

# Mahere ā-tau

## Annual Plan 2022/23

Late Submissions



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I am making this submission as an individual and would like to speak to this please.

### Southern Landfill options

The council initially had 5 options so am surprised that only 3 have been put to the citizens for selection. What happened to the other 2 that haven't been promoted. It seems like the submission process has been engineered to get the result the council wants.

1. SUPPORT - Piggy Back option - create a new landfill on top of the existing landfill, in sections, on top of the existing and previous Stage Two when Stage Three reaches capacity / consent runs out.
  - a. It is highly annoying with the huge volumes of vehicle traffic going to the Southern Landfill (and the two privately operated landfills south of Brooklyn) – over 6000 vehicle movements a day during the working week - and the smells and the dust, it is I accept that there is a need for a landfill to take Wellington's waste.
  - b. There will always be a need for a safe, well managed site to dispose of waste, whatever quantity.
  - c. Wellington prudently should have the ability to have a way of disposing of material if we suffer another large earthquake or natural disaster - we will need to have the ability to dispose of earthquake damage material; as the third largest city in NZ, we would be doing future generations a huge disservice by not having the ability to control how and where our waste was disposed of as Wellingtonians and acknowledge a landfill is a strategic asset
  - d. this option means better and strict environmental controls can and should be put in place, on site and surrounding it, mitigating affects, and ultimately improving the surrounding environment. I was up the tip track yesterday and was disturbed to see that the view of the city has been blocked from one area by a huge pile of dirt and rubbish.

### **Further recommendations for this option:**

1: The operating times on Saturdays be aligned to those of Sunday. Therefore Landfill doesn't open until 9am on a Saturday. This would give some relief to the residents of Brooklyn (including me – who doesn't even live on the route) who are subject to 6-7000 truck movements a day and some very loud truck noise. It is unlikely that this will disrupt business too much. If the council could come down harder on the noise created by the trucks then perhaps an earlier opening on a Saturday.

### 2 OPPOSE - Waste to Energy incineration

- a. I am not sure why this option has been included. Experience overseas would suggest that they are expensive to build and be viable. Furthermore they need a population

base of circa 1,000,000 people for the plant to have sufficient waste to be viable and locks in having to have a level of waste to keep the plant operating.

- b. Commercially a bad idea, environmentally a bad idea and this option has no merit in the twenty first century. Still not sure why it has been included.

3 OPPOSE – No residual waste facility / shut the landfill

- a. Not sure why this has even been suggested as a solution other than to engineer the result the council wants. Wouldn't it be funny if all submissions chose this option. What would the council do then?

In summary, I support the "Piggyback" proposal more in grudging acknowledgement that there are no other realistic alternatives on the table along with a change in operating hours on a Saturday. The two other options are not realistic proposals and have already been discussed and discredited. The acknowledgement of the continuation of waste disposal at the Southern Landfill is seen solely as an unavoidable and unpalatable necessity as we move toward a much greater effort at waste reduction and minimisation.



**Submission on Council Housing plan 2022-2023**

I am making this submission as an individual

I wish to speak to this submission

**I support the council establishing a CHP .**

Can I assume that this CHP is another name for a council controlled organisation (CCO) like the Zoo, Zealandia, Wellington Water, Build Wellington etc.

It is definitely a better option than selling the assets (the council has currently got several run down houses on the market which have been empty for years. And an empty house in Brooklyn where they booted out the housing nz tenants 7 months ago and house falling into disrepair).

Hard to pick which is the better option for managing.

- 1: Important to protect the rights of existing tenants and their tenure.
- 2: Anything that puts council tenants on the same footing rent wise as housing NZ tenants with the rent subsidy is good.
- 3: The main question is that of maintenance. The council doing the maintenance means a better control of the maintenance. Using someone else to complete/schedule maintenance would have to rely on a watertight service level agreement covering as many incidences that can be brainstormed. Whether the council or the CHP do the maintenance, I would presume that rent to CHP would reflect their increased costs if they handle maintenance and a lessor fee if the council handle the cost of maintenance.
- 4: What are the other local bodies doing with their council housing? Has this been looked into and discussed? I know the Hutt recently spent approx.. \$250,000 each on 4 houses to bring them up to speck for new tenants. Be interesting to know what they have done with their ownership structure.

Whatever happens the property must remain in council hands. There was a debate years ago to put the council housing into a Trust. It almost went through but there were a few political ideologies that got in the way of an excellent idea. Which now leaves the council in this position.

**Full name:**

Emma Hay

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (tick all that apply)**

I am a Wellington City Council ratepayer

I live in Wellington

I work in Wellington

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a Community Housing Provider

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**If the Council did establish a Community Housing Provider, which option do you support?**

Option A: Asset-owning CHP with broad responsibilities

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**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

Don't know

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Support

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**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

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**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Support

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**Increasing encroachment licence fees to better reflect their value**

Do not support

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**Additional funding for a full upgrade to Khandallah summer pool**

Support

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**Removal of all library charges to remove barriers to accessing council libraries**

Neutral don't know

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**Overall, do you support the proposed budget?**

Neutral

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

I am in favour of the the increase from \$13.33 to \$26.66/m<sup>2</sup> of the encroachment fees but I DO NOT support the idea that the encroachment fee is based on the value of the rateable land. This would increase the costs significantly and as a single mum I am already struggling to keep up with the increased WCC rates now \$410 per month, cost of food, cost of petrol, the huge \$500 per month increase in my mortgage due to the increased interest rate so please do not base it on the rateable value as that would be financially crippling!



**Full name:**

Kate Littin

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Organisation

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**Please name your organisation**

Forest and Bird Wellington Branch

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (tick all that apply)**

I am a Wellington City Council ratepayer  
I live in Wellington

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

New landfill on top of the existing landfill (piggyback option)

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## **Are there comments you would like to make about the landfill options?**

Introduction Forest & Bird is New Zealand's largest independent environmental voice and is represented by a nation-wide network of branches. The Wellington Branch has around 1,700 members. Its initiatives enjoy levels of volunteer and community support beyond branch membership. Forest & Bird's mission is to take all reasonable steps within its power to preserve and protect the indigenous fauna and flora and natural features of New Zealand and in doing so take full account of their intrinsic values and benefits to communities and future generations. The built environment, whilst essential to our lifestyle can be a threat to our wildlife. We engage with the Council to achieve good outcomes that preserve our remnant flora; enhance Wellington's endemic biodiversity; promote ecological connectivity; improve the health of waterways and harbour. We also support initiatives that reduce the city's impact on global warming e.g. efficient public transit, use of renewable energy and the re-use and recycling of resources. Our submission Forest and Bird supports a circular economy with minimal impacts and least impacts on nature. Recycling and reuse must come before incineration, and sending our waste to someone else is not an option. We support the Council's preferred option 1. The success of option 1 depends entirely on the success of the overall waste minimisation plan. This means an ongoing and strong focus on waste reduction, reuse/repurposing via an active centre, and recycling as a last resort. It was good to see work underway to improve recycling of building material. We also believe that recycling of soft plastics and other materials that are not currently handled should be urgently investigated. We believe that there needs to be greater consideration for wetland and other reserve setbacks / restoration, to offset and mitigate impacts of the growing waste management site. The current planting plan seems to be only what is required or built into the landscaping plans. We submit that the Council should explore a larger wetland, to better compensate for and mitigate the effects of the landfill, to provide a better habitat for wildlife, and to provide options for contributing to site filtration. Environmental concerns Not all waste finds its way to landfill, a proportion of this waste is dumped on public land, often in reserves. This is not only an eyesore and health hazard but it also attracts rats and mice. Decaying material can also be toxic and leach into the ground water and percolate into streams. Landfill sites including this one occupy valuable green space, bury flora and destroy habitat for many native species. Gullies and streams are decayed or destroyed at the landfill site and the purity of the water downstream from it is seriously compromised. Landfills are a breeding ground for rats and mice, which themselves cause harm to other wildlife. As noted above, we believe that the Council must consider a greater wetland area to offset harm caused by the current and proposed landfill site and operations.

**Full name:**

Sarah Ingram

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (tick all that apply)**

I am a Wellington City Council ratepayer

I live in Wellington

I work in Wellington

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

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**Increasing encroachment licence fees to better reflect their value**

Do not support

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

As a house purchaser I paid for the construction of two car parks on Council land, and pay an encroachment fee. The beneficiaries of these car parks are not just me, but my neighbours, as street parking is now very congested in my area. I think some increase to the encroachment fee is warranted, but the degree proposed is unfair.

