about your choice.

he Council, being the landowners can: Carry the insurance, and risk. Ensure the standards are defined and met. Carry health and safety risk. Deal with EQC Run their own maintenance programme, and inspection programmes. Budget accordingly. If take full responsibility, won't need to negotiate with homeowners. Maybe homeowners pay an Encroachment fee for access? It doesn't seem fair that some parts of Kelburn have large retaining walls and others don't. I very much doubt that residents at the time had to pay for the large retaining walls built. I think it is VERY unfair to expect us to pay for a retaining wall roadside, when the council has only trimmed self-sown trees for the last 120 years. Our LIM report does not make it transparent of the role and the responsibility of the scope of half cost policy as it applies to retaining a bank – does this fall under "other structures". It's not explicit to a retaining wall or bank. Equally reference to the Council's policy refers to competitive asphalt pavement, handrails maintenance and not the bank or possible retaining walls. So, it's very unclear on responsibility for the bank-roadside. This is what my LIM Report says: The maintenance of any private access path is the responsibility of the owners. Ref to the attached map showing the location of the private access path marked in purple. The maintenance of the high/low level access path, including associated handrails and other structures, serving this and other properties is the responsibility of the affected owners. However, Council has a policy of contributing of up to 50% of the competitive asphalt pavement, and standard handrail maintenance costs where such paths serve 3 or more properties. Ref to the broken blue line on the attached map. The owner is responsible for maintaining the vehicle access way out to and including the curb crossing. A search of our records shows that there are no other requirements. If you have any other requirements regarding the section please contact a Transport Engineer, Transport and Infrastructure. Phone (04). We had no knowledge that we were or could be responsible for half cost or full cost of retaining / maintaining the unretained bank or putting in a new retaining wall. For this reason, we feel very blind-sided.

Q12. What other comments do you have regarding the Half Cost Path policy?

How will this impact our insurance. If there is a failure, how can we insure against this on land that we don't own. How will we divvy up costs amongst homeowners – this will need to be done legally by a mechanism such as a levy and we bought into this property without that collective over-head. To get neighbouring homeowners to agree on the shape, colour, path, bank retaining wall is no small task – everyone has different circumstances / opinions regardless of whether the council is involved or not – that disfunction will not go away. What happens if someone refuses to pay their share – there is no legal obligation to. So where does that leave us? In a worse state because there is no neutral party such as the council to bring homeowners together. If my house is only a small part of the path compared to someone at the top of the path – could they pay more than I do? Who decides? If a failure occurs on the bank due to another homeowner's negligence, why should the rest of the homes cop the bill? How do we know when building standards are met when there is no guidance or code of practice to ensure a path / bank standard? How do we know what Health and Safety standards are to follow, and who is liable? It's not our land. The council has had this policy for 120 years. Our bank is an unretained bank and has been for 120 years. Why should we shoulder this cost if the un-retained bank fails and suddenly it's our problem. Your Like for Like policy is unclear, and I have no idea what it would mean for our situation. I have no idea what the cost might be. I have never received an invoice for work when calling the council, and on the LIM report, when something has been called out, the council has responded – no mention of cost.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

not answered

Q15. Do you have any additional attachments?

[REDACTED]

Policy understanding and awareness

1. Are you aware of the Half Cost Path Policy?

Yes

No

If so, what do you know about it?

The Wellington City Council has a legacy policy that no longer suits them and they are looking at 5 possible options for a way forward.

After our submission, we don't get much of a say what happens next.

We do not know how the current status quo policy is administered or where the half cost (from us) comes from, as we are not currently invoiced for any work done.

We do not know what the current cost to us is under "status quo", therefore, we don't know what financial burden we could be taking on.

Our LIM report does not make it transparent that "**other structures**", could mean retaining walls or maintenance of banks, but it's not spelt out explicitly.

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2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

We do not agree that Councils and Private homeowners should share the cost and responsibility of road-side banks or retaining walls. Roadside retaining walls and banks should be maintained and owned by the Council, **especially** when they are against major public roads.

We accept responsibility of the other side of the path, the property side and any retaining walls that might be there leading straight to our property, and for the property maintenance of our drainage pipes / gas pipes that might traverse a half cost path / retaining wall/ bank.

We don't accept responsibility for other homeowners' maintenance of their drainage pipes / gas pipes or any damage that these might do to the half cost path / retaining wall / bank.

We don't know the full costs implications of this policy review.

We don't know insurance implications. Will the policy impact our private home insurance? Will it impact our ability to sell to others who need a bank loan, and therefore need insurance?

We don't know health and safety implications.

We don't know liability issues.

We don't know building standards.

We don't know the EQC position of this draft policy and how it might apply to homeowners.

We don't own the land and are never going to, so how can we get insurance?

We don't know what like for like means as applied to our situation.

We don't know what financial, or insurance risk we are being asked to take on.

We don't know what this policy might mean for our current investment – which I might add is x2 people's lifetime savings and hard graft.

If we were to sell, what are the guidelines for future Property owners?

What are the funding models / mechanisms? They currently don't exist by way for "saving for the repair or replacement of a half cost path/retaining wall".

How might we measure what is better than the status quo? Because the organisation of a share "asset" that's not an "asset" between homeowners is likely to be a pig's muddle.

Are we being asked to pay twice? We already pay council rates, and as I said, we have never received an invoice for any work done (including sweeping the half cost path).

Policy review

3. What option do you support for the review of the Half Cost Path policy?

- Option 1** (No change): Under this option, the Council continues to offer a 50 percent contribution to the maintenance cost if the relevant property owners agree with the maintenance work and pay their 50 percent share of the cost.
- Option 2** (Targeted rates): Under this option, the Council undertakes necessary maintenance work on the path and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners through a continuous targeted rate on them based on the estimated and programmed maintenance work across those paths for each year.
- Option 3** (Invoice for half cost): Under this option, the Council undertakes necessary maintenance work (by Council contractors) on the path following a request from property owners, and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners upon invoice.
- Option 4:** Revoking the policy to allow private property owners to take over the full maintenance responsibility.
- Option 5:** Revoking the policy and the Council taking up the full maintenance responsibility.

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Please explain more about your choice.

We support Option 5, Council takes full maintenance responsibility.

The Council, being the landowners can:

- Carry the insurance, and risk.
 - Ensure the standards are defined and met.
 - Carry health and safety risk.
 - Deal with EQC
 - Run their own maintenance programme, and inspection programmes.
 - Budget accordingly.
 - If take full responsibility, won't need to negotiate with homeowners.
 - Maybe homeowners pay an Encroachment fee for access?
-
- It doesn't seem fair that some parts of Kelburn have large retaining walls and others don't. I very much doubt that residents at the time had to pay for the large retaining walls built. I think it is VERY unfair to expect us to pay for a retaining wall roadside, when the council has only trimmed self-sown trees for the last 120 years.
 - Our LIM report does not make it transparent of the role and the responsibility of the scope of half cost policy as it applies to retaining a bank – does this fall under “other structures”. It's not explicit to a retaining wall or bank.
 - Equally reference to the Council's policy refers to competitive asphalt pavement, handrails maintenance and not the bank or possible retaining walls. So, it's very unclear on responsibility for the bank-roadside.

This is what my LIM Report says:

*The maintenance of any private access path is the responsibility of the owners. Ref to the attached map showing the location of the private access path marked in purple. The maintenance of the high/low level access path, including associated handrails and **other structures**, serving this and other properties is the responsibility of the affected owners. However, Council has a policy of contributing of up to 50% of the competitive asphalt pavement, and standard handrail maintenance costs where such paths serve 3 or more properties. Ref to the broken blue line on the attached map. The owner is responsible for maintaining the vehicle access way out to and including the curb crossing. A search of our records shows that there are no other requirements. If you have any other requirements regarding the section please contact a Transport Engineer, Transport and Infrastructure. Phone (04).*

We had no knowledge that we were or could be responsible for half cost or full cost of retaining / maintaining the unretained bank or putting in a new retaining wall.

For this reason, we feel very blind-sided.

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4. What other comments do you have regarding the Half Cost Path policy?

How will this impact our insurance. If there is a failure, how can we insure against this on land that we don't own.

