

Absolutely Positively  
**Wellington City Council**

Me Heke Ki Pōneke

# Ordinary Meeting of Te Kaunihera o Pōneke | Council

## Rārangi Take | Agenda

9:30 am Rāpare, 18 Paengawhāwhā 2024

9:30 am Thursday, 18 April 2024

Ngake (16.09), Level 16, Tahiwī

113 The Terrace

Pōneke | Wellington



## **MEMBERSHIP**

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

### **Have your say!**

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

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## 1. Meeting Conduct

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### 1.1 Karakia

The Chairperson will open the hui with a karakia.

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

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

The Chairperson invites notice from members of:

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

### 1.3 Announcements by the Mayor

### 1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### 1.5 Confirmation of Minutes

The minutes of the meeting held on 7 March 2024 will be put to the Te Kaunihera o Pōneke | Council for confirmation.

### 1.6 Items not on the Agenda

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

***Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council***

The Chairperson shall state to the hui.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent hui.

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

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

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

**1.7 Public Participation**

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

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

## 2. General Business

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# WELLINGTON WATER ADDITIONAL CAPEX REQUEST FINANCIAL YEAR 2023/24

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### Kōrero taunaki | Summary of considerations

#### Purpose

1. This report asks the Council to consider Wellington Water Limited's request to spend an additional \$8.3 million in capex for the 2023/24 financial year and to confirm approval to keep the proposed Long-Term Plan (LTP) budget of \$61.8 million for the 2024/25 financial year unchanged.

#### Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

- |  |   |
|--|---|
| <b>Strategic alignment with priority objective areas from Long-term Plan 2021–2031</b> | <input checked="" type="checkbox"/> Sustainable, natural eco city                                   |
|  | <input type="checkbox"/> People friendly, compact, safe and accessible capital city                 |
|  | <input type="checkbox"/> Innovative, inclusive and creative city                                    |
|  | <input type="checkbox"/> Dynamic and sustainable economy  |
|  | <input checked="" type="checkbox"/> Functioning, resilient and reliable three waters infrastructure |
|  | <input type="checkbox"/> Affordable, resilient and safe place to live                               |
|  | <input type="checkbox"/> Safe, resilient and reliable core transport infrastructure network         |
|  | <input type="checkbox"/> Fit-for-purpose community, creative and cultural spaces                    |
|  | <input type="checkbox"/> Accelerating zero-carbon and waste-free transition                         |
|  | <input type="checkbox"/> Strong partnerships with mana whenua                                       |

#### Relevant Previous decisions

Outline relevant previous decisions that pertain to the decision being considered in this paper.

##### **Te Kaunihera o Pōneke | Council 31 March 2022:**

Noted the forecast increase in reactive maintenance activities relative to budget is resulting in a forecast overspend by WWL Limited (WWL) of up to \$4.9 million for the 21/22 Financial Year.

Agreed to increase opex budget for the relevant activity by \$4.9m.

Agreed to fund the additional opex requirement by reprioritising the use of the government's stimulus funding, of around \$5 million.

##### **Pūroro Āmua | Planning and Environment Committee 14 April 2022**

Noted that total capex required for Taranaki Street Wastewater Pump station and Rising Main project is now \$24 million against an LTP budget of \$6 million.

Recommend to Pūroro Maherehere - Annual Plan / LTP Committee to increase the 2023/24 budget by \$7.2m, through a bring-forward of

budget from 2029/30.

Note that the additional capex requirement will increase debt earlier than expected and will impact on rates.

**Pūroro Āmua | Planning and Environment Committee 12 May 2022:**

Agreed to increase the opex budget for the relevant activities by a total of \$9.64m over the next two years, \$4.64m for the FY2022/23 and \$5.01m for the FY2023/24.

Agreed that officers pursue an application to fund relevant operational costs relating to waters out of the Government's Three Waters Reform "Better off Funding" available to Wellington City Council.

Noted Officers would work with WWL to ensure spend is closely monitored so the risk of further cost escalation is mitigated and where necessary, work is reprioritised to stay within the increased budget.

**Pūroro Tahua | Finance and Performance Committee 28 September 2022:**

Following the WWL Quarter 4 Report, requested WCC officers work with WWL to investigate available water leak repair capacity and funding required and report back to the new Council with a view to resolving the backlog as quickly as possible.

**Kōrau Tūāpapa Kōrau Tūāpapa | Environment and Infrastructure Committee 8 December 2022**

Agreed to carry-forward prior year underspends as detailed in the "Carry-forward" ledger of appendix 1 – "Recommended Capital Plan"

Note that this included carrying forward previous years' underspends on reservoirs.