**Full name:**

Geoff Stuart

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (*tick all that apply*)**

I am a Wellington City Council ratepayer

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a Community Housing Provider

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**If the Council did establish a Community Housing Provider, which option do you support?**

Option C: Leasehold CHP with narrow responsibilities

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**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Company or limited partnership

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

Don't know

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Support

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**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

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**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Neutral don't know

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**Increasing encroachment licence fees to better reflect their value**

Do not support

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**Additional funding for a full upgrade to Khandallah summer pool**

Do not support

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**Removal of all library charges to remove barriers to accessing council libraries**

Do not support

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**Overall, do you support the proposed budget?**

Neutral

**Full name:**

Ben Zwartz

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (*tick all that apply*)**

- I am a Wellington City Council ratepayer
  - I live in Wellington
  - I work in Wellington
  - I own a business in Wellington
- 

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a Community Housing Provider

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**If the Council did establish a Community Housing Provider, which option do you support?**

Don't know



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**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

New landfill on top of the existing landfill (piggyback option)

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**Are there comments you would like to make about the landfill options?**

Keeping it local and reducing waste should be priorities

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Support

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**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Neutral don't know

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**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Neutral don't know

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**Increasing encroachment licence fees to better reflect their value**

Support

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**Additional funding for a full upgrade to Khandallah summer pool**

Support

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**Removal of all library charges to remove barriers to accessing council libraries**

Support

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**Overall, do you support the proposed budget?**

I support the proposed budget

**Full name:**

Zhu Hong Zeng

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (tick all that apply)**

I am a Wellington City Council ratepayer  
I live in Wellington

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

Yes

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**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Retain Council's City Housing through increasing rates and borrowing

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

New landfill on top of the existing landfill (piggyback option)

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Neutral don't know

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Do not support

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**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Additional funding for a full upgrade to Khandallah summer pool**

Do not support

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

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**Overall, do you support the proposed budget?**

Neutral

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

Most of the residents in our street strongly object to the proposal to increase the encroachment licence fee. Firstly, it is unjustified for the Council to ignore the encroachment licence fee for 10 years, and all of sudden to increase it by 100% with 2 months notice! Secondly, it is inappropriate to link the encroachment fee to the value of the private property, because the encroachment holder is already paying a significant council rate that reflects the value of their private property, and the adjacent council reserve land is useless and won't fetch any return to the council if an encroachment licence is removed just because the licence holder does afford to pay the licence fee after the proposed increase. Thirdly, increasing pressure on roadside parking space due to subdivision and infill housing are relieved by off street parking provided in many cases by encroachments. What would happen if all encroachment holders surrender our garages and choose to park in the street by using resident parking permits?

**Full name:**

Ingrid Alve

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (*tick all that apply*)**

I am a Wellington City Council ratepayer

I live in Wellington

I work in Wellington

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Neutral don't know

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

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**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Support

---

**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Additional funding for a full upgrade to Khandallah summer pool**

Support

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

Firstly I was not informed that submissions close at 5pm until coming online - the letter to me about encroachments said 15 May only and my submission therefore should be honoured. Some of us have children to put to bed and care for until 7 at least! I do not support making money off encroachment land as often people who own these have just inherited an encroachment from previous owners and have no choice in the matter. It is understandable that the council should break even and not run at a loss however they do not need to make money of land they do not have to maintain or do anything with. Additionally I think the nature of the encroachment should be considered: i.e. commercial vs. residential. I also propose previously held agreements regarding the special nature of particular encroachments are honoured.

**Full name:**

Gareth George

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (tick all that apply)**

I live in Wellington

I am a Wellington City Council ratepayer

I work in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a Community Housing Provider

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**If the Council did establish a Community Housing Provider, which option do you support?**

Option A: Asset-owning CHP with broad responsibilities

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**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

Don't know

---

**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Neutral don't know

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Neutral don't know

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Neutral don't know

---

**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Additional funding for a full upgrade to Khandallah summer pool**

Neutral don't know

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

---

**Overall, do you support the proposed budget?**

Don't know

Kevin Tearney

Dear Wellington City Council.

I have received and reviewed your letter of 7 April 2022 and also reviewed the Planners report regarding encroachment fees.

I currently have an encroachment, being an area of former grassed road berm, quite steep, which is now fenced and planted in mostly natives. We developed and maintain this area of biodiversity at no cost to Council. I also maintain the remaining road berm at no cost to Council.

I can only speak in relation to this type of encroachment.

I recognise that this land is on loan from Council. I am happy to pay an annual administration fee to Council for this privilege and note that you can demand the land back at any time.

I note that Council are proposing to increase fees for the use of such land to \$26.66 m2 from 1 July 2022. This appears to be driven by the requirement to get value from Council assets (so called 'reasonable return'), possibly 50% of 'market value', and demonstrate appropriate stewardship to rate payers, of which I am one.

In relation to rates for the land I own and occupy, I calculate that I pay Council about \$8/m2 in rates for the land, which covers 772 m2. I also calculate that for the 75 m2 of encroachment, under the proposed fee rate, I would pay about \$2,000 annually, which is 33% of my current rates bill for 10% additional land. My annual rates bill equivalent would be some \$8,000. If owned this land, my rates bill would about \$6,800. You are asking me to pay an additional \$1,200 per year for land that I maintain and over which I have no security of tenure. Even the \$13.33 is almost twice what I pay for the land I own and occupy.

I do not accept this as exercising stewardship or getting a reasonable return.

Our encroachment land as road berm had little or no market value, and little ecological value. I request that Council show me how you calculate a market value for such land when there is no market, unless of course, you are going to build a cycleway on it, for example.

Our type of encroachment is an example of appropriate land stewardship, adding value to a Council asset (at no actual cost to Council for the improvements) for the benefit of Wellington, and my own enjoyment. Productive green space in Wellington will become much rarer with the proposed residential intensification and planting of barren Council berms should be encouraged, not discouraged, which will be a result of your proposals.

I propose Council scrap all 'rental' fees for such land but maintain an administration charge that covers reasonable costs incurred by Council for administering such land.

I am happy to speak to this.

**Full name:**

Chris Calvi-Freeman

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Organisation

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**Please name your organisation**

Hataitai Community Recreation Trust

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (tick all that apply)**

I am a Wellington City Council ratepayer  
I live in Wellington

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

Yes

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**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

The Hataitai Community Recreation Trust (HCRT), which is responsible for the former Hataitai Bowling Club building and grounds, does not support any proposal for a significant increase in the annual rental fees for road encroachment. In particular, the HCRT does not support the Council officers' recommendation that the Council moves over time from a fee-based system that is CPI adjusted annually, to one that is based on rateable land values. The stated justification, that "this change more reasonably reflects the degree to which benefits accrue privately" is both incorrect in fact and unsupportable in principle. In terms of the relationship between the encroachment holder and the encroachment land, the "benefit" remains unchanged - i.e. the use of a small parcel (in the case of the HCRT and most other encroachment holders) which has, in general, a negligible value to the Council. This small parcel of land is not owned by the encroachment holder, cannot be on-sold for any sort of "profit", and can be re-claimed by Council at a month's notice, forcing the encroachment holder to remove (at their potential expense) any improvements sited on the encroachment land. In principle, the small value (to the Council) of the encroachment land cannot be confused or conflated with whatever benefit this parcel of land has to the encroachment holder, which will of course differ between encroachment holders depending on their circumstances. There is likely to be extremely little "opportunity cost" to the Council in leasing the land by way of an encroachment agreement, and in many cases this opportunity cost would in fact be negative, as the lease agreement absolves the Council of the responsibility to maintain the encroached land. Hence there is very little justification in the Council seeking to maximise its return from this land other than some sort of mistaken view that the Council should somehow benefit financially from the increase in the market value of Wellington's residential properties due to factors of supply and demand. No such factors exist in the case of road reserve land. To this extent, issue must be taken with the suggested return of six percent of the value of the encroachment land. Many of Wellington's residential sections are steep and hilly. The rentable value of these sections, if they do not have a dwelling or similar facility, is effectively zero. In this regard, the same pertains to encroachments with garages or carports - any rental value of these encroachments derives entirely from the improvements and not from the land - the improvements of course having been provided entirely by the encroachment holder. To suggest that that Council should seek to obtain a rental return of six percent on road reserve without useful facilities is frankly absurd. In conclusion therefore, the HCRT does not believe that a case has been proven to move over time from a fee-based system that is CPI adjusted annually, to one that is based on rateable land values. I would be happy to amplify upon these points at a Council forum or Committee meeting. Chris Calvi-Freeman Trustee, HCRT.