How will we divvy up costs amongst homeowners – this will need to be done legally by a mechanism such as a levy and we bought into this property without that collective over-head. To get neighbouring homeowners to agree on the shape, colour, path, bank retaining wall is no small task – everyone has different circumstances / opinions regardless of whether the council is involved or not – that disfunction will not go away. What happens if someone refuses to pay their share – there is no legal obligation to. So where does that leave us? In a worse state because there is no neutral party such as the council to bring homeowners together. If my house is only a small part of the path compared to someone at the top of the path – could they pay more than I do? Who decides?

If a failure occurs on the bank due to another homeowner's negligence, why should the rest of the homes cop the bill?

How do we know when building standards are met when there is no guidance or code of practice to ensure a path / bank standard?

How do we know what Health and Safety standards are to follow, and who is liable? It's not our land.

The council has had this policy for 120 years. Our bank is an unretained bank and has been for 120 years. Why should we shoulder this cost if the un-retained bank fails and suddenly it's our problem.

Your Like for Like policy is unclear, and I have no idea what it would mean for our situation.

I have no idea what the cost might be. I have never received an invoice for work when calling the council, and on the LIM report, when something has been called out, the council has responded – no mention of cost.

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path? **No**

Yes

No

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If so, how could the costs be apportioned fairly? If not, why not?

1st fold here –fasten here once folded

FREEPOST 2199
Half Cost Path Policy Review
Policy Team
Wellington City Council
PO Box 2199
Wellington 6140

2nd fold here

CB000058

Free Post Authority Number 2199

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke



UNCLASSIFIED



Respondent No: 212

Login: Registered

Responded At: Mar 27, 2024 16:02:58 pm

Last Seen: Mar 27, 2024 02:39:48 am

- Q1. Please enter your name. Andrew Hoy
- Q2. I am making this submission: as an affected property owner or occupier
- Q3. I am making this submission: as an individual
- Q4. Please enter the name of the organisation you are submitting on behalf of. not answered
- Q5. Would you like to make an oral submission to the Councillors? Yes
- Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. [REDACTED]
- Q7. Are you aware of the Half Cost Path Policy? Yes
- Q8. What do you know about the Half Cost Path Policy? I have always been aware of my obligation to pay for half of the cost of our path. The material in your consultation document did provide me with some interesting historic detail. And from the same document, I have become familiar with the new policy
- Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? Our own path (in the years that we have been resident, at least) has needed little maintenance. So this is not a question I can answer
- Q10. What option do you support for the review of the Half Cost Path policy? Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. Please explain more about your choice.
Firstly, half paths are an important tool in enabling affordable housing intensification in Wellington hill suburbs, and council funding should recognize this special utility. The Council are to be congratulated on their mid-March endorsement of housing intensification, a policy direction that has incidentally only been endorsed in the days since the new half cost policy was proposed. Now that intensification HAS been endorsed, it needs to take precedence over this half cost policy proposal. Secondly, I believe that there is inconsistency in what counts as a "half path", leading to inequity for ratepayers, an inconsistency that is referred to on the second to last page the consultation document. See my response below to question 11 - I question the status of the "half cost path" outside our house.
- Q12. What other comments do you have regarding the Half Cost Path policy?
This proposed new policy makes me question the status of our own "half cost path", because its design makes it at least partly function as a public footpath (going by the definitions in the consultation document). I wonder whether, going forward, will there be an easy way for ratepayers to challenge the designation of the path outside their house?

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

I see this just as an extension of the path maintenance question, so for the same reasons I outline above, I would not support direct resident contributions.

Q15. Do you have any additional attachments? not answered



Respondent No: 195

Login: Registered

Responded At: Mar 27, 2024 11:13:43 am

Last Seen: Mar 26, 2024 22:04:08 pm

- Q1. **Please enter your name.** Alice Donnell
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** Under the existing policy the Council and the affected home owners opay half each for the maintenance of the paths which are on their land and affected by their trees.
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** The cost and also the difficulty of getting the work done.
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 3 (Invoice for half costs)
- Q11. **Please explain more about your choice.**
I find it very difficult to get quotes from tradespeople to carry out work such as resurfacing paths so I would prefer the Council to carry out the work and then invoice me for half the cost as they have all the necessary equipment etc and the experience with such paths.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
I bought my house in 1980. The major problem with the path is an uneven surface caused by roots from a council owned pohutukawa tree.
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

These walls should be the sole responsibility of the Council.

Q15. Do you have any additional attachments? not answered



Respondent No: 37

Login: Registered

Responded At: Mar 05, 2024 09:26:03 am

Last Seen: Mar 04, 2024 20:05:13 pm

- Q1. **Please enter your name.** Poul Israelson
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** From what I was provided in the letter from Council
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** No maintenance has been completed on the path outside our house. The path is cracked, affected by tree roots, overgrown vegetation on the road reserve side of the path, the fence on the road reserve side of the path is non-compliant
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. **Please explain more about your choice.**
- The path outside our property services approx 7 properties and it is their only form of access. The path is actually a throughfare that the public use and can enter and get off the path when walking along Sugarloaf Road to the Brooklyn war memorial. It is essentially a public path and the council has a responsibility to maintain the path. It is disappointing to see Council trying to opt out of maintaining their own asset that they have responsibility for and considering to transfer that responsibility to private landowners. It would create an unfair situation with Council funding maintenance and upkeep of footpaths for other areas and not the public path outside our property,

Q12. What other comments do you have regarding the Half Cost Path policy?

If the responsibility was passed to private landowners it raises the question of who has ownership of the structures on Council road reserve if the private residents pay for them. It will create issues of ownership of structures and conflict over Councils roles as landowner and a road controlling authority under the LGA. Section 106(1)(c) of the Resource Management Act requires subdivisions to have sufficient provision for legal access. The legal access by footpaths on road reserve was provided by subdivisions that were approved by Council in the past. No easement was registered on the titles of the properties detailing responsibility for maintenance. It is simply unfair for Council to retrospectively transfer all responsibility to homeowners from a legal subdivision process that it has accepted and approved in the past. It has a moral and legal obligation to be responsible for the paths. There will also be issues of transfer of legal responsibility from Council to homeowners. Will private landowners be responsible for health and safety of the public on Council land when In our situation the path is a throughfare that the public can use. Inconsistency of paths will result as people will have variable ability to maintain sections of path, rails and retaining walls. It makes more sense to have a single controlling authority and that is the Council. We pay rates, the path is a pedestrian throughfare (not a dead end) across the frontage of 7 properties. It is essentially a footpath and provides important pedestrian access for the public up Sugarloaf Road to the Brooklyn War memorial and the reserve access to Mitchell Street. It is not reasonable for the Council to push financial responsibility to private residents for what is essential a public pedestrian throughfare. The policy is essentially Council targeting properties that have paid rates for road and footpaths, including their upkeep, as they are required to under the Local Government Act. The proposed policy is ultra vires. The policy is selective and creates bias on Council services expected by the public from rates that they pay. Will it now be a policy that ALL footpaths will be paid for privately. Council has a obligation to maintain and manage its property that it owns and is responsible for.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

In our situation, the path outside our property is a public throughfare. The Council should be responsible for costs to maintain it, including any retaining walls (which there are none at the moment).

Q15. Do you have any additional attachments? not answered



Respondent No: 120

Login: Registered

Responded At: Mar 24, 2024 20:04:09 pm

Last Seen: Mar 24, 2024 06:45:41 am

- Q1. **Please enter your name.** Jennifer Cauchi
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** I understand that those homeowners living at residences (which need to be 3 or more) on a half cost path share 50% of the maintenance costs of the path itself between the affected houses, and the council bears the other 50% of these costs.
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** Getting the council to respond to matters relating to retaining and maintenance, particularly the erosion of the road reserve above and below the path. We have had several slips on road reserve that the council has done nothing to mitigate or prevent.
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
-

Q11. Please explain more about your choice.