**Kōrau Tōtōpū | Long Term Plan, Finance, and Performance Committee 23 February 2023:**

Approved an operational (opex) budget increase of \$3.3m for Wellington Water Limited in the current financial year relating to reactive maintenance (\$2m) and the Karori treatment plant (\$1.3m).

Noted that as this is an in-year cost increase it cannot be rates funded and will require debt funding.

**Kōrau Tōtōpū | Long Term Plan, Finance, and Performance Committee 31 May 2023**

*Quarter 3 Performance Report:* Recommend to Council an increase to Wellington Water Limited's (WWL) CAPEX budget by \$15m from \$50m to \$65m as a bring forward from the 2023/24 financial year.



*2023 Annual Plan - Deliberation and Budget Variances:* Agreed to the Mayor's proposal to fund Wellington Water Limited (WWL) an additional \$2.3m to fix urgent leaks. Operational pressures will be managed closely through joint prioritisation and monthly reporting to ensure budgets are efficiently managed by WWL.

Agreed that the increase in Opex funding committed to Wellington Water Limited (WWL) is conditional on WWL agreeing to a part of the funding being used to undertake a review of its services with the objective of improving its efficiency, identifying potential cost savings, and improving transparency/reporting.

**Te Kaunihera o Pōneke | Council 29 June 2023:**

Adopted the 2023/24 Annual Plan with an additional \$4.6m operating expenditure in the budget for WWL, including \$2.3m for leak repairs only.

**Kōrau Tōtōpū | Long Term Plan, Finance, and Performance Committee 9 November 2023**

*Quarter 1 Performance Report*

Approved the recommended variations (a) - (e) below to the 2023-24 Annual Plan Budget:

Wellington Water Limited

(a) Increase revenue due to insurance proceeds for Bell Street Tawa and Arlington Street Mt Cook storm water \$2.3m insurance claim.

(b) Increase capital expenditure budget by \$2.3m for 3rd party damage done to Storm Water assets at Bell Street - Tawa (\$1.406m) & Arlington Street - Mt Cook (\$0.888m). Funded through an insurance recovery with no cash impact

**Te Kaunihera o Pōneke | Council 14 December 2023:**

Authorised an additional \$1M in operational funding for leak repair to WWL in the 2023/24 financial year subject to WWL confirming it could provide the following data each month for the remainder of the financial year: Leak data - address, date reported, date fixed.

Authorised officers to release a further \$1M in operational funding for leak repair to WWL if, by 15 March, the initial \$1M had been fully utilised and WWL had provided the reporting outlined to the satisfaction of officers.

**Kōrau Tōtōpū | Long Term Plan, Finance, and Performance Committee 13 March 2024**

*Quarter 2 Performance Report*

Agreed to increase 2022/23 opex expenditure budget by \$2.3m operational overspend of approved budget as in the detailed Wellington Water Memorandum dated 23 October 2023.

**Significance**

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

**Financial considerations**

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

- 2. Meeting out-of-cycle funding requests will require debt funding of additional costs incurred during the financial year.
- 3. Debt-funding is ordinarily reserved for unexpected and unavoidable costs, such as catastrophic infrastructure failure.
- 4. Based on current interest rates, debt funding \$8.3M in FY23/24 of unplanned capex would incur interest of \$400k per year (0.4% budget increase) over a period of ten years and this additional interest expense will be funded through rates.
- 5. The process of developing the 2024-34 LTP has identified pressures on Council’s debt, and this requires careful management to remain within the Council’s debt-to-revenue limits. Debt funding additional operating costs for WWL will further reduce the remaining debt capacity.

**Risk**

Low       Medium       High       Extreme

- 6. The WWL additional capex request briefing paper (Attachment 1) outlines the risks and impacts associated with key projects caused by the potential funding shortfall.

Authors	Rebecca Adams, Chief Advisor to CIO Chris Mathews, Manager Waste, Water and Resilience
Authoriser	Siobhan Procter, Chief Infrastructure Officer Andrea Reeves, Chief Financial Officer

## Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

- 1) Receives the information.
- 2) Agrees to additional capex spend of \$8.3M in FY2023/2024.
- 3) Notes the risks associated with key projects as a result of the potential funding shortfall.

## Whakarāpopoto | Executive Summary

7. In March 2024, WWL requested approval to spend an additional \$8.3M capex in the 2023/24 financial year.
8. WWL has been applying cost control techniques however project overspend is still occurring (detailed in Attachment 1).
9. WWL is proposing to use the additional funding on critical infrastructure projects and network renewals. The project and funding options are detailed in Attachment 1.