**Full name:**

Charles Robert Eliot Dawson

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

---

**What is your connection to Wellington? (*tick all that apply*)**

I am a Wellington City Council ratepayer

I live in Wellington

I study in Wellington

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**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Don't know

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**Are there comments you would like to make about the changes to city housing options?**

I am concerned that even a CHP may not be able to manage the financial risks; if WCC struggles, then surely a CHP would struggle too? I recall the Salvation Army refused to take on a CHP role for a swathe of state houses in Tauranga {?} c2016, saying the financial risk was too high.

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

None of these options

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**Are there comments you would like to make about the landfill options?**

We must work to ramp up city compost collection, waste reduction and even more public education to reduce waste to land fill. The expansion of the the land fill is not a good option but the emissions and out of sight, out of mind approach of the others are almost as bad. WCC managers at the landfill have the public keep chucking stuff there; there is clearly a major public awareness and action shift required. Can WCC partner with WasteMiNZ and others to boost this even more? The major incinerator in Minneapolis/St Paul USA is an emitter and causes extra CO2 emissions and also contributed to asthma and other negative respiratory health outcomes. We can expect similar issues even in windy Welly! The Intergovernmental Panel on Climate Change reports that each tonne of waste burnt produces up to 1.2 tonnes of carbon dioxide. <https://zerowaste.co.nz/waste-to-energy-incineration/>

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Support

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Support

---

**Increasing encroachment licence fees to better reflect their value**

Support

---

**Additional funding for a full upgrade to Khandallah summer pool**

Support

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

---

**Overall, do you support the proposed budget?**

I support the proposed budget

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

Keep going strong on addressing social housing and climate action. I support the building of WCC flats for essential workers. Goodness knows how Wgtn can attract new nurse or teachers or cleaners or other civil servants on the current housing prices. There is a real issue of sustainability on all fronts and within all meanings of the term looking out to 2050. Kia ora



**Full name:**

Eric Nand

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**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (tick all that apply)**

I am a Wellington City Council ratepayer

I live in Wellington

I work in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

Strongly do not support the Encroachment fee (EF) increase proposal. Putting aside you will be pulling in less revenue, what is wrong with continuing to apply the CPI increase for EF ? Considering the current inflationary stresses for most households + the increase in borrowing interest rates, this proposal will only add to the financial stress for families. Raises serious affordability issues that

council will only be adding to. How will the council address this by imposing this hardship? 1) Councils updated rateable valuation from September 2021 is significantly inflated and does not reflect the actual market value, using the land value for calculations is not fair practice. Council is cashing in these inflated RVs already with the rate charges. 2) How will this apply to cross lease land? 3) In my case the encroached land is 34m<sup>2</sup>, I regularly mow, weed and carry out the up keep of this land. Will the increase in fees equate to the council taking ownership of maintaining this land moving forward? 4) Option 4 : Basing fees on individual rateable land value might create wide variations in rental fees even between neighbouring properties with similar encroachments or even same m<sup>2</sup>. This will lead to inconsistent fees being applied which is not fair and a reasonable way forward.

Kia ora

I would like to make a submission regarding the proposed increase in encroachment fees

I do not support any increase.

1 -I object to any increase based in property value.

The rates on my house have just increased because of RV being calculated above it's value. We know this as we purchased the house just before the new ratings which were above the purchase price and didn't not take into account it's extreme dilapidation.

Any proposal based on value of the property is therefore based:

-On an overinflated property value in a market where house prices are dropping -Already includes the land covered by the encroachment licence fee- so if you calculate an increase based in property value you are including this land value twice which is completely unfair

2- I also object to the doubling of the fee proposal. While recognising these fees have not increased for some time, we have just purchased and the encroachment licence covers a very dilapidated garage which is not useable. We will need to spend significant amount to replace this. Which we can't afford now so we are already paying to keep a piece of land for the hope that in the future we can replace the garage.

3- Finally these proposed increases penalise those who live in suburbs where there is less space for parking. Encroachments are often for parking spaces to keep cars off the narrow roads which make up these suburbs. Outside of central Wellington is more space and this isn't necessary. The council should be providing solutions to parking problems not creating more costs and discouraging safe parking in our inner suburbs. Don't penalise us for the tight roads and limited land available.

4- it's hard enough to cover costs living in wellington, and your proposed increase is at a time of high inflation, and massively rising mortgage costs and stress for families. We only just purchased our house and rising interest rates are extremely worrying. Doubling for more of the encroachment fee is yet another unexpected and extremely unfair cost. If you had maintained the land and garage this relates to I would see some Justification but this land causes you no cost yet the increased fee for doing nothing would be a significant cost for us.

Ngā mihi

Amanda Mainey

Good evening,

Today, we tried to register online to make a Submission on this Issue. Unfortunately, we were unsuccessful in registering, despite trying twice.

We're Ratepayers who live in Wellington, so we do still wish to register the following comments.

(Despite formal submissions having officially closed at 5pm, given that it's not yet midnight, please accept our submission.)

We definitely support the Council's **Preferred Piggyback Option A**.

We like the fact that this option will be financially self-sustaining and should not impact adversely on our rates nor on the wider environment of our city.

The current landfill is very large in area and there is loads of space to dispose of future waste by dumping it over buried waste. (The piggyback effect).

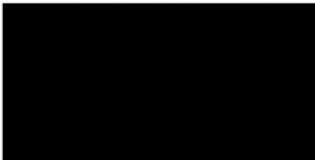
We are fans of the current Landfill. Last week alone, we took 3 trailer loads of organic waste to the Landfill!

The service is very efficient; the men sitting in the weigh station are friendly; and last Wednesday, a labourer on-site was very polite and helpful. In fact, he volunteered to assist us in emptying our trailer!

**Our vote is to support Option A.**

Kind regards

Catherine & Michael Hallagan



**Full name:**

Jordan Schroder

---

**Phone number:**



**Are you making this submission as an individual or on behalf of an organisation?**

Individual

---

**Are you a City Housing tenant?**

No

---

**What is your connection to Wellington? (tick all that apply)**

I am a Wellington City Council ratepayer

I live in Wellington

I work in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a Community Housing Provider

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**If the Council did establish a Community Housing Provider, which option do you support?**

Option B: Leasehold CHP with broad responsibilities

---

**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

---

**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

New landfill on top of the existing landfill (piggyback option)

---

**Are there comments you would like to make about the landfill options?**

Option B feels like quite an investment that isn't really even particularly ideal medium/long term. In 10 years time what are the chances science/technology has improved such that there are some other options? Option C would be completely horrible - not taking responsibility for the waste and offloading is not a sustainable approach for New Zealand

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Support

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Do not support

---

**Increasing encroachment licence fees to better reflect their value**

Neutral don't know

---

**Additional funding for a full upgrade to Khandallah summer pool**

Neutral don't know

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

---

**Overall, do you support the proposed budget?**

I support the proposed budget

**Full name:**

Yvonne Joy Flipp

---

**Are you making this submission as an individual or on behalf of an organisation?**

Individual

---

**Are you a City Housing tenant?**

Yes

---

**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington  
I work in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a Community Housing Provider

---

**If the Council did establish a Community Housing Provider, which option do you support?**

Option C: Leasehold CHP with narrow responsibilities

---

**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust



**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

Don't know

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

---

**Rescheduling of the timing of some projects to recognise market and supplier constraints**

-

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Support

---

**Increasing encroachment licence fees to better reflect their value**

-

---

**Additional funding for a full upgrade to Khandallah summer pool**

-

---

**Removal of all library charges to remove barriers to accessing council libraries**

-

---

**Overall, do you support the proposed budget?**

Don't know

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

-

**Full name:**

Miss Leanda Grooby

---

**Are you making this submission as an individual or on behalf of an organisation?**

Individual

---

**Are you a City Housing tenant?**

Yes

---

**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington

I am a visitor to Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Retain Council's City Housing through increasing rates and borrowing

---

**If the Council did establish a Community Housing Provider, which option do you support?**

Don't know

---

**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

All

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

---

**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Do not support

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Support

---

**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Additional funding for a full upgrade to Khandallah summer pool**

Do not support

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

---

**Overall, do you support the proposed budget?**

Don't know

---

**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

-

**Full name:**

Sebastian Leva

---

**Are you making this submission as an individual or on behalf of an organisation?**

Individual

---

**Are you a City Housing tenant?**

Yes

---

**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington  
I work in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Don't know

