

Questions and Answers

Te Kaunihera o Pōneke | Council

25 August 2022

2.1 Appointment to Wellington Water Committee

How many more Wellington Water meetings are there before the end of the triennium?

There is one Wellington Water Committee meeting scheduled for 10am on Friday, 30 September 2022.

2.2 Decision on Shelly Bay Road upgrade options following community engagement

How much rework is likely to be required if minor improvements to levels of service are delivered following the completion of the consented option?

This is currently unknown, as no design for improvements has been undertaken. Aspirations would be to minimise rework as much as reasonably practicable.

2.3 What would be the process to seek minor improvements to levels of service via variations/upgrades to the consented option that the developer will construct? What are the legal and commercial risks associated with this approach? Why is this not listed as option E under paragraph 70?

Any variation to the resource consent to increase levels of service compared to the consented design would need to be agreed by the developer who holds the consent. As such we do not believe this is a feasible option.

There is provision within the DA for Council to seek variations to the ISPA works generally - after approval of the ISPA plans and specs. This is not anticipated to occur for several months at the earliest. However this is not considered an appropriate mechanism for Council to seek further upgrades to the road, given that there is separate provision within the DA for Council to take over responsibility for the delivery of the road, and given that the variation request can only come at a later point (after Council determines whether or not it will do the works itself). Council would be liable for any design work associated with this change, which increases complexity regarding liability for design and delivery.

Therefore officers do not recommend using a variation to the resource consent, or the DA, to increase levels of service. If Councillors want to do this officers recommend that it be done separate from these processes to reduce risk.

This could have been listed as a possible option under paragraph 70, however officers do not recommend this due to the risks set out above and given that this is likely to extend the timeframe for the road improvements (based on the developers current work program).

How soon could a process to lower the speed limit to 30kph along Shelly Bay Road be progressed?

The proposed Draft Speed Management Plan settings currently being developed by officers would, if approved by Council, result in a speed limit of 30km/h for Shelly Bay Road. The speed management plan is expected to be considered by Council in the first half of 2023. For context a standalone process for reducing the speed limit would take on average nine months.

What is mana whenua's preferred option?

Officers have spoken with mana whenua, who have confirmed that their preference is for the works on the road to proceed in accordance with the consented design.

How is it possible we can sign off a road that does not meet Waka Kotahi's minimum standards? is it legal that this can happen?

This is design guidance rather than a minimum legal standard. Also, Councillors are not being asked to "sign off" a road. The consented design has been through a resource consent process - it was approved by the independent commissioners in 2019 and was not overturned or amended via the judicial review process.

How does the recommended option meet the transport hierarchy we have been working with across the city?

Any minor improvement works will be to facilitate walking and cycling on Shelly Bay Road which is in line with the sustainable transport hierarchy.

How have we worked with the developer on solutions that align with the sustainability principals of the project?

Sustainability principles were addressed during the resource consent process and development of the DA.

How long is the development take to construct?

The developer has yet to confirm the development programme, but it is expected to be undertaken in a staged approach and is currently estimated to take 10 years to completion. The roading upgrade works will be completed at the beginning of this construction programme.

How are the plans for the Ferry progressing?

The developer advises that plans for a ferry service to Shelly Bay are progressing well.

Has there been any attempt to prioritise shipping goods and services in for the development build?

The developer is considering a range of ways to mitigate the effects of construction traffic and transport of goods and services. One of those ways is to use sea transport.

What are the options around progressing the pedestrian, active transport priority with intermittent two-lane traffic with traffic lights where this can't be achieved?

The option is described in paragraph 46 (c) of the council report, with more detail available within the T+T options assessment.

Who were the participants in the MCA process?

The MCA was led by technical experts from Tonkin + Taylor with input from both the Council's internal project team and input from key external stakeholders (listed in the Council paper).

How much will WCC receive in rates over the 30 years after the development has been built?

The 2017 committee paper estimated the development would contribute an additional \$2m per annum, once the development is complete. Officers do not have an updated figure.

If we progress the publicly preferred option - will this attract Waka Kotahi 51% shared funding?

A business case for the preferred option has not been presented to Waka Kotahi at this stage and therefore it is unknown if the Council will receive funding investment from Waka Kotahi.

Is or why is two-way traffic part of the RC requirement? Can the RC be renegotiated as expectations have changed?

A roading design premised upon a two-way corridor formed part of the Developers resource consent application, which was confirmed by an independent hearings panel in 2019. The roading infrastructure and transportation effects were challenged in the Judicial Review, which found that the Panel had sufficient evidence before it to reach this conclusion.

It is not open to Council (as regulator) to now determine that the road must meet a fundamentally different standard.

We also do not think that expectations have changed significantly from when the resource consent was granted in 2019. The Council made this resolution in 2017, based on feedback from the community about the road.

Have we explored using the road above as the main thorough fare to Shelly Bay? if yes what was the outcome of this? If no why not?

No. The developers have an existing resource consent for Shelly Bay Road.

Have we considered alignment to the city's WellingtonNZ destination plan as part of great harbour way benefits?

Upgrading the road to achieve the aspirations of the Great Harbour Way is discussed in the Council report.

What are our financial and other commitments to achieve the Great Harbour Way vision?

There is currently no formal commitment other than that agreed to in Resolution 'x' in the September 2017 committee paper on the Shelly Bay development.

Do officers think there is more opportunity to partner with the Taikuru development to get a better outcome for all?

Council already has a contractual relationship with the Developer (in the form of a DA) which is aligned with the KCTs previously agreed by Council. We do not recommend that Council tries to renegotiate the terms of this relationship.