I choose option 5, to revoke the policy and Council taking up the full maintenance responsibility. The reasons for my choosing this option are: The paths sit on road reserve which are Council property and therefore both path and road reserve should be Council responsibility. I am strongly against full responsibility for the paths being given over to home owners. If the paths were the owners responsibility to fully maintain but they were not the legal property of those owners, it would be impossible to get insurance for the paths, which would make any potential repairs financially untenable for path residents. For those who think that having these paths is some sort of special treatment for houses on shared paths, this is not accurate. Houses on these paths were consented and permitted by Council, who like any house located on a road or next to a road reserve, require access to their property. Having these paths is not an extra-ordinary benefit, it is basic access from the road. The Council widened Sefton St in the early 70s, taking land from two property owners along our path for the new pathway, and creating a more vertical cliff face that the path now ascends. They did not retain this hill at the time this work was done, and subsequent slips have cause significant erosion of the hill which the Council has not done anything to mediate or prevent. See below for some additional comments on retaining. Creating a situation where some homeowners have the onus of fully supporting the maintenance of paths they do not own may also create disparity amongst residents who live at these properties and those who do not, potentially leading to reduced property values and difficulties in reselling properties with these paths, of which there are a very large number in Wellington. Some residents of these paths may not have the means to bear any necessary repairs (for example pensioners) and therefore some paths may not be repaired and become unsafe to access – how will things like safety and code compliance be enforced? The administrative cost and challenges of initiating this proposal are also enormous and it is doubtful that the Council has the means to fund this action, there are certainly higher priority areas (like the water pipes!) that available monies should be directed to. In reality many of these paths require very little maintenance, and the majority of any major future costs will relate to council inaction (for example no retaining after slips) or action like road widening and lack of any planning for erosion or ongoing maintenance. As these will affect road reserve, not the path itself, they would still be Council costs. The overall savings from this proposal are likely to be very small. The definition of the 'like for like' standard provided in the statement of proposal is vague and open to interpretation that may leave some paths left in a poor or unsafe state when handed over to home-owners, if option 4 was successful.

Q12. What other comments do you have regarding the Half Cost Path policy?

I urge Councillors to accept option 5 and have the council take full responsibility for these paths. I hope that this consultation is genuine. If the council does decide to try to give full responsibility for the paths over to the home owners, legal advice will be sought and other affected owners will be contacted. Council needs to consider the people who will be terribly affected by this decision, who are normal Wellingtonians who would not be able to face this sort of cost without it being potentially ruinous.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Retaining: I believe the council should bear the full cost of retaining the road reserve above and below the path. This land is council land and in the situation on the path on which I live (and likely many others) the widening of the road by the council without any retaining done at the time, has led to a situation requiring the increased need for stabilisation of the hill. There is a sheer drop and cliff beside and above our path, and any retaining that were to be built to support the path would serve two purposes of stabilising council road reserve and therefore prevent the erosion of road reserve undermining our properties. Erosion of road reserve undermining private property would normally be the council's responsibility if there were no path present (see example of Lennel Rd retaining works happening now). Also, the retaining serves the purpose of protecting the road on which it runs along as well, which is fully council responsibility. The costs of retaining works are very high, often unreasonable, and untenable for many homeowners, just to maintain access to their properties, which were approved to be built by Council with this access arrangement.

Q15. Do you have any additional attachments?

not answered



Respondent No: 223

Login: Admin

Responded At: Mar 28, 2024 09:35:26 am

Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Nuala Ann O'Connor
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** not answered
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** see attached
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
-
- Q11. **Please explain more about your choice.**
see attached
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
see attached
-
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** No
-
- Q14. **If so, how could the costs be apportioned fairly? If not, why not?**
It is Council owned land so Council responsibility. see attached
-

Q15. Do you have any additional attachments?

[REDACTED]

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Policy Team
Wellington City Council
By email: policy.submissions@wcc.govt.nz

Submission on the Half Cost Path Policy Review 2024

Tēnā koe

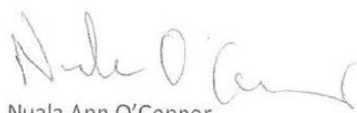
1. I am a property owner affected by the Half Cost Policy Review. Thank you for the opportunity to submit on the proposed options to review this policy.
2. I agree that the current Half Cost Path Policy (the Policy) is not fit for purpose as it:
 - a. Requires agreement from multiple neighbours with differing abilities to pay for maintenance and differing values associated with the path
 - b. Is not able to be consistently applied
 - c. Is not effective as demonstrated by the current poor condition of most half cost paths including the one servicing me and my neighbours.
3. I do not support changes to the Policy that would reduce the Council's financial obligation to maintain property that it owns.
4. Not all shared paths are used equally by the property owners that adjoin them. In my circumstance, six dwellings can use the shared path to access their properties. However, only two of these dwellings requires the path to access their property. All other dwellings have alternative access over public land that they can and predominantly do, utilise to access their property. This means that property owners will inherently have different views on how they value the path and subsequently how they consider they should contribute to its maintenance. There is no incentive for a property owner with alternative access to financially contribute to the maintenance of the shared pathway as the condition of the pathway does not necessarily affect the value of their property. This reflects the current situation in that I am the only one out of the six properties maintaining the pathway. There is also overgrown trees and shrubbery which is entangled in the overhead wires. Who is responsible for maintaining this? And when does it get done? My property is totally surrounded by other properties so the only access I have to my property is the half cost path.
5. You propose that "current property owners will be clearly communicated to about their maintenance and renewal obligations" but who is going to ensure that this is enforced and how will this be communicated and enforced when current property owners sell their property?
6. The Council recommended Option to shift full financial (and negotiation) burden to the property owners does not solve the issue around agreement and ability to pay. The Statement of Proposal states that this issue alone means that only one in 10 requests for maintenance work goes ahead. This is a major issue which is likely to be exacerbated if the Council withdraws all financial responsibility for path maintenance. I consider it is unreasonable that the Statement of Proposal considers this issue is the rationale not to recommend Option 3 (Invoice for half cost), however, contradictorily recommends an option

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that would likely inflate this problem. As a result, maintenance work would likely not be progressed and may lead to fractious neighbour relationships – all together leading to a decrease in community wellbeing.

7. I consider that the Council recommended Option only seeks to address the administrative issues and legal uncertainties that the Council bears as a result of the current policy. It in no way addresses the issues that currently prevent the regular and consistent maintenance of this type of Council owned land. It is irresponsible for the Council to essentially shed itself of its responsibilities as a landowner, further it is negligent to do this in place of developing and implementing an effective policy. Many of the issues raised in the Statement of Proposal relate to the policy being unclear and inconsistently applied, this should be remedied through policy development and system implementation rather than by removal of the policy.
8. The Statement of Proposal anticipates that more extreme weather events will likely increase the extent and rate of damage to accessways. I consider it is negligent for the Council to note this issue and then support an Option that would completely retract its responsibility to maintain these areas.
9. It is unclear from the Statement of Proposal the level of intervention the Council will have in terms of health and safety. For example, if property owners have full financial responsibility to maintain a shared pathway but cannot afford or agree to maintain it then this could cause health and safety issues for residents, visitors, tradespeople, delivery people, etc. If a pathway becomes unusable due to damage, inhibiting residents' access to their property – at what point does the Council intervene to provide access?
10. The Statement of Proposal lacks an economic analysis to portray the costs and impacts of each option on the relative parties. This means that submitters are not fully informed of the potential impacts their preferred option will have. This could impact on residents ability to sell their properties or lead to a reduction in the value of the property due to possible buyers being 'frightened off' by the unknown financial liability.
11. I support Option 5 as an interim step toward developing a policy that is equitable and fit for purpose. For example, Option 2 could be a workable approach however, there is not enough detail provided in the Statement of Purpose to allow me to fully support that option. The maintenance regime should apply to retaining walls as well as the matters already included in the current policy.
12. Yes I would like to provide an oral submission.