---

**If the Council did establish a Community Housing Provider, which option do you support?**

Don't know

---

**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

No residual waste facility in Wellington City

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Neutral don't know

---

**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Do not support

---

**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Neutral don't know

---

**Increasing encroachment licence fees to better reflect their value**

Neutral don't know

---

**Additional funding for a full upgrade to Khandallah summer pool**

Support

---

**Removal of all library charges to remove barriers to accessing council libraries**

Do not support

---

**Overall, do you support the proposed budget?**

Neutral don't know

---

**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

-



**Full name:**

Ewan MacCaster

---

**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

---

**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington, I work in Wellington, I am a Wellington City Council ratepayer, I own a business in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a CHP

---

**If the Council did establish a Community Housing Provider, which option do you support?**

Option B: Leasehold CHP with broad responsibilities

---

**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

---

**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

I support objectives a) to f) for social housing listed on page 11 of the consultation document

On the basis of the information in the consultation document, I support option B CHP

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

New landfill on top of existing landfill (piggy back option)

---

**Do you have any comments you would like to make about the options?**

I support the piggyback option, but only on the basis that this option best allows for waste minimisation targets to be set and then that significant focus and effort is put into achieving them by council. Hopefully in conjunction with other parties - other councils around NZ, and Government. Looking at the Combined Councils WMMP 2017-2023, I can see a lot of interesting thinking but there needs to be much more action, and much faster around waste minimisation and all reduction, reuse and recycling options. Lots of things not tackled - e.g. household green/food waste, polystyrene recycling, legitimate building waste recycling country-wide (not just Auckland). It's obviously not simple, and I acknowledge that, but that's one of the reasons it needs significant effort from the WCC, and engagement with government, government departments, etc.

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**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Neutral don't know

---

**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Do not support

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Support

---

**Increasing encroachment licence fees to better reflect their value**

Neutral don't know

---

**Additional funding for a full upgrade to Khandallah summer pool**

Neutral don't know

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

---

**Overall, do you support the proposed budget?**

Support

---

**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

-

**Full name:**

Michelle Dalton

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**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

---

**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington, I work in Wellington, I am a Wellington City Council ratepayer

---

**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

Your increases to the encroachment fees are not "reasonable" or "fair. Leaving the increases to CPI are fair and reasonable and recognize the council get a return for the benefit provided to residents for the land.

**Direct costs to WCC**

What costs to WCC bear for the encroachments fee? The administrative costs remain the same (a team to send out an annual invoice each year and process any new applications).

**Costs borne by license holders**

The proposal states that current road license holders have benefited from a very low fee for many years. The proposal does not recognize that license holders also bear personal financial costs to maintain the land.

We personally, we have spent \$1,080 (last year) on a landscaper to maintain the noxious weeds due to the steepness of the hill above our

encroachment area. This is a cost we bear, not the council. We never see council weed spraying around the area.

We strongly oppose both the interim 100% increase and long-term plan proposal.

P.S. Your letter to license holders did not have the full URL to find the encroachment review on the WCC website which is poor from a

transparency perspective. No reference to the full review of the encroachments in the letter to residents. The full URL should have been added to the letter: [REDACTED]

**Full name:**

Alex Jones

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**Are you making this submission as an individual or on behalf of an organisation?**

Individual

---

**Are you a City Housing tenant?**

No

---

**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington, I work in Wellington, I am a Wellington City Council ratepayer

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Establish a CHP

---

**If the Council did establish a Community Housing Provider, which option do you support?**

Option A: Asset-owning CHP with broad responsibilities

---

**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust

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**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

Waste to energy incineration

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**Do you have any comments you would like to make about the options?**

Landfill is a dinosaur technology - throwing waste in the ground demonstrates an unsustainable mindset. Add to this the fact that landfill is poorly regulated and practiced in NZ. Southern Landfill's site would not be running in Germany or the UK for example, it would be closed. Here, in a known high wind zone, uncovered waste covers the valley to the ocean, reaches the sea and contaminates groundwater. The "bob the builder" fence constructed near the tip track to correct this after some public comments finally forced action is an amateur shambles. Similarly, the site's ability to sort and dump separated waste is questionable - plastic is dumped with aggregates in some parts of the site. Landfill deposits have increased 49% per capita in the 10yrs to 2019 precisely because it is made easy and cheap while ignoring both the direct environmental costs and the carbon emissions that result (UK landfill tax is £98.60/tonne - NZ's rate is minuscule). Are the present value of the site decom costs included in your model? While a W2E plant involves an upfront cost, methane is the lowest hanging fruit for carbon reduction, and landfill is a massive source. I'm not convinced your minimum efficient scale argument is correct either, using available technologies. Your solution is kicking a dirty can down a dirty road. NZ is reviewing its approach to waste at a national level to wean itself off landfill. More Levy money will become available. A bit more foresight needed please.

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**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Support

---

**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Support

---

**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Support

---

**Increasing encroachment licence fees to better reflect their value**

Support

---

**Additional funding for a full upgrade to Khandallah summer pool**

Support

---

**Removal of all library charges to remove barriers to accessing council libraries**

Support

---

**Overall, do you support the proposed budget?**

Neutral

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

-

**Full name:**

Fiona Watson

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**Increasing encroachment licence fees to better reflect their value**

Do not support

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

I am absolutely horrified by the proposed changes to annual rental fees for road encroachment.

The intention to increase a fee, charged by a monopoly power, by 100% overnight, can only be labelled extortion. For your reference:

- 1: the act or practice of extorting especially money or other property especially : the offense committed by an official engaging in such practice
- 2: something extorted especially : a gross overcharge

I fail to believe that there is a legal basis for such an increase that would not be the subject of class action against the Council. Certainly it would entail a complete loss of any moral authority held by the existing Council.

Furthermore, the bizarre discrepancy with which current rates and encroachment licences are currently calculated leaves a lot to be desired. Just in the stretch of four houses along our street, our rates vary by up to around \$1,500 (which seems to be a product of whether the property has been sold in the current market or not); and our encroachment licenses appear to range from some \$300 to \$1,500.

Regardless of such curiosities (rather hinting at clueless mismanagement, and hardly instilling confidence in the business-like approach of this Council to extracting hard-earned money from Wellington's captive ratepayers), I cannot understand how this Council, in such an economic climate as we are experiencing at present, can be anything but grateful to current encroachment license-holders:

1. By and large, we pay our licences
2. By and large, we take care of all the maintenance on a hotchpotch of tracts of what is often completely unusable Council land for anyone else - thus saving the Council vast sums of money
3. By and large, we don't complain

To engage in even expressing the intention of extorting further funds, in such a bold manner as '100% increase' between 30th June 2022 and 1 July 2022, is a mockery of our democracy. There is no 'added property value' to the lease holders. Rather, such increases, overnight, will make most of our properties absolutely unsaleable.





**Full Name: Rebecca Crabbe and Miguel Terron**

We are writing to oppose the proposed encroachment license fee increase. We currently have a garage on council-owned road reserve. We do not support the suggested doubling of the fee for the following reasons:

- Whilst an increase in fees is to be expected when this hasn't been addressed in the last 10 years, the amount it has increased by is unjustifiable, especially in the current economic climate
- The council has done nothing to care for the road reserve along our street. As it is council owned land, we would expect the council to keep vegetation trimmed, particularly around power cables (refer to The Electricity (Hazards from Trees) Regulations 2003). However, this is not being done and therefore we have been caring for the area in front of our property, including areas outside of where we are paying an encroachment fee, spending our own time and money to do so.
- Having a garage on our street is beneficial to traffic flow as there are already a lot of vehicles parked on both sides of the road, making it a high risk zone for traffic collisions. With increasing numbers personal vehicles (largely due to inadequate and unreliable public transport), it would be beneficial if the council promoted the use of off street parking, rather than making it unaffordable.
- We currently pay our rates based on a floor area that includes our garage. We are therefore essentially being charged twice for the use of the same piece of land. With the significant rise in rates this year, this seems particularly unfair.

Many thanks for your consideration of this.