## Takenga mai | Background

10. Since 2021, Council has approved \$29M additional opex funding, and \$28.5M additional capex funding, over and above the approved 2021-31 LTP budget. Of this, \$12.8M of opex and \$13.9M of capex has been in the current year to date. This is illustrated in Table 1 and Table 2 below.

	2021/22 Year 1	2022/23 Year 2	2023/24 Year 3
LTP (inflated budget)	35,315,448	37,201,255	39,715,151
<b>TOTAL OPEX (LTP)</b>	<b>35,315,448</b>	<b>37,201,255</b>	<b>39,715,151</b>
Approved increases	6,100,000	7,940,000	5,001,000
<b>TOTAL OPEX (LTP + April '22 increase)</b>	<b>41,415,448</b> 17.27%	<b>45,141,255</b> 21.34%	<b>44,716,151</b> 12.59%
23-24 AP consultation proposed increase			2,310,000
Increase due to OPEX inflation adjustment			1,306,781
<b>TOTAL OPEX (LTP + 2022 increase + 23-24 AP)</b>			<b>48,332,932</b> 21.70%
Mayoral Proposal: WWL additional leaks funding			2,300,000
Less \$100k for WWL review			-100,000
<b>TOTAL OPEX (LTP + 2022 increase + 23-24 AP + Mayoral Proposal)</b>			<b>50,532,932</b> 27.24%
Overspend	612,187	1,500,000	
14-Dec-23 Paper approval			2,000,000
<b>TOTAL OPEX</b>	<b>42,027,635</b> 19.01%	<b>46,641,255</b> 25.38%	<b>52,532,932</b> 32.27%

Table 1 - Additional Opex Approvals

	2021/22 Year 1	2022/23 Year 2	2023/24 Year 3
LTP (inflated budget)	63,776,000	55,755,020	47,318,197
<b>TOTAL CAPEX (LTP)</b>	<b>63,776,000</b>	<b>55,755,020</b>	<b>47,318,197</b>
Approved Taranaki St. increases		10,800,000	7,200,000
Approved Omaroro Rephasing		-1,600,000	
08-Dec-22 Paper approval			5,562,644
<b>TOTAL CAPEX</b>	<b>63,776,000</b>	<b>64,955,020</b>	<b>60,080,841</b>
<b>(LTP + Increase)</b>	<b>0.00%</b>	<b>16.50%</b>	<b>26.97%</b>
Overspend (underspend)	-1,711,636	7,165,263	
Amounts for LGWM renewals to be performed by Transport			-500,000
Amounts for Aotea Quay renewals to be performed by Transport			-630,000
Unexpected Events (Bell St & Arlington St)			2,300,000
<b>TOTAL CAPEX</b>	<b>62,064,364</b>	<b>72,120,282</b>	<b>61,250,841</b>
	<b>-2.68%</b>	<b>29.35%</b>	<b>29.44%</b>

Table 2 - Additional Capex Approvals

- The 2023/24 Annual Plan(AP) capex budget for WWL is \$58,950,841, 27% higher than the approved LTP budget for the 2023/24 financial year. WWL requests a \$8.3M (14%) increase in capex over and above the approved AP.

### Kōrerorero | Discussion

- Of the requested additional funding, \$4M is attributed to the Taranaki Street Rising Main project being delivered ahead of schedule due to the use of trenchless technology and additional resources on site. The project is now expected to be completed by the end of December 2024, earlier than the original estimate of between March and May 2025.
- The savings associated with faster delivery have been offset by a significant increase in contaminated soil costs which has been compounded this financial year due to the rapid progress. WWL is therefore requesting that \$4.16M be carried back from the 2024/25 financial year.
- Similarly, WWL requests a carry back of funding included in the proposed LTP of \$984.4k from the 2024/25 financial year to cover off its intent to complete the majority of the Karori outfall pipe work this financial year.
- WWL is not anticipating spending all the budget it allocated to capex spend on the wastewater treatment plant and is forecasting an underspend of \$1.21M. As part of this request, WWL is asking that this funding be carried forward to the 2024/25 financial year.

16. The balance of the additional funding requested of \$4.4M is due to overspends on capital projects, the causes of which include:
- schedule changes, including movement between financial years;
  - contractual costs of placing works on hold;
  - price increases;
  - scarcity of supplies;
  - new scope discovery;
  - legal fees for settlement disputes and access agreement;
  - contaminated land fill disposal, and
  - expenditure on projects not listed in the annual plan, e.g., for: defects rectification that was not accounted for; design costs expensed for projects that were progressing to enable programme growth which have been put on hold as the likely LTP envelopes have been developed; and reactive renewals.
17. The overall changes to the capital budgets requested by WWL for the current year and the first year of the LTP is shown below.