Nāku noa, nā,



Nuala Ann O'Connor





Respondent No: 242

Login: Admin

Responded At: Mar 28, 2024 15:24:52 pm

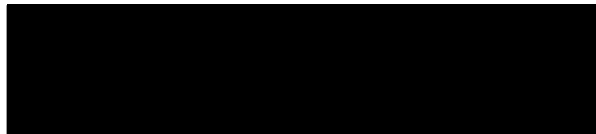
Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Anthony Hubbard
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** The hardest thing is to understand why the council wants to charge householders the full cost. One of the main problems with the half-cost policy (see the council proposal, par 29) is that many landowners refuse to pay or cannot pay. As a result, the coun
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** not answered
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
-
- Q11. **Please explain more about your choice.**
- The proposed policy is incoherent and, and so is the present one; it is difficult to choose an alternative. But there is a good argument for Option 5, revoking the half-cost policy and requiring the council to pay all maintenance costs, funded through general rates.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
- The officials who are driving the proposed policy change – two city councillors we met to discuss the changes had little or no knowledge about them – are understandably worried about money and landslides. The last round of storms caused damage all over Wellington. Climate change means there will be many more storms and floods, and many more collapsed banks and washed-out paths. But trying to shift more and more costs on to one particular set of landowners won't fix the fundamental problem of global heating. Given all of the problems, anomalies and injustices of the policy, wouldn't it be better to drop it and think again?
-

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? not answered

Q14. If so, how could the costs be apportioned fairly? If not, why not?
not answered

Q15. Do you have any additional attachments?





Respondent No: 207

Login: Registered

Responded At: Mar 27, 2024 15:21:28 pm

Last Seen: Mar 27, 2024 01:06:02 am

- Q1. **Please enter your name.** Augusta Connor
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** I have read the policy document, and prior to that I knew that it was an agreement for the Council to pay half the cost of maintenance (the other half covered by property owners) of any paths in Wellington which provided sole access to 3+ dwellings.
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** The most challenging aspects of the status quo have been establishing if our path is a half cost path and worrying about when and how much we might have to pay for maintenance.
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
-

Q11. Please explain more about your choice.

Several of the issues with the current policy in the policy document can be summarised as: (1) unfairness for people living on paths serving fewer homes, (2) limited knowledge of the policy among residents (3) difficulty obtaining financial contributions from property owners (relating to difficulty apportioning cost among users of the path and the level of cost), (4) the Council does not own the land so does not have an obligation to maintain it and (5) the level of financial cost to the Council. It seems that issues (1) - (3) could be adequately addressed by the Council taking on full maintenance work, communicating this to residents and recording the decision in LIM reports, and extending the policy to people on paths serving fewer than three dwellings. Issue (4) is not resolved by options in which the property owners take on full maintenance responsibilities either, since the property owners also do not own the land or have any legal obligations to maintain it. They have only an interest in it being maintained. Issue (5) is only resolved by Option (4) or another option, which allows the Council to better extract funding for path maintenance from the public or another source. The Council's preferred option is Option 4. However, there are issues with Option 5 which I believe outweigh its benefits. Firstly, the property owners do not own the land the path is on, so the extent of their rights to modify and maintain the path are unclear. For example, could property owners build a covered foyer on the council land, as if it was their own? Would property owners need to seek Council consent for any changes?

Secondly, it is also very unclear what obligations the property owner has to other users of the path legally, given that they have no legal rights over the land. It is not clear how the requirement (if there is one) for other path users to consent to any works undertaken by other path users would be upheld, or if any path user willing to pay for modifications could undertake such modifications without consent. Thirdly, the issues with coordinating financial contributions to the path maintenance and consent (3) are by no means resolved by property owners taking on full maintenance of the path. If anything, these will be inflamed by the proposed option, since the magnitude of the financial risk born by property owners will be increased and no support in coordinating works will be provided. Conveying the full risk to property owners will also not allow for any smoothing of the risk of catastrophic – that is, un-manageably high, sudden, costs of maintenance to the property owner. Currently, the owner is only liable for half of these high costs, which already – per the policy document – property owners struggle to cover. This proposal would double the costs to property owners, with no mechanism for smoothing of the cost and spreading of the risk. It would be more appropriate for whatever option is adopted to include some mechanism to spread the risk of major maintenance across – at the least – people with the same level of risk of major maintenance costs (i.e. people living on similarly long, paths). This would resolve the issue with extracting high levels of funding when suddenly this becomes required, since the payments would be smoothed over time and across a large number of people (either all rate payers or affected property owners) and remove the need for coordination between residents of a specific area. Ideally, my preference would be for the Council to use rate payments to cover this cost. This is for two reasons. Firstly, without owning the land, property owners cannot insure it, so cannot protect themselves against the high costs of maintenance by smoothing these costs over time and – more importantly – among other land owners. Secondly, the paths in question are not different to footpaths – or even roads - on dead-end streets, which the Council proposes to continue to maintain. Such streets are likewise predominantly used by residents, residents' guests, and service people (e.g. tradesmen, postal staff). They are not through ways, and neither are the footpaths or roads on dead end streets. It seems that people living on longer roads which allow for all properties to have road access should also pay more for the maintenance of the roads, if the Council proposes to charge higher rates to people who live on streets which are shorter yet have branching paths to allow access to more properties. Likewise, under the proposal, people who live in less sparsely populated areas or with footpaths with planted berms or more greenspace which require council maintenance should pay higher rates. Of all the characteristics to charge additional rate payments for, living down a long path without road access seems to be a particularly undesirable one for which to seek special payment. Notably, lacking road access is correlated with lower property value, while having more Council-maintained greenspace nearby would likely be correlated with higher property values, which may also indicate a greater ability and willingness to pay extra for Council maintenance services. Overall, my preference is for Option (5) – but for this to be extended to people who live on paths serving < 3 homes, communicated to property owners affected, and recorded in the relevant LIM reports. This is because it resolves issues (1)-(3), removes the financial risk from the property owners, does not penalise people for living in properties with less desirable access, and does not perpetuate issues with coordinating maintenance between owners. However, noting that the Council may not agree with this recommendation, I urge the Council to consider a modified version of Option (4) which still provides an 'insurance' and administration mechanism for affected property owners. For example, owners of all affected properties could be required to participate in a compulsory 'path insurance' scheme, where they pay a contribution in proportion to their 'path risk' e.g. all who use the path share the cost of maintaining the path to the first house, all but owners of the first house pay an equal portion of maintaining the path from House 1 to House 2 etc. The Council then undertakes the maintenance work when required, using funds from the scheme.

Q12. What other comments do you have regarding the Half Cost Path policy?

As above.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

For the same reasons as above, I believe the Council should bear the full cost. If property owners are forced to pay, I think this should be through a compulsory insurance scheme, with maintenance administered by the Council.

Q15. Do you have any additional attachments? not answered



Respondent No: 147

Login: Registered

Responded At: Mar 26, 2024 07:32:19 am

Last Seen: Mar 25, 2024 18:13:12 pm

- Q1. **Please enter your name.** M. Dean
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** Adjacent property owner 50% council 50%
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** Collaboration
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)
- Q11. **Please explain more about your choice.**
The benefits to general ratepayers against the impact of the regulation change is not sufficiently analysed. How much is the effort and uncertainty of change going to save council costs. Why doesn't WCC do some more analysis so it can present the costs of running this scheme.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
Some top end analysis of what affected landowners are up against would be helpful. Some of the retaining walls supporting half cost paths would be expensive to replace or repair. The analysis could do more to help the public understand the likely range of costs that could transfer.
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** Yes

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Council pick up retaining wall costs because these are likely to exceed the means of many landowners.

Q15. Do you have any additional attachments? not answered



Respondent No: 303
Login: Admin

Responded At: Apr 08, 2024 09:51:50 am
Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Colin Fraser
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
- Q8. **What do you know about the Half Cost Path Policy?** have just read it.
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** 1) funding /sourcing necessary finances; 2) co-ordinating property owners
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. **Please explain more about your choice.**
1. Financing could be an issue (I am on a fixed income). 2. I would expect challenges with co-ordinating response from property owners on what are likely to be charging.
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
the path at issue is frequently used by members of the public/non-property owners.
- Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** Yes

Q14. If so, how could the costs be apportioned fairly? If not, why not?

As to Option 2 above

Q15. Do you have any additional attachments? not answered

	Respondent No: 77 Login: Registered	Responded At: Mar 14, 2024 12:32:00 pm Last Seen: Mar 13, 2024 21:54:52 pm
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- Q1. **Please enter your name.** Scott Austin

- Q2. **I am making this submission:** as an affected property owner or occupier

- Q3. **I am making this submission:** as an individual

- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered

- Q5. **Would you like to make an oral submission to the Councillors?** Yes

- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]

- Q7. **Are you aware of the Half Cost Path Policy?** Yes

- Q8. **What do you know about the Half Cost Path Policy?** The half cost path policy normally covers pedestrian paths on road reserve which access 3 or more private properties.

- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** The high, steep, unstable bank on road reserve that was created by forming the public road has never been reinforced. It is not feasible or fair to be left with a bank which needs retaining to maintain and improve on public land to access my property.

- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)

- Q11. **Please explain more about your choice.**

One property may have very different challenges to another, making options 2-4 inequitable. Road reserve is just that, land reserved beside a public road. For reasons that elude me, if a property borders road reserve on a flat, regular area, maintenance would be undertaken by council to the boundary, yet if a property has a steep bank at the boundary which was caused by cutting the road in the first place, funding and maintenance is borne by the owner - a conservative estimate of time spent maintaining road reserve over which my sole access to my property passes is 100 hours/year, to say nothing of financial cost.

Q12. What other comments do you have regarding the Half Cost Path policy?

An equitable allocation of funding for maintenance of road reserve would mean some rate payers may receive little benefit, while others might receive more from the pool of funds. Options 1-4 at question 8 are all inequitable - they ask that targeted rate-payers pay disproportionately for maintenance to road reserve, either shared, or in whole, while still paying rates which fully provide for other rate-payers. If the cost for all construction and maintenance work on road reserve were to be removed from all rates, then charged back individually, again it would be inequitable - every purchase of land to date would have been made in good-faith that road reserve was maintained in a certain way, and each and every property would need to begin on the same footing, presumably with newly constructed infrastructure that made each property just as ready to be maintained by the owner as the next, which I can't imagine happening.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

The burden should not be on the private resident to fund retaining which is required as a consequence of creating a piece of public infrastructure. A road was cut on a steep hill on my boundary, creating a near vertical bank, which is unstable and has never had any retaining, despite a long history of serious slips (cars fully buried, roads blocked, properties inaccessible). This isn't right. And just because the road was cut over 100 years ago, it doesn't somehow make the onus land on the present day property owner. For all those 100 plus years, the property owners have been under-served.

Q15. Do you have any additional attachments? not answered



Respondent No: 261
Login: Admin

Responded At: Apr 02, 2024 09:42:56 am
Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Jon Harris
- Q2. **I am making this submission:** as an affected property owner or occupier
- Q3. **I am making this submission:** as an individual
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
- Q7. **Are you aware of the Half Cost Path Policy?** No
- Q8. **What do you know about the Half Cost Path Policy?** not answered
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** I have not had any issues with the maintenance of the council path outside my property in that time
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)

Q11. Please explain more about your choice.

The council letter states that the policy is historical and has been running since 1934 as if that is a reason to change. The opposite should be the case as it is now a long running commitment, almost all of the properties in the category would have been purchased since then with that commitment from the council. ● Wellington is different from other cities with much more houses built on hills with paths on council land ● Reneging on the responsibility to maintain the roadside retaining walls that also happen to support council paths to properties is just ridiculous as the potential cost is massive, property owners cannot take out insurance to cover council land, and that it has the potential for a major slip to be uneconomic to repair, rendering properties worthless ● It is inappropriate for private property owners to be responsible for the health and safety of people using paths on council land, especially regarding handrails etc to stop people falling down large roadside retaining walls ● It is inappropriate for private property owners to be responsible for drainage for paths and retaining walls on council land. ● The council should be responsible for maintaining the retaining walls, path surface, drainage and safety handrails/barriers on council land to a basic functional standard. If neighbouring property owners would like a higher standard of path or lighting, then they should have the option of funding that.

Q12. What other comments do you have regarding the Half Cost Path policy?

The timing is particularly insensitive. When the council is imposing increasingly unaffordable increases in rates (18% this year, 3 times inflation), it is proposing to renege on this arrangement for maintaining council paths expose residents in this category to potentially massive maintenance costs ● Revoking the policy conflicts with the council's own objectives for ○ Safe affordable housing - as this would place substantial upward pressure on rents with landlords having to include provisions for major maintenance on council land, effectively self-insuring ○ Our older, disabled or most vulnerable - the elderly in particular are already under massive cost pressure from unaffordable council rate increases (upcoming 18%) as well as massive insurance increases. There are vulnerable to any cost increases above inflation and many are being forced out of Wellington. Passing the council's responsibility to maintain council paths and retaining walls to elderly property owners would heap even more financial and mental stress on these people. ● Revoking this policy is just morally wrong. The council letter and online information implies that's it's OK to renege it's maintenance responsibility and inflict this on affected property owners as they are just a majority. It is not OK and the impact on the minority is massive. Does the council really want to pick on vulnerable minorities? If the council believes it is not picking on minorities, why stop at paths and retaining walls on council land. If we follow the same logic then why not renege on any maintenance on suburban streets and tell the residents it's their responsibility to maintain their street? It's the same logic, but perhaps the council would lose too many votes as the majority of Wellingtonians would be affected and not "just the minority" impacted by this plan

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

not answered

Q15. Do you have any additional attachments? not answered

	Respondent No: 245	Responded At: Mar 28, 2024 15:47:52 pm
	Login: Admin	Last Seen: Apr 11, 2024 21:10:45 pm


- Q1. **Please enter your name.** Greater Brooklyn Residents Association Inc
-
- Q2. **I am making this submission:** as a general public member
-
- Q3. **I am making this submission:** on behalf of an organisation
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** Greater Brooklyn Residents Association Inc
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** Yes
-
- Q8. **What do you know about the Half Cost Path Policy?** Historical "agreement" between Council and public to make marginal land more attractive to live on with a give and take between both parties to keep and maintain undesirable properties attractive and habitable in our hilly city. A cost sharing agreement
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** that while challenging, works for the city and public. 9. Ever increasing cost and wages, income cannot match with help.
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)
-
- Q11. **Please explain more about your choice.**
Balances costs - WCC brings expertise and buying power, residents pay their fair share and both enjoy benefits. It is a fair and balanced approach.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
It will make housing more unaffordable for people Poorly communicated Has the air of desperate money grab Has the air of abandoning residents With everything happening economically nationally (and locally with controversies over district plan debates), people are overwhelmed. This should be paused and debated.

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? not answered

Q14. If so, how could the costs be apportioned fairly? If not, why not?

This should be a separate debate. what does this statement refer to? If it is the retaining wall question this is a separate 0 though linked - topic that needs to be separately debated.

Q15. Do you have any additional attachments? not answered

	Respondent No: 53	Responded At: Mar 07, 2024 11:26:47 am
	Login: Admin	Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. **Please enter your name.** Dianne Roberts (Dial Nominees Ltd)
-
- Q2. **I am making this submission:** as an affected property owner or occupier
-
- Q3. **I am making this submission:** as an individual
-
- Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered
-
- Q5. **Would you like to make an oral submission to the Councillors?** Yes
-
- Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]
-
- Q7. **Are you aware of the Half Cost Path Policy?** No
-
- Q8. **What do you know about the Half Cost Path Policy?** not answered
-
- Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** What do you know? I have owned my property for many years and all maintenance has been paid by me. I have asked neighbours to contribute but they always say no and even ask me to have the path cut back etc. (which I have for many years) CONT NEXT Q
-
- Q10. **What option do you support for the review of the Half Cost Path policy?** Option 5 (Revoking policy – the Council takes full responsibility)
-
- Q11. **Please explain more about your choice.**
- What do you know about it? even though they all use it. I have never had a 50% contribution from Council as far as I know!! or neighbours!! I would very like to send out invoices for nice to have i.e.e Slug project, I can't believe this is something that can be done without consent!! Challenges: Getting anyone to contribute to payment of any maintenance. Recently I had a leak which caused huge problems and even before the plumber had finished neighbours were demanding things to be done. I have emails to back all this up. Current question: Recently I received an invoice for the Slug project which is going to be changed until 2030. Rents are already high so how can this extra + the slug invoice be passed on to tenants. I am a reasonable landlord and my rents are low compared to the average, but I have good tenants and respectful people.
-
- Q12. **What other comments do you have regarding the Half Cost Path policy?**
- I think the WCC needs to cut costs so water problems can be fixed but stop all the unnecessary, not the necessary!!

Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?

No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

I would be happy to go 50/50 with neighbours and Council, but this has never happened.

Q15. Do you have any additional attachments?