**Full name: Ross Ferguson**

I wish to object to the proposal to DOUBLE the annual road encroachment fees for residents in Wellington City on these grounds:

1. A doubling of the annual fee for a road encroachment licence is excessive. The fee was traditionally intended to be nominal only in nature and WCC's stated intention now to "make an economic return" from the fee is a disservice to many residential property owners in the city. Where the city is hilly, as in the western suburbs, paper road lines were often surveyed in straight lines rather than closely following the topography of land occupied by the road. Such residents unlucky enough to have their surveyed frontage close to but not on the actual street are therefore at a disadvantage, i.e. an asset such as a garage is not actually on their title and now WCC is proposing to "make an economic return" by imposing an increased impost on such adjacent owners. My title does not even have an adjacent footpath on the street. Citizens fortunate enough to live in locations with straight street frontages, e.g. in flat locations where the owner's title abuts the street therefore have an undue (and unfair) advantage in terms of what is proposed.
2. WCC seems quite openly to be trying to invent a way to extract additional and significantly increased revenue, and not just receive a nominal fee (with which I would be quite happy). For example, a 7% increase, in line with inflation, would seem to be quite acceptable.
3. In its letter sent to encroachment licence holders on 7 April, Shu Huang makes the point that an increase in encroachment fees "will assist with the Council's effort of reducing [the] general rate increase" which is outlined in the draft 2022/23 Annual Plan. Why should residents holding road encroachment licences subsidise the rates of other residents, i.e. those lucky enough not to have an encroachment? It would be fairer to adjust all citizens' rates bills by a uniform percentage increase.
4. If I were cynical, I would suspect that WCC intends to increase overall rates by as high a percentage as it can manage, and then cream off a road encroachment fee increase from a significant number of its citizens on top of that. I suggest that a wiser course would be for WCC to review its expenditure more carefully and to trim some budgets accordingly.

**Full name:**

Kevin Locke

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**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

No

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**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington, I am a Wellington City Council ratepayer, I work in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

---

**Increasing encroachment licence fees to better reflect their value**

Do not support

---

**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

We do not support increasing encroachment license fees "to better reflect their value".

1. Clear, Council must be aware that the inflationary pressures that their ratepayers face currently is highest in 30 years. The timing of this proposal is extraordinary, given the current environment
2. A 100% increase of a fee is unacceptable in any situation. Any private business that did this would lose custom and probably soon be out of business. If Council felt the need to increase the fee, surely the most customer serviced approach would be to phase the increase in over a number of years

3. The cost to administer these encroachments would surely be in the order of \$150 per year. This is most probably ,limited to generating annual invoice. Surely the cost of administering land or sending an annual invoice has not increased by 100%? So how is a 100% increase justifiable? Council does not provide any services whatsoever to those areas of abandoned/unused land
4. The proposal states part of the Councils justification is to assist with the Councils effort of reducing general rate increase outlined in the draft 2022/23 Annual Plan. How can this hold true when the same time Council is proposing to “not proceed with previous plans of extending on street paid parking time limits on Friday and Saturday evenings” and also the proposed “removal of all library charges to remove barriers to accessing council libraries”?



## 你好 Nǐ hǎo

### **New Zealand Chinese Language Week 新西兰中文周 2022**

It's now less than six months to go until New Zealand Chinese Language Week 2022 kicks off and we're excited to outline plans for new initiatives and activities to celebrate this year.

The New Zealand Chinese Language Week (NZCLW) is being held 25 September to 1 October 2022. We want to involve people from all around the country, so this means we are asking the Council for three things:

- Someone who can be the liaison person for us to contact about activities in your area district
- A Mayoral video of support to be featured during the NZCLW week
- And a chance to present to your council's Annual Plan 2022/23 for a contribution to the week's activities in your area and events of \$2,000.

The New Zealand Chinese Language Week Charitable Trust is a New Zealand-driven initiative set up in 2014 to encourage the learning of Chinese language in New Zealand.

Our aim is to strengthen communities through inclusion and embracing diversity. What better way is there to understand another culture than through language?

A large part of the Trust's work is to recognise and celebrate the diversity of the community in New Zealand – Chinese people have been part of Aotearoa New Zealand's story for 180 years and have many important stories to tell. This is even more important now, with the new school curriculum focusing on local history within our country.

This year's New Zealand Chinese Language Week's theme is "Sharing our Stories", and we hope to hear a lot of the stories that make our community diverse and vibrant.





As in previous years, we expect a lot of events to involve celebrations with food and drink and hospitality – all features of Chinese and New Zealand Māori and European cultures.

The Trust is committed to providing resources to enable different groups to share common experiences, and one of the ways we demonstrate this is by each year publishing a children's book in three languages – Mandarin Chinese (characters and pīn yīn), English, and te reo Māori.

The feedback we get on this book – which is distributed free to schools and public libraries – is unanimous about its value. Librarians and teachers around New Zealand tell us that readers, particularly children, love seeing themselves, their families, and their language in the books.

Your own library may well have been part of previous years' events and activities around New Zealand Chinese Language Week.

We want to ensure that more communities around New Zealand have the opportunity to take part in New Zealand Chinese Language Week, so we would like to have someone from your council be the contact point for us to share resources to enable your community to be involved. This may be someone on your public library staff, or a community development staffer.

Many communities around New Zealand have significant social, cultural, educational, and other links with China and Chinese people in their districts. New Zealand Chinese Language Week is an excellent opportunity to celebrate those.

We would also like to get a video of support to be featured during the NZCLW week from yourself as Mayor.


Your video plays an important part in the week. It shows a commitment to being a welcoming, open society that embraces all the many cultures that make up our society. Participants in NZCLW have been impressed and heartened by the depth and breadth of the support from local government during previous weeks.

Finally, we at NZCLW Trust would welcome the opportunity to submit to your council's Annual Plan Submission 2022/2023. We wish to apply for a \$2,000 grant to fund activities for New Zealand Chinese Language Week in your region and would like to appear in person to support this application.

Thank you for your consideration. We look forward to hearing how your council will celebrate New Zealand Chinese Language Week 2022 from September 25 to 1 October.

For more information, please don't hesitate to visit the NZCLW website: [www.nzclw.com](http://www.nzclw.com) or email our Project Team at [nzclw@nzclw.com](mailto:nzclw@nzclw.com)

Many thanks and kindest regards



Jo Coughlan | Chair of New Zealand Chinese Language Week



SUBMISSION ON

# Mahere ā-tau Annual Plan 2022/23

[Redacted content]



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## OVERVIEW

The Chamber would like to thank the Wellington City Council (WCC) for the opportunity to submit on this plan.

The Chamber supports the goals of the Long Term Plan 2021–31 work programme (LTP) for the next 9 years focusing on fixing the city’s ageing infrastructure, response to climate change, minimising sewage sludge and waste, and improving transport connections and networks. We have made previous comments on the LTP itself, which can be found in our 2021 submission and is available [here](#)<sup>1</sup>.

This submission makes comments on the 2022/23 Annual Plan, which makes amendments to the LTP. Core to the funding of the 2022/2023 Annual Plan is the change of the commercial rates differential “the differential” from 3.25 to 3.7. The change in the differential is due to the valuations of residential properties significantly outpacing those of commercial properties in Wellington. To maintain the 44% share of city rates paid by the commercial sector, the council is raising the differential – equalling \$8.5 million paid in commercial rates, compared to otherwise.

This is, in the view of the Chamber, an unfair and unreasonable increase on business – out of line with the services businesses use, the economic environment they face, and their national peers. The differential is already one of the highest in the country and the highest in our region. So too is the share of city rates paid by Wellington businesses compared to Auckland and Christchurch.

It is an out-of-date system. When the rates differential was first introduced in the 1980s, Wellington commercial ratepayers owned 85% of Wellington’s capital value. Today, it is the reverse – with commercial ratepayers holding just 15% of the city’s capital value, but still paying close to half the share.

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<sup>1</sup> [https://www.wecc.org.nz/\\_\\_data/assets/pdf\\_file/0004/217651/Wellington-Chamber-Long-term-Plan-submission-10May2021-5.pdf](https://www.wecc.org.nz/__data/assets/pdf_file/0004/217651/Wellington-Chamber-Long-term-Plan-submission-10May2021-5.pdf)

What this means is that the highest commercial ratepayers in New Zealand will continue to pay even more and take on proportionately more of the rating stress than their counterparts in other main centres of New Zealand.

We also make several other recommendations to the Annual Plan throughout this submission. Under **Section One:** We recommend the establishment of an independent Community Housing Provider which owns the Council's Housing assets and has broad operational independence. This would limit the rates burden placed on businesses, and prevent the assets from being used for broader, less cost-efficient purposes.

We also endorse the Council's preferred option of continuing landfill use on top of the existing landfill – which is the sensible approach.

Our submission also makes comments on Parking Time Limits, Environmental Accessibility and Performance Fund, and the Pandemic Response Package in further detail.

The Chamber would welcome the opportunity to discuss this submission with the Council and wishes to take part in an oral submission.

## **ABOUT THE CHAMBER**

The Wellington Chamber of Commerce and Business Central (the Chamber) is a business membership association, representing around 3,600 members throughout Central New Zealand (Gisborne to Taranaki and down to Nelson). We have represented business in the Wellington Region for 165 years, and advocates for the interest of business, and the development of our region's economy.

The Chamber works closely with the Wellington City Council (WCC) to ensure Wellington's business community is consulted on the changes that impact them. Our advocacy remains consistent, and we continue to play a constructive role in the future development of our city.