Option 1:	FY 23/24	FY 24/25	Change across FY23/24 + FY24/25
<b>Starting Budget</b>	60,915,685	61,752,000	
Carry back from FY24/25 to 23/24 - Taranski St Rising Main	4,156,178	(4,156,178)	0
Carry back from FY24/25 to 23/24 - Karori Outfall	984,392	(984,392)	0
Carry forward FY23/24 budget into FY24/25 - Balance of ring fenced WWTP budget	(1,211,896)	1,211,896	0
Additional funding request	4,396,056	3,928,674	8,324,730
<b>Net funding request</b>	<b>8,324,730</b>	<b>0</b>	<b>8,324,730</b>
<b>Closing Budget Request</b>	<b>69,240,415</b>	<b>61,752,000</b>	
Net change	8,324,730	0	

Table 3: Breakdown of Request

18. Debt-funding of additional costs incurred during the financial year is ordinarily reserved for unexpected and unavoidable costs, such as catastrophic infrastructure failure, the collapse of the Mt Albert sewage tunnels being one such example.
19. The process of developing the 2024-34 LTP has identified pressures on Council's debt and this requires careful management to remain within the Council's debt-to-revenue limits. Debt funding additional operating costs for WWL will further reduce the remaining debt capacity.

## Kōwhiringa | Options

20. WWL provided three options for consideration – these are detailed in Attachment 1 and summarised here.
21. Option 1 proposes to carry back budget for two projects from FY 24/25, essentially ringfencing the unspent budget in FY 23/24 to carry forward into next year and add additional funding to continue key projects that will help reduce the impact to the FY 24/25 budget. This is the preferred option and is shown in Table 3 above.
22. Option 2 proposes to carry back budget for two projects from FY 24/25 and add additional funding to continue key projects that will help reduce the impact to the FY 24/25 budget. Option 2 is made up of:
  - \$5.1 M brought forward for Taranaki Rising Main, and Karori Outfall Wastewater Renewal, which are being delivered off of schedule (ahead and behind respectively)
  - \$3.0M for costs expended to date over approved budget, and to continue to deliver critical projects above approved budget.
23. Under Option 2, the total request in FY23/24 is \$8.1M and in FY24/25 is a reduction of \$5.1M The sum of this option is \$3.0M

Option 2:	FY23/24	FY24/25	Change across FY23/24 + FY24/25
Starting Budget (\$60.1M less LGWM + Aotea Quay reduction)	60,915,685	61,752,000	
Carry back from FY24/25 to 23/24 - Taranaki St Rising Main	4,156,178	(4,156,178)	0
Carry back from FY24/25 to 23/24 - Karori Outfall	984,392	(984,392)	0
Additional funding request - Balance of year end forecast against budget	2,984,160	0	2,984,160
<b>Net funding request</b>	<b>8,124,730</b>	<b>(5,140,570)</b>	<b>2,984,160</b>
<b>Closing Budget Request</b>	<b>69,040,415</b>	<b>56,611,430</b>	
<b>Net change</b>	<b>8,124,730</b>	<b>(5,140,570)</b>	

Table 4 – Option 2

24. WWL does not recommend this option to be adopted by council as it will reduce the total budget available for capital investment in FY24/25 for renewing aging assets.
25. Option 3 is to remain within the existing \$60.9M budget.
  - WWL does not recommend this option due to the significant project risks associated with slowing down work on Taranaki Rising Main including:
    - Longer period of disruption to the public, CBD business, and traffic system. Lost opportunity to celebrate effective delivery;
    - Additional traffic management costs; and
    - Resourcing: WWL is seeing contractors from the panel looking for work outside the region, which will impact its ability to deliver future works when funding is available.

	FY23/24	FY24/25	Change across FY23/24 +
<b>Option 3:</b>			
<b>Starting Budget</b>	<b>60,915,685</b>	<b>61,700,000</b>	
Carry back from FY2024/25 to 2023/24 (Taranaki St, Karori Outfall, Severn St)	0	0	0
Carry forward FY23/24 budget into FY24/25 (Balance of ring fenced WWTP budget)	0	0	0
Additional funding request	0	0	0
<b>Net funding request</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Closing Budget Request</b>	<b>60,915,685</b>	<b>61,700,000</b>	
<b>Net change</b>	<b>0</b>	<b>0</b>	

Table 5 – Option 3

26. Given the risks associated with options 2 and 3, Option 1 is the preferred option.

## Whai whakaaro ki ngā whakataunga | Considerations for decision-making

### Alignment with Council's strategies and policies

27. It is a core statutory role of the Council to provide safe drinking water, manage stormwater, and take away and treat wastewater. The provision of this services requires capital investment in renewal, growth and upgrade activities.