Respondent No: 260

Login: Admin

Responded At: Apr 02, 2024 09:40:02 am

Last Seen: Apr 11, 2024 21:10:45 pm

Q1. **Please enter your name.** Anke & Jeroen Kole, Katie Hardwick-Smith & Francis Wevers, Rula & Liam Farrell

Q2. **I am making this submission:** as an affected property owner or occupier

Q3. **I am making this submission:** as an individual

Q4. **Please enter the name of the organisation you are submitting on behalf of.** not answered

Q5. **Would you like to make an oral submission to the Councillors?** Yes

Q6. **Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site.** [REDACTED]

Q7. **Are you aware of the Half Cost Path Policy?** not answered

Q8. **What do you know about the Half Cost Path Policy?** not answered

Q9. **If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?** not answered

Q10. **What option do you support for the review of the Half Cost Path policy?** Option 1 (No change)

Q11. **Please explain more about your choice.**

We acknowledge the financial constraints the Council is working under, and the cost and other issues associated with the current policy that are raised in the Statement of Proposal. However, we have serious concerns about the proposed option 4. We therefore support Option 1 to be continued as per the current policy.

Q12. **What other comments do you have regarding the Half Cost Path policy?**

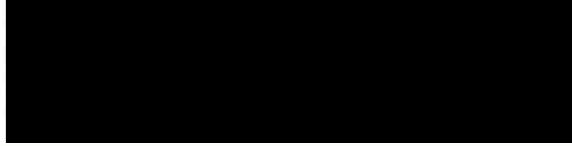
see attached.

Q13. **Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path?** not answered

Q14. If so, how could the costs be apportioned fairly? If not, why not?

see the attached.

Q15. Do you have any additional attachments?



Submission on Review of Half Cost Path Policy

Submitted by email to policy.submission@wcc.govt.nz on 26 March 2024.

Names: Anke & Jeroen Kole, Katie Hardwick-Smith & Francis Wevers, Rula & Liam Farrell

Email address for correspondence: [REDACTED]

We are making this submission: as a group of affected property owners who share a half cost path off Wadestown Road.

We may want to make an oral submission to the Councillors.

Phone number to arrange a submission time: [REDACTED]

We support **Option 1** (No change).

We thank the Council for the opportunity to submit on the proposed changes to the current Half Cost Path Policy, which are scheduled for consideration and decision making of the Environment and Infrastructure Committee at its meeting on 24 April 2024.

We acknowledge the financial constraints the Council is working under, and the cost and other issues associated with the current policy that are raised in the Statement of Proposal. However, we have serious concerns about the proposed option 4. We therefore **support Option 1** to be continued as per the current policy. This decision to **support Option 1** is based on the following considerations:

Retaining walls or other supporting structures

- While we are concerned about the possible financial consequences of taking full responsibility for all maintenance work associated with the path our properties share, our biggest concerns relate to the uncertainty related to the unsupported hillside underneath our pathway adjoining Wadestown Road. As the Committee report (the Committee report) that was discussed at the 1 February 2024 Environment and Infrastructure Committee states (in § 54) “[r]etaining walls needed for land support would likely cost between \$50,000 to \$2,000,000 each”.

This is a very significant, unmanageable cost and incalculable risk for us to bear.

- We note the statement that “[t]he private benefits of the path outweigh any perceived public benefits” (§ 42 of the Statement of Proposal). This may arguably be the case for the path itself.

However, we strongly believe that in our case, and likely in other cases as well, the public benefits of ensuring that the hillside underneath our path is safe and stable is of far greater public benefit than our private benefit.

Wadestown Road is an essential road corridor during normal conditions and a primary emergency throughfare connecting the city to Wadestown, Wilton, Crofton Downs, Ngaio, Northland and Karori. In the event of an emergency this road will play a significant role for the access of emergency services as well as people to and from the city to access their property and families.

- Changing the responsibility of maintenance or remedial work from a 50/50 split between the Council and property owners is likely to have negative impact on the value of our properties in the future.
This risk is exacerbated if we have to accept the very significant and incalculable risks related to the hillside beneath our path and the potential need of building a retaining wall in the future.

General points applicable to the paths themselves and retaining walls/other supporting structures

- The Statement of Proposal describes the challenges the Council is experiencing with administering the current policy. These include getting property owners to pay their 50% share. We have jointly paid for maintenance of our shared path about 10 years ago.

Changing the policy now to put the full responsibility on us feels like being punished for the misbehaviour of others, while we have fulfilled our responsibilities in the past.

- We believe that if property owners have found it difficult to pay their 50% share of maintenance costs in the past, transferring the full responsibility and costs on property owners now, in a cost-of-living crisis, is likely to exacerbate this issue rather than solving it.

This could lead to a worse safety and resilience outcome for the community.

- In this context, we seek clarification how option 4 *“will ensure Council operates a consistent safety practice under the law” (Committee report § 11)*. We also note the wording in this paragraph to *“revoke the policy to allow private property owners to take over full maintenance responsibility”*.

We find the use of the verb “to allow” inappropriate in this context, as this is not something we desire.

- In a more general sense, we are concerned about the (reputational) damage the proposed policy change may have.

Implementing this policy would lead to higher risks (and in many cases costs) for existing and new property owners. This could have negative impact on the attractiveness of Wellington as a place to live and buy or build a house.

- Consistency in Health and Safety Obligations: We believe that by keeping the policy as it is, the Council ensures that its commitment to health and safety obligations remains steadfast.

This consistency is crucial for safeguarding public welfare and maintaining trust within the community.

- While we acknowledge that Wellington may be the only city remaining in Aotearoa New Zealand with such a policy, we believe that Wellington is not necessarily comparable to other cities.

Our topography and limited availability of suitable land for housing arguably have been, and should continue to be, a significant incentive for the Council to support the development of sites that require a footpath for access.

- We note that we could not review the current Half Cost Path Policy as we could not find it on the Council’s website. The same applies to the Slip Policy referred to in the Committee report. We assume that there is a current policy that guides the Councils work in this area. This is referred to in the Committee report that was discussed at the 1 February 2024 Environment and Infrastructure Committee (*“the proposed review of the Half Cost Path Policy”*).

Thank you again for the opportunity to submit our views on this matter. Please contact us on the above-mentioned email address if our submission requires further information or clarification.



Respondent No: 277

Login: Admin

Responded At: Apr 02, 2024 13:43:06 pm

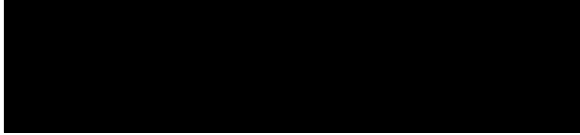
Last Seen: Apr 11, 2024 21:10:45 pm

- Q1. Please enter your name. A. Bramley
- Q2. I am making this submission: as an affected property owner or occupier
- Q3. I am making this submission: as an individual
- Q4. Please enter the name of the organisation you are submitting on behalf of. not answered
- Q5. Would you like to make an oral submission to the Councillors? Yes
- Q6. Please give your phone number so that a submission time can be arranged. If you don't provide a phone number we will contact you by email at the email address registered on this site. [REDACTED]
- Q7. Are you aware of the Half Cost Path Policy? Yes
- Q8. What do you know about the Half Cost Path Policy? studied all Council docs and asked for more to be provided.
- Q9. If you are a property owner or occupier served by a half cost path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path? not answered
- Q10. What option do you support for the review of the Half Cost Path policy? Option 5 (Revoking policy – the Council takes full responsibility)
- Q11. Please explain more about your choice.
We maintain roads and associated pavements without extra cost. We maintain thorough paths. Why are pedestrians second class.
- Q12. What other comments do you have regarding the Half Cost Path policy?
see attached 5 pages
- Q13. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a half cost path? No

Q14. If so, how could the costs be apportioned fairly? If not, why not?

Council only if on road reserve.

Q15. Do you have any additional attachments?



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Submission form for public consultation

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Half Cost Path Policy Review 2024

We're keen to hear from you about the proposed Half Cost Path Policy Review 2024 as discussed in the Statement of Proposal.

Privacy statement - what we do with your personal information

Submissions including your name and opinions on the proposed policy are published and made available to elected members and to the public from our offices and on our website. Contact details provided by you (eg phone number, email) may be given to elected members if they wish to contact you about your submission. Personal information will be used for the administration of the process of consultation. Our staff will have access to submissions in their capacity as Council employees.