# KEY ISSUES

## Revaluations and Rates

### *Annual Rates Increase*

The Chamber wishes to note its concern about the 8.8% rate increase taking place in the annual plan. This increase is an excessive increase in cost for the city's ratepayers and businesses. It even exceeds the 30-year high rate of inflation currently being experienced and exceeds the Local Government Cost Index produced by BERL.

Following a 16.5% rates increase in 2021, and in the context of a rates differential increase and other rising cost pressures on business, this continued excessively high rating policy will have the effect to drive commercial activity away from our city, rather than attract.

Previous figures the Chamber relied upon in examining the 2021 LTP Funding Impact Statement, revealed that the total general rates revenue take was set to increase from \$196,282,000 to \$368,449,000 by 2030. That is an 87 per cent increase in rates revenue over the ten years. Even after adjusting for any growth in the ratepayer base, this remains unacceptably too high.

The Chamber acknowledges the Council's efforts to minimise the rates increase compared to last year's double digits annual increase especially. However, our organisation must point out that given the current economic situation and with many businesses already struggling, any increase in the general rates will hit businesses where it matters most – that's their cash flow.

Wellington businesses already pay some of the highest rates in New Zealand due to a combination of the following charges rated: an exceedingly high (current) 3.25 general rates multiplier; an additional targeted commercial sector rate; for CBD located businesses, the downtown levy; and for some local areas a BID levy.

The budget pressures facing the current Council are understandable. Budgetary pressures reinforce the need for the Council to go back and rethink some assumptions about their previous ways of doing things. We urge the council to look for means of reducing the burden on the city's business ratepayers – through limiting spending to essential council projects, divestment opportunities, and the strategic importance of the Council embracing appropriate private investment, all to limit the rates increase on business and household ratepayers alike.

### ***Commercial Differential Increase***

The Chamber opposes the increase in the commercial rates differential (the differential) from 3.25 to 3.7. The increase to the multiplier pushes what is an already high increase to our already high rates, to unacceptable levels – and while we understand this is without added year one increases to forecasts, the Chamber is concerned at the precedent this sets for the many reasons set out below.

### ***Wellington Business Pays More than Nationwide Counterparts***

As mentioned earlier in the submission, Wellington's commercial rates are some of the highest in New Zealand. Research recently undertaken by the Local Government Business Forum reveals that of Aotearoa New Zealand's twelve city councils, Wellington Commercial ratepayers pay the highest proportion of the total general rates. In Auckland, commercial ratepayers pay 2.7:1 times their residential peers. That's about 25.8% of the total rates take. Christchurch sees multiplies of just 1.69:1 - or just 32.35% of the total rates take.

Meanwhile, Wellingtonian businesses are paying 44% of our city's rates, while making up just 15% of our city's capital value. On a commercial building of the same value building, a Wellington commercial ratepayer will pay 2.2 times an Auckland property, and 2.6 times one in Christchurch.

We are concerned to hear that the other reason for the proportionality, although yet to be fully evidenced, may be due to the regional nature of the use of city facilities, and the belief that the commercial sector should

be responsible for the community who are not city-based. If this is the intention, we would like a specific statement in writing to this end.

Given there has been a significant decrease over the past two years in both commuters and tourists in Wellington, we would expect this to factor into your methodology for apportionment. This would suggest the need to reduce, rather than increase or maintain, the current rating approach.

Businesses are subsidising services for the city and regional households disproportionately compared to the benefit they receive.

Through Regional Council, businesses already significantly subsidise the region's transport use. When a passenger catches a bus from Carterton to Masterton, CBD businesses pay for it. This is not within the City Council's remit to change, but we urge the Council to consider that our regional hub status is not a windfall gain for business, but instead an additional cost.

Regardless of the preferred differential settings, it should be acknowledged that Wellington businesses face a rates burden above and beyond their counterparts in Auckland and Christchurch. High rates serve as a disincentive for businesses to move here, create jobs, ease inflation, and make Wellington a better place to live.

#### *'Rates Proportionality' as a Policy Rationale*

The changes to the rates are based on a policy approach that has been described as 'proportionality' in a wide range of Council statements subsequent to the publication of the Long-Term Plan. We refer you to the Council's 'Revenue and Financing Policy' and specifically the section entitled 'The general rates differential.'

Council policy on the differential appears to indicate that all other settings must adapt to this figure, and the proportionality must be maintained at any cost. Ratepayers have a legitimate expectation of transparent and clear policy setting. No policy grounds or rationale underpinning 'proportionality' are discussed in the Long-Term Plan and

nor is any evidential material provided to support this policy or explanation why a 44% must be pursued. For example, the term proportionality does not appear in the long-term plan.

The Chamber believes the proportionality argument is not fairly calculated and lacks methodological rigour. It is not based on ratepayers' capital value, nor on who benefits most from council services. It appears to be an arbitrary figure yet has underpinned the decision to shift \$8.5 million in rates onto our city's businesses, rather than placing the impost elsewhere.

### *The Commercial Sector is Struggling*

Many residential and commercial ratepayers face real difficulty and financial distress at present and our view is that Council must propose further concrete measures to decrease expenditure. An 8.8% increase has the potential for a very real negative impact on businesses navigating several crises including COVID variants and the recent Parliament protests.

It's a step in the wrong direction for Wellington at a time when businesses are pressured by Omicron, traffic light settings, the recent protest blockade and inflating production costs.

These compounding crises are part of the reasons the relative value of commercial property has fallen – and why the additional \$8.5 million raised by the differential change will hurt even more than under normal circumstances.

To be clear - the differential change is not just happening at a time when business is struggling – it is happening because business is struggling. The change in property valuations that led to the differential shift was caused by a post-Covid downturn for business.

For example, a new study has found that working from home was responsible for 25% of house price increases post-pandemic.<sup>2</sup> Such an

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<sup>2</sup> [https://johanneswieland.github.io/Papers/house\\_prices\\_rw\\_draft.pdf](https://johanneswieland.github.io/Papers/house_prices_rw_draft.pdf)

increase is worth noting, as it demonstrates why the property prices have changed the way they have over the past two years.

Post-pandemic, people have moved away from the city, and customers are more reluctant to engage with CBD businesses. Working from home is more common, and therefore office space less valuable.

The market has signalled the impact – while all property has gone up in price, due to a combination of low-interest rates and restrictive planning laws – residential property prices have accelerated much faster than their commercial counterparts. Consequently, Commercial ratepayers now hold just 15% of the city’s rateable value.

The value of having the rates differential in the first place is to allow the market to signal this change, and adjust rates accordingly.

The multiplier will naturally fluctuate, especially over a short period. This year’s change in the relative value of commercial property is a signal that businesses are struggling and need support from Council, not higher rates.

#### *A Benefits Principle*

The case has not been made by the council for why Wellington businesses should be paying higher rates than their national counterparts. As mentioned above the figure of 44%/56% is arbitrary, based on neither the city’s capital value nor the benefits of Council services.

The rationale of the current approach also confuses benefit with ability-to-pay principles. Given the previously outlined economic strains on business in the capital, the Council must properly demonstrate it has considered the ability to pay criteria, economic well-being, and reasonableness considerations.

The Chamber would like to see more evidence of the inputs to this decision, including data from unprecedented business conditions, that Council took into account when making its decisions.



We understand a given reason for the change in the multiplier is that commercial property is relatively less valuable than residential when the assessment was made and at a time when commercial ratepayers have seen drops in earnings revenue and cash flow.

This calls into question some observations in the media that commercial ratepayers can afford increases because commercial ratepayers earn revenue from their business, and this gives them a greater ability to pay rates than residential ratepayers. An obvious example is hospitality businesses that have accessed personal capital through their home mortgages to continue trading.

Throughout the pandemic, businesses have made sacrifices to keep their doors open, and staff employed. For many smaller business owners, their business is often their main source of income and primary asset for retirement. Therefore, we are concerned that commercial rates are being kept arbitrarily high based on inaccurate estimates of businesses' ability to pay.

This appears to have fed through into the differential decision. An increase in residential valuations – relative to commercial valuations – signals that residential properties are getting more from their city, yet effectively their cost is reduced by \$8.5 million due to the differential decision. Instead, businesses face an additional increase in cost compared to and despite the loss of value in their property.

The Chamber urges the council to set rates based on the principle of who benefits from council services.

The increase in the rates differential, and with it, the burden of what the change in the differential amounts to, an additional \$8.5 million of rates, is unfairly calculated and puts an unnecessary cost on business. The differential change is based on a relative fall in commercial property values, and a commitment to a 44% proportion of rates paid by the commercial sector that has not been specified elsewhere in the council strategy.

The Chamber opposes the differential shift and calls on Council to consider the current business environment – signalled by the same valuation shift that prompted the differential increase – by reversing the change.

## **The Future of Wellington’s Council Housing**

The Council has provided social housing in Wellington since the 1950s and wants to continue to do so. City Housing has a long-standing financial sustainability issue that is now critical. Action to address this crisis is vital.

As we set out in our 2021 submission on the LTP, the Chamber still maintains that social housing ought to be the responsibility of central government rather than local – and has become yet another ‘unfunded mandate’ of WCC. The options available under this consultation do seek to mitigate this risk to some extent.

The Chamber still believes that social housing tenants are best served by having dedicated social agencies wrapping services around them, so as we proposed in our 2021 submission, transferring the social housing portfolio to existing community housing providers funded by the central government rather than establishing its own CHP ought to have been consulted on as another option.

### *Question One:*

The Chamber supports Option B – the establishment of the Community Housing Provider (CHP). The creation of a CHP would enable independence from the council from both a governance and day-to-day management perspective.

Wellington’s businesses fund the ongoing costs of city housing through the 44% share of city rates they pay. Therefore, the 6.6 percent year on year increase, implied under Option A (the increased rates and borrowing option) should be avoided, and lower-cost options, such as the creation of a CHP should be encouraged.

*Question Two:*

For the same reasons, were the council to set up an independent community housing provider, the Chamber supports Option A: an Asset owning CHP with broad responsibilities.

Such an entity would be more independent and allow the CHP to maintain its operational independence.

We disagree with the reasoning in the Annual Plan consultation document that an argument against Option A is that it represents the biggest change to the status quo.

On the contrary – that is one of its greatest strengths. The financial uncertainty around the Council’s housing assets is a mark against the status quo, and an independent, asset-owning CHP is the best chance to solve the impending crisis.

The limitations it would introduce on council borrowing could be offset by expanded fiscal discipline.

## **The Future of the Southern Landfill**

The Chamber supports the Council’s preferred Option A – of a new landfill on top of the existing landfill.

Given the 44% share of Wellington’s rates burden, mentioned above, we advise seeking lower-cost options where possible, to ease the cost burden passed on to business.

We appreciate that the Council has selected the lower operating cost option for this project, to help save money for the city’s commercial ratepayers.

While having no residual waste facility in Wellington (Option C) would save on capital costs, it is undoubtedly inefficient to spend money, and

emit carbon by moving waste out of the city. Option A avoids this while averting the elevated operating costs of the waste to the energy incineration model (Option B).

We support the Council's course of action on this issue.

### *Lessons from Canberra*

We would also direct the Council to our sister city Canberra, whose low waste model has slashed city waste by nearly 90% since the 1990s.<sup>3</sup> Canberra is similar to Wellington in population, demography, and as a home of public sector workers – and as such represents a useful example.

With businesses shouldering the cost of waste management in our city, a long-term approach to reducing waste will save our city money and keep our rates down. We urge the council to examine the Canberra model as a way to reduce our city's waste output, keep waste management costs down for business, and meet our city's environmental goals.

## **Other Changes to the Long-Term Plan**

### ***Governance***

We welcome expanded efforts from the Council to include and consult Māori residents in Wellington, and mana Whenua partners. As part of this process, we encourage the Council to consider the perspectives and priorities of Māori business owners, to achieve a full picture of what our city's Māori residents need.

Having recently entered into a collaboration agreement with Te Awe Wellington Māori Business Association, and the Wellington Pasifika Business Network, the Chamber is happy to make connections, and help

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<sup>3</sup> [https://www.environment.act.gov.au/\\_\\_data/assets/pdf\\_file/0007/576916/ACT-Waste-Strategy-Policy\\_access.pdf](https://www.environment.act.gov.au/__data/assets/pdf_file/0007/576916/ACT-Waste-Strategy-Policy_access.pdf)

facilitate an indigenous business perspective for the Council through our networks.

### ***Parking Time Limits***

The Chamber strongly endorses the decision by the Council to not go ahead with the plan to extend on-street paid parking time limits on Friday and Saturday evenings or to extend charging for on-street parking through to 10pm on Friday and Saturday.

The change of policy will offer a vital boost to Wellington's nightlife, just as we need it most, avoiding a significant disincentive to come into the city during the weekend.

We appreciate that the difficult experiences of the hospitality industry through the pandemic have been taken into account for this decision and thank the council for adapting to the difficult circumstances.

We encourage the Council to go further – opening other parking and transport opportunities, so that Wellington's central city is accessible to everyone, and to turbocharge our city's hospitality recovery.

### ***Environmental Accessibility & Performance Fund***

The Chamber is concerned about the debt funding of this aspect of the plan and urges further consultation on the topic before decisions are made.

We support the Property Council's Submission on this, which urges the Council to keep the current environmental development contribution remission until further policy consultation and analysis can occur on the proposed Environmental and Accessibility Performance Fund.

The Council should provide transparent, and concise information explaining what the overall rate increases will mean for different sectors within Wellington and outline the direction and indirect benefits each sector receives.

## ***Pandemic Response Package***

The Chamber celebrates the success we have had in collaborating with the Council to achieve this package. We welcome the Council's prompt action to support businesses through this response package, and their willingness to take on business feedback.

Something that has been made clear to us is the value of several pieces of this programme to the everyday operations of Wellington businesses. In particular, \$1 parking on weekends has been a significant help to the retail and hospitality sector and has helped our city come alive on weekends.

We advise that making this change permanent could have excellent effects on our city's business sector and would help make our CBD more accessible, and more prosperous.

## **CONCLUSION**

The increase in the rates differential, and with it, the burden of \$8.5 million more in rates for our city's businesses, rather than placing the impost elsewhere. The change is unfairly calculated and puts an unnecessary cost on business. The differential change is based on a relative fall in commercial property values, and a commitment to a 44% proportion of rates paid by the commercial sector that has not been specified elsewhere in the council strategy. It continues to drive up Wellington's rates relative to our national peers and makes our city a less attractive place to do business.

In the context of the 2022-2023 Annual Plan, while the Chamber believes the business differential is the incorrect policy approach, we recognise it is one tool of many for the council to secure the funding agreed in the 2021-2031 Long Term Plan.

Therefore, while we would like to see the reduction and removal of the differential, we are not asking for that here. We are asking for Wellington's current and very high differential to remain in place and not face the proposed further increase.

The Chamber opposes the differential multiplier increase and calls on Council to consider the current business environment – signalled by the same valuation shift that prompted the differential increase – by reversing the change.

Ngā mihi nui,



**Simon Arcus**

*Chief Executive*

*Wellington Chamber of Commerce*

For queries or more information, contact Joseph Pagani.

E: [Joseph.Pagani@wecc.org.nz](mailto:Joseph.Pagani@wecc.org.nz)

**Full name:**

Adao Hassen Mamme

---

**Are you making this submission as an individual or on behalf of an organisation?**

Individual

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**Are you a City Housing tenant?**

Yes

---

**What is your connection to Wellington? (*tick all that apply*)**

I live in Wellington

---

**Do you wish to speak to Councillors about your submission at an Oral Forum?**

No

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**Would you prefer the Council to retain City Housing through increasing rates and borrowing or by establishing a Community Housing Provider**

Retain City Housing through increasing rates and borrowing

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**If the Council did establish a Community Housing Provider, which option do you support?**

Don't know

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**If the council established a Community Housing Provider, do you agree with the council's preference for a community trust, rather than a company or limited partnership?**

Community Trust



**The council's preference is for a new landfill on top of the existing landfill (piggyback option), rather than waste to energy incineration or having no residual waste facility in Wellington City. Which option do you prefer?**

Don't know

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**Not proceeding with previous plans of extending on street paid parking time limits on Friday and Saturday evenings.**

Do not support

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**Rescheduling of the timing of some projects to recognise market and supplier constraints**

Do not support

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**A \$20m Environmental and Accessibility Performance Fund that provides financial support for those building energy efficient or sustainable homes and buildings in Wellington.**

Do not support

---

**Increasing encroachment licence fees to better reflect their value**

Do not support

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**Additional funding for a full upgrade to Khandallah summer pool**

Do not support

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**Removal of all library charges to remove barriers to accessing council libraries**

Do not support

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**Overall, do you support the proposed budget?**

Don't know

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**Do you have any comments about the upcoming decisions, fees and user charges changes, other plans or any other general feedback on our annual plan and budget?**

-



### **Proposed Annual Fee for Road Encroachment.**

I refer to my letter of 16 April attached and would be grateful if you could treat this as a follow up. A legally trained friend recently phoned me for some advice on archaeological issues, so I naturally sought his legal advice on the proposed fee increases for Wellington City road encroachments.