With the exception of your name, personal details like contact information collected in the 'Your details' section will be redacted prior to publishing. Please note that you should not include any personal information in the open text fields of this survey 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.

Your details

All fields marked with an asterisk (*) are required.

Name*	A. BRANLEY
Suburb	
Email	<i>This is so we can confirm your submission and update you about the outcome</i>
I am making this submission:	<input type="checkbox"/> as an affected property owner or occupier <input checked="" type="checkbox"/> as a general public member <input type="checkbox"/> not sure
I am making this submission:	<input checked="" type="checkbox"/> as an individual <input type="checkbox"/> on behalf of an organisation. Organisation's name:
I would like to make an oral submission to the Councillors	<i>This usually involves a 5-minute presentation in support of your submission to all Councillors. Oral submissions will likely be heard on 24 April.</i>
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please give your phone number so that a submission time can be arranged:	*

* please use email.



RECEIVED
Wellington City
Council
Arapaki
Service Centre

27 MAR 2024

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

1/03/2024, 11:01 pm

1/8

Policy understanding and awareness

1. Are you aware of the Half Cost Path Policy?

Yes

No

If so, what do you know about it?

Studied all council docs and asked for more to be provided.

2. If you are a property owner or occupier served by a Half Cost Path, what is the most challenging matter in relation to the maintenance or renewal of the half cost path?

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Policy review

3. What option do you support for the review of the Half Cost Path policy?

- Option 1** (No change): Under this option, the Council continues to offer a 50 percent contribution to the maintenance cost if the relevant property owners agree with the maintenance work and pay their 50 percent share of the cost.
- Option 2** (Targeted rates): Under this option, the Council undertakes necessary maintenance work on the path and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners through a continuous targeted rate on them based on the estimated and programmed maintenance work across those paths for each year.
- Option 3** (Invoice for half cost): Under this option, the Council undertakes necessary maintenance work (by Council contractors) on the path following a request from property owners, and funds 50 percent of the cost through general rates. The other 50 percent of the cost would be paid by the relevant property owners upon invoice.
- Option 4**: Revoking the policy to allow private property owners to take over the full maintenance responsibility.
- Option 5**: Revoking the policy and the Council taking up the full maintenance responsibility.

Please explain more about your choice.

We maintain roads and associated payments without extra cost.
We maintain through paths.
Why are pedestrians second class.

4. What other comments do you have regarding the Half Cost Path policy?

See attached 5 pages

5. Do you agree that the property owners and the Council should share the maintenance and renewal costs for a retaining wall or other supporting structure that is built to support a Half Cost Path?

Yes No

If so, how could the costs be apportioned fairly? If not, why not?

Council only if an road reserve -

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Half Cost Shared Pathway Consultation.

Summary

Pedestrian transport needs on public land should be treated fairly and equitably when compared to other transport needs. Pedestrians are not “4th class” transport users. The need for individual household contribution should be minimised in line with the generally limited ongoing contributions required for most pavement and carriageway opex and capex. If any contribution is required it should be rigidly defined and fairly applied with “like for like” situations subject to the same rules.

If the WCC intend to continue to examine the situation, as it should, the consultation should be extended and reworked against expanded consistent standards. Otherwise poorly understood inconsistent policy will be simply be rolled over into a further iteration of the same at vastly greater expense to a significant number of unlucky households. Currently it affects around 4% of Mount Victoria households.

Consultation should be extended regardless of the WCC view on the content of the policy. Democratic and legal standards do not appear to have been met in terms of timely designation of properties or the provision of related information.

Consultation Process

Consultation with owners, residents and the public has been undemocratic. Owners are still being notified and no full list of affected owners has been made publicly available. Full details including legal status/agreements and ownership have not been supplied to affected owners. Little time has been available for research, neighbourhood consultation or obtaining expert opinion.

Legal Situation

Individual WCC legal obligations cannot be made or unmade with a policy change. The passage of time and evolution of the surrounding environment (-increased vehicle weights) or other WCC policy changes (- intensification) may constitute an express or implied breach of contract. Ownership or creation of various structures may well be challenged.

Poorly Understood Policy

There are no clear measurable criteria that have /are being uniformly applied. This policy from the outset has been ill defined and being poorly understood by everyone, including the WCC, is an outcome of this. Even within the limited area of Mount Victoria “similar fact” situations have been treated very differently. A limited review against other suburbs further degrades any appearance of a uniform policy. The WCC never seems to applied any clear criteria in a fair manner. Nothing in the renewed policy is more accurately specified and defined so it is unlikely to result in better understanding or fairer outcomes than previous policy iterations.

Equity between Property Owner/Property Owner and Residents/ Public

Pedestrians are not 4th class citizens and pedestrian access is not just a “private resident good”. Carriageway opex and capex policies make no real distinction between dead end roads and through roads, roads that require retaining structures and those that do not, roads that are well used and those that are not. Ongoing contributions from property owners are generally not required for publicly owned carriageway and adjacent footpaths. Pedestrian policy should be entitled to similar consideration.

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Operational Policy – Owner agreements

This is a WCC policy that for many paths must result in a greater administrative overburden than actually maintaining and fixing the path.

“Privatising” agreements is out of sight /out of mind for the WCC without removing any noted issues. It likely would expose households to a greater degree of intimidation, civil litigation and WCC demands for gold plated upgrades. There are no defined policy paths into or out of these agreements. Path closure by the WCC is a likely outcome.

Operational Policy – health & safety

A fatal accident 16 years ago is not a justification for policy change now which should have been done at the time. Closing unsafe paths is akin to closing unsafe roads. Road alternatives are usually proffered at public expense. A separate policy would need to be developed for this situation.

Potential conflict of interest

WCC would be owner of the land, the issuer of encroachment licences (with fees?) and the consent authority for shared path work and structures. This could result in some homeowners bearing an undue burden with respect to cost or access from WCC decision making.

Financial Considerations

Failure to budget or plan for WCC owned property opex/capex is not an excuse for transferring unknown large costs onto largely unsuspecting third parties. This erroneous line of reasoning could be followed for many WCC costs.

Future Financial & Operational Risks.

Extreme weather conditions and other natural disasters are seen as likely to increase slips and the cost of repairs and maintenance. This is true for many WCC assets not just these paths but the WCC does not seek to offload these unknown future costs onto the nearest third party.

Financial & Operational Unaddressed Issues

There is no visible policy for compensating households for expenditure incurred should the WCC desire a return of the land for more general use by the public.

There is no mention of the large amounts of pipework, presumably recorded as easements under a number of these paths and the costs or time horizon relating to the replacement of these.

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Half cost Paths Mount Victoria

The following appear to be the designated “half cost paths” in Mt Victoria.
This is a general submission with no assumptions or representations as to what the wishes of the various affected owners are under any scenario. There has also been limited time for research as to the exact status of various paths.

The half cost paths noted in Mount Victoria are the following:

Off Austin Street

Bosworth Terrace (Half cost path, private path and commuter pedestrian route.)

This is a “T” shaped pathway with an access off Austin Street with the top bar of the “T” dead ending at both ends.

The stem of the “T” is noted as a commuter, pedestrian route and appears to be wholly maintained by the council. This is the sole legal access for some properties

The LHS arm is designated as a shared half cost path.

This was originally the sole legal access for 3-4 houses. These properties have been replaced by a 1980’s built block and currently 4 of the 6 properties have direct access to the path – the remaining two properties are upper level flats. This block also has access through the various body corporates that control the Lawson Place development.

The RHS arm is designated as a private path.

This remains the sole legal access for the properties off this.

The Thomas Ward map shows this as an unnamed ROW currently it appears to owned by the council?

Equity Issues

Why has “similar fact” criteria not been applied to other like paths in Mount Victoria?

Why has “similar fact” criteria not been applied to the whole of a path?

Bosworth Terrace has the same or lesser background as other paths in Mount Victoria. It appears historically as an unnamed ROW as does McIntyre Avenue. Vogel Street and Doctors Common appeared as named streets and access paths.