1. Under the Local Government Official Information and Meetings Act, including Section 23, I would be grateful if you would provide pinpoint citation of all authorities to support the legal propositions in paragraphs 7 – 12 of the “Review of the Road Encroachment and Sale Policy and Fees”, and more generally to support the charging of an encroachment fee to 99 Sefton Street and now increase the fee. Could you please also email copies of the relevant extracts from the law and then mail hard copies to me.
2. Could you please confirm that WCC is constrained by the law of estoppel (*High Trees Doctrine* per Lord Denning) to limit fee increases to CPI as indicated by the “Review of the Road Encroachment and Sale Policy and Fees” by the Strategy and Policy Committee 19 February 2009.
3. The recent Court of Appeal decision in *CP Group Ltd v Auckland Council* [2021] para 123 *et seq* affirms the requirement in s101 that a rate (and an encroachment fee is merely a targeted rate) cannot be imposed until the receipt of benefits by all categories of rate payer have been assessed in terms of S101 (3)(a) of the Local Government Act 2002.
4. The 1729 and 1735 Set off Statutes (see below) permit the set off of credits and debits and thus allow deductions for the contra benefits discussed in my earlier letter such as the public pathway passing under the car deck, and the sewer discussed in paragraphs 2 and 3 of my earlier letter.
5. The WCC does not own the road. Rather, it is the Crown which owns the road, subject to obligations to facilitate and enhance the freedom of the highway and the rights of the frontage on the highway to access the road.
6. I conclude that:
  - 6-a: The encroachment fee, now at \$450.00 and proposed to increase to \$900.00 is unenforceable until a correct benefits analysis is completed in terms of section 101 of the Local Government Amendment Act.

- And whereas the provision for setting mutual debts one against the other, is highly just and reasonable at all times; be it therefore further enacted by the authority aforesaid, that the said clause in the said first recited Act, for setting mutual debts one against the other, shall be and remain in full force for ever.

**5 Exception.**

- And be it further enacted and declared by the authority aforesaid, that by virtue of the said clause in the said first recited Act contained, and hereby made perpetual, mutual debts may be set against each other, either by being pleaded in Bar, or given in evidence on the general issue, in the manner therein mentioned, notwithstanding that such debts are deemed in law to be of a different nature; unless in cases where either of the said debts shall accrue by reason of a penalty contained in any bond or specialty; and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same hath accrued, or shall accrue, by reason of any such penalty, the debt intended to be set off, shall be pleaded in Bar, in which plea shall be shewn how much is truly and justly due on either side; and in case the plaintiff shall recover in any such action or suit, judgment shall be entred for no more than shall appear to be truly and justly due to the plaintiff, after one debt being set against the other as aforesaid.

6-b: After a correct benefits analysis is completed, the fee will be limited to CPI increases in terms of *High Trees*, i.e. \$31.05 for a total encroachment fee of \$481.05 for the current year.

6-c: Then deduct one sanitary sewer of ca 20 square metres, at say \$174.30, based on the area of car deck on road reserve (ca 55 square metres), and the cost of encroachment for the current year (\$481.05).

6-d: So let's say the Encroachment fee should be \$306.85 per annum, but since the deck facilitates use of the road and the deep custom of "freedom of the Highway" and "the rights of the frontager on the highway" protected by the Magna Carta 1990, a zero dollar encroachment fee should be assessed by the Wellington City Council.

Yours sincerely,



Dr Bruce McFadgen.

## Set-Off Act 1735

Imperial Act

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Note

Source: New Zealand Parliamentary Library, International Documents Collection

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### Contents

#### Title

4 The clause in the first recited act, relating to mutual debts, made perpetual.

5 Exception.

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An Act to explain and amend an Act passed in the second year of the reign of his present Majesty, intituled, *An Act for the Relief of Debtors with respect to the Imprisonment of their Persons.*

**4 The clause in the first recited act, relating to mutual debts, made perpetual.**



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- And whereas the provision for setting mutual debts one against the other, is highly just and reasonable at all times; be it therefore further enacted by the authority aforesaid, that the said clause in the said first recited Act, for setting mutual debts one against the other, shall be and remain in full force for ever.

**5 Exception.**

- And be it further enacted and declared by the authority aforesaid, that by virtue of the said clause in the said first recited Act contained, and hereby made perpetual, mutual debts may be set against each other, either by being pleaded in Bar, or given in evidence on the general issue, in the manner therein mentioned, notwithstanding that such debts are deemed in law to be of a different nature; unless in cases where either of the said debts shall accrue by reason of a penalty contained in any bond or specialty; and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same hath accrued, or shall accrue, by reason of any such penalty, the debt intended to be set off, shall be pleaded in Bar, in which plea shall be shewn how much is truly and justly due on either side; and in case the plaintiff shall recover in any such action or suit, judgment shall be entred for no more than shall appear to be truly and justly due to the plaintiff, after one debt being set against the other as aforesaid.





### Proposed Annual Fee for Road Encroachment.

Following from your communication of 7 April regarding changes to the annual rental fees for road encroachment, I have the following comments and questions for you to consider.

1. I understand from a recent letter in the Dominion Post, that when encroachment fees were originally introduced, the Council undertook to only ever increase them by the CPI, not by any other economic index.
2. Our encroachment fees are principally for a car deck for three cars. Having parked cars off the road helps to stop road congestion; the width of the deck is less than the length of kerbside that would be taken up if the cars were parked alongside the footpath. I would have thought that this was an advantage to the Council in maintaining parking space.
3. There is a path beneath our deck that serves not just our place, but others as well.
4. You say the Council owns the land, no it does not. The land is "owned" by the Crown, the Council, as with other land occupiers, only have a right to use the land.
5. The area of road reserve taken up by the encroaching car deck is about 55.2m<sup>2</sup>. The Council, however, also encroaches on our land: there is a sanitary sewer that crosses our land just 3m outside the front porch of our house, but we have not been paid any encroachment fee by the Council, even though the area of land area taken up by the sewer is about 20m<sup>2</sup>. Furthermore, when the sewer last had to be maintained, it caused disruption to our access for some time, but we were not compensated for that. Since such maintenance is important for healthy living, we did not object because there are advantages to having a sewer to remove waste.
6. You already make an economic return from the encroachment, without any cost to you. If the car deck was to be dismantled, you would no longer get any income from the land.
7. You mention you are making an effort to reduce the general rates increase. How much of your rates income is spent on matters that are not essential, unlike roads, sewerage and water supply?
8. I would like to mention that a car deck encroachment provides the Council a service by helping to reduce parking congestion and I would therefore appreciate you telling me what your justification is, relating to encroachment matters, for wanting to apply such a large increase in the encroachment fee.
9. I have tried to download a submission form; but was unable to find a submission form that seemed to apply to this issue.

Yours,

Dr B.G. McFadgen.



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Yours,

Dr B.G. McFadgen.

Good Morning Mayor, Councillors,

I am writing to you directly to highlight the proposal to link the road encroachment fees solely to the adjoining property values, as described in the 24/33 Long Term Plan, and the July 2022 **100%** increase. This is an appeal to your sense of fairness and good governance.

How can the proposition to solely index the road encroachment fee on the adjoining property value, given the vast range of land that is leased and the laws that govern them, be construed as equitable?

The exact scheme was proposed by the Wellington City Council 10 years ago and subsequently quashed when it was became apparent that huge inequities were created through such a simplistic valuing system.

Our example: We built a car deck on Grafton Road, Roseneath 15 years ago to aid in the decongestion of the street, where buses and traffic slow considerably to pass each other. The car deck, built on tall poles, is on very steep scrub land along the city's "Scenic Route" where building above handrail height is forbidden. This marginal land would attract a substantially higher encroachment fee under this proposal than a road encroachment on say [REDACTED] where flat easy land for building garages has naturally encouraged this.

So the difficult, barely useable, unmaintained scrub land where only are car deck is permissible (photo attachment 1) would be valued higher than good flat land (photo attachment 2). How is that equitable and good stewardship?

Surely a more conventional valuation system that indexes the actual the worth of each group/type of encroachment, characterised by usability, the laws that govern its use, and location would be prudent. The current proposal is lazy and unjust.

A 100% increase, and an unfair rating system, would see us passing in of our encroachment, dismantling the car deck, and resume car parking back on the street, adding further congestion to Wellingtons scenic route, because its just not worth it.

Nga Mihi  
Ian Miller