Today the bulk of the path is publicly maintained without it being a through path so applying “similar fact” the remainder of Bosworth Terrace and all the other “half cost” paths in Mount Victoria with public ownership should also be publicly maintained.

Off Hawker Street

Kennedy Street	named street	maintained as a through path
Mcintyre Avenue	unnamed ROW	Private path
Doctors Common	named alleyway	Half cost path
Vogel Street	named street	Half cost path & through path

The paths above all start on the uphill side of Hawker Street and climb the side of Mount Victoria. Significant numbers of properties have these paths as their sole legal access. Some have dual access from two paths. There are also multiple easements shown for sewage, water and storm water under these paths.

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These have all been shown on the historic Thomas ward maps and along with other paths now designated as “public access “paths some of these were originally intended to be legal roads until defeated by topography unknown to the distant map maker.

McIntyre Avenue (private path)

The entire path is designated private. Ownership unknown.

Equity Issues.

Historically it shared the same designation as Bosworth Terrace (unnamed ROW) but while the bulk of Bosworth Terrace is now publicly maintained this shows as a private path.

Doctors Common (half cost path)

The entire path is designated half cost

Equity issues

Why is a wholly pedestrian dead end street not maintained compared to dead end road that serves fewer houses?

Dead end roads in Mount Victoria such as Caroline Street, Rixon Grove and Duke street have both road and pavement maintained despite some of them being access for fewer properties.

Vogel Street (half cost Path at upper end above Earls Terrace intersection)

The upper end of Vogel street above the Earls Terrace intersection is designated “half cost” path. It is now a pavement stub as opposed to a formed road stub.

However, historically horse and light horse drawn vehicles where able to access some of the lower houses on a gravel road (photo’s apparently exist of this) but a formed road has not been created for modern vehicles.

The bottom section Hawker Street to the Earls Terrace is designated as a through path and is maintained by the Council.

Vogel street shows on the Thomas Ward maps as a road and appears to this day to still be an unformed road in public ownership. The gradient is too steep to make road formation realistic over the whole street.

Equity Issues.

Why is a dead end pavement not maintained on the same basis as a dead end road?

Why is a dead end pavement not maintained on the same basis as a through path?

Why is a dead end pavement with similar or even higher usage than a through pavement not maintained?

Why are through pavements maintained when the roads it intersects with also provide property access?

Why are pavement stubs that may have previously provided road access now downgraded to “half cost paths” when formed carriageway was not subsequently viable?

Earls Terrace is dead end road but it is maintained as is the through path that is the lower end of Vogel Street. Upper Vogel Street is excluded by the criteria used.

Off Shannon Street (Half cost designation – apparently private ownership)

Shannon Street terminates in a dead end path that provides the foot only access for 3-4 houses. This path is designated as a shared “half cost” path. It appears to be privately owned by one of the properties accessed off it and to have always been in private ownership. Further details of any agreements are unknown.

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Other Equity Issues

There are footpaths that appear to fit the half cost criteria but are not named as such.

Other footpaths have been built that actively exclude homeowners from being able to access their property from them.

All areas have a number of high level footpaths with a retained edge to the carriage way which are maintained. This contrasts with areas designated as 'half cost' where there is a high level path that could be continuous with a non retained bank (that probably does not need retention) dropping to the carriageway with no footpath. These are similar fact situations with very different outcomes.

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Please let us know a bit more about why you support or oppose these changes.

3. How much do you support or oppose the changes we have identified to **reflect new legislative responsibilities since the introduction of Taumata Arowai (the national regulator for water services) and the Water Services Act 2021?**

We're proposing these changes because Taumata Arowai and the Water Services Act 2021 have been introduced since the current bylaw was developed. For further information about each of the changes, refer to page 7 of the Statement of Proposal.

Change proposed	Strongly support	Somewhat support	Neutral	Somewhat oppose	Strongly oppose	Don't know
Remove references to 'fire hydrant permits' and include requirements for 'permits to draw water.'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Add clauses supporting the prohibition of unauthorised fire hydrant use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Add a new clause managing the drawing of water from authorised locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Make necessary updates to reflect backflow prevention requirements in the Water Services Act 2021 (and the Building Act 2004).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please let us know a bit more about why you support or oppose these changes.

4. Are there any other comments you wish to make on any part of the draft Water Services Bylaw 2024?

4/6

attached 2 sheets

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Draft Water Services By law – Submission to Public Consultation April 2024

Comments below refer to the Section of the legislation as numbered.

6. Prohibit Access or Interference

Add - Nothing in the legislation should make it impossible for a suitably qualified person to gain approval and/or do work that falls within their qualifications even if it is on public infrastructure and they may do this without penalty. Notification of any such work to the water authority, only if above a certain complexity, should be a simple process.

If there is to be a list of approved contractors these should be available from the WCC (either on the website) or on request. This list should not be unduly short and should contain sufficient plumbing firms -even if they are only authorised to do certain kinds of work e.g laterals – to ensure that all properties have a reasonable source of service.

At the current rate of leak fixing, households will grow old waiting for anything to happen. The day is already here when a neighbourhood whip around will be the only way to get local leaks fixed. If a property owner is impacted by a leak, in particular between the property and toby/toby and street then if they wish to prevent further damage, danger or inconvenience they should be entitled to contract a suitably qualified person to undertake the repair. The ability should exist to reclaim part or all of that expenditure subject to suitable controls.

6.Payment for Damage

Add - If any claim is to be made then the onus is on the Water Authority to prove who the person was and the quantum of damage caused and that they contributed very substantially to the damage done.

Legal fees and costs for poorly substantiated breaches cause significant stress to an affected party. There should be no encouragement for WCC fishing expeditions for money.

11.Access to Point of Supply

Modification

The hours of access and lack of notice also apply to non emergency situations. These conditions may make it difficult to secure a property properly or require leaving it in an unsafe condition. Appropriate consultation required.

Modification required if property owners are not to be unduly inconvenienced by the WSA or a third party contractor.

19. Meter and Flow Restrictions

Clarify

Nothing in this section or any other section should imply or facilitate or insinuate that meters are required by law to be installed on all properties, in particular residential properties, without further consultative and legislative changes.

Lets not sneak meters in the back door. There are far better ways of spending the millions required to reduce water usage than meters.

6/6

4. Interpretation

“Extraordinary use” means the use of water for purposes other than **Ordinary Domestic use.**

a. domestic spa and swimming pools in excess of 10 cubic meters capacity and **fixed garden irrigation systems.**

“Ordinary Domestic Use”

c. garden watering by one portable sprinkler per dwelling or by **fixed irrigation system.**

Clarify -muddled and conflicted.

Is a fixed garden system an extra ordinary use or is it domestic use? Does it cease to be for domestic use if water used for irrigation exceeds a certain benchmark?

“Point of Supply”

Clarify.

Nothing in this definition or use in the by law should permit the WCC or WSA or any third party to force repair by the property owner or to claim the costs of repair or force reimbursement from the property owner when the damage occurs on public land between the property boundary and the point of supply. Damage on public land should be a matter for repair and enforcement between the WSA and any party causing the damage.

Property owners simply cannot control the use of public land and if next door’s contractor or the pavement repairer damages the pipe then this becomes a matter between the WSA and any suitably compromised third party. Third parties should be aware that they will have to deal with public authority enforcement not shrug aside responsibility that relies on inaccessible, expensive civil litigation.

“Public Water Services Infrastructure” means infrastructure owned or operated by the Water Services Authority ... includes existing or proposed assets..

“Water Services Authority” means Wellington City Council or it’s authorised agents.

Clarify and ” avoidance of doubt provision”.

Nothing in these two definitions either individually or together should enable the transfer of assets currently owned or funded by the Wellington City Council or any future assets owned or funded by the WCC to be effectively transferred beyond the ownership of the WCC or to be co-mingled with water assets owned by other local authorities.

A “for avoidance of doubt” provision should be used to reinforce the ownership of current and future assets by the WCC of all assets current or future assets owned and/or funded by the WCC

Let’s not do

privatisation by stealthy transfer of assets to third parties

avoidance of responsibility or control by transfer and funding third party assets then disclaiming any operational control or responsibility for outcomes

financing part of an unassigned pool of assets or services muddled in with everything else in the region

and then wonder why it costs a fortune, nothing works and nobody is responsible.