### Engagement and Consultation

28. There are no immediate engagement or consultation requirements. However, note that the consultation on the 2024-34 LTP is currently underway.

### Māori Impact Statement

29. There are no specific impacts for Māori.

### Financial implications

30. Meeting out-of-cycle funding requests will require debt funding of additional costs incurred during the financial year.

31. Debt-funding is ordinarily reserved for unexpected and unavoidable costs, such as catastrophic infrastructure failure.

32. Based on current interest rates, debt funding \$8.3M in FY23/24 of unplanned capex would incur interest of \$400k per year (0.4% budget increase) over a period of ten years and this additional interest expense will be funded through rates.

33. The process of developing the 2024-34 LTP has identified pressures on Council's debt and this requires careful management to remain within the Council's debt-to-revenue limits. Debt funding additional operating costs for WWL will further reduce the remaining debt capacity.

### Legal considerations

34. There are no immediate legal considerations.

### Risks and mitigations

35. Attachment 1 outlines the risks and impacts associated with key projects caused by the potential funding shortfall.

### Disability and accessibility impact

36. There are no specific disability and accessibility matters to consider.

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### **Climate Change impact and considerations**

37. There are no specific climate change matters to consider.

### **Communications Plan**

38. A communications plan is not required.

### **Health and Safety Impact considered**

39. There are no specific health and safety impacts to consider.

### **Ngā mahinga e whai ake nei | Next actions**

40. Officers will continue to work with other shareholding Councils and WWL to improve reporting. The Letter of Expectation in Attachment 2 outlines the expectations of the Wellington Water Committee for the 2024/25 year.

### **Attachments**

Attachment 1.	Briefing paper WWL WCC Additional Capex Request FY202/324 <a href="#">↓</a> 	Page 17
Attachment 2.	WWL_LoE_Mar2024 <a href="#">↓</a> 	Page 35

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## Briefing Paper

### Wellington City Council - Additional Capex Request for Financial Year 2023/24

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**To:** Ms. Siobhan Proctor - Chief Infrastructure Officer, Wellington City Council  
**Authors:** Jillian Cormier - Programme Delivery Lead WCC, Adrienne Black - Principal Advisor Strategic Investment  
**Review:** Pete Wells - Head of Service Planning, Network Strategy and Planning  
**Approved:** Susannah Cullen - Group Manager, Network Development and Delivery  
**Inform:** Mark Ford – WCC Client Relationship Manager and Group Manager Business Services  
**Copied to:** Chris Matthews - Manager Waste, Water & Resilience, Zac Jordan - Principal Advisor, Wellington City Council

### Purpose

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1. The purpose of this paper is to provide Wellington City Council (WCC) with an update on the expenditure to date as well as the forecast expenditure for the 2023/2024 financial year, and to request approval to spend an additional **\$8.3 M**<sup>1</sup> in FY23/24. The **\$8.3 M** is made up of additional budget and movement in budget between FY23/24 and FY24/25 (elaborated on further in this paper).
2. This paper requests that budget moved from FY24/25 into FY23/24 does not reduce the overall FY24/25 capital budget. Instead, Wellington Water seeks approval for the **\$61.8 M** FY24/25 budget to remain, with some movement in budget between activity.

The paper also outlines risks and impacts associated with key projects as a result of the potential funding short fall.

### Definitions

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**Carried forward** - Unspent capital project funds in the current financial year reallocated to a future year(s) to complete the capital project(s)

**Carried back** - Future year capital programme budget reallocated from future year(s) to current year to complete the capital project/programme ahead of time.

**Reactive renewals**<sup>2</sup> - These projects serve to deliver localised renewals in response and prevent network incidents. Projects are organised, tracked, and prioritised via WWL Risk Register as the approved assessment tool by the business to manage operational risks.

**WWTP** – Wastewater Treatment Plant.

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<sup>1</sup> All figures within the word document are rounded. Specific figures are in Attachment C.

<sup>2</sup> These budget lines are highlighted in the Appendix; Attachment B, Table 2, B.5: Network Operations Stormwater Reactive Renewals, and B.6: Network Operations Wastewater Reactive Renewals.

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## Recommendations

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3. It is recommended that WCC:
  - **Approves** in writing Wellington Water's recommended **Option 1** to increase the FY 23/24 capital budget by an additional **\$8.3 M**.
  - **Notes** the options presented in this paper;
  - **Notes** the recommended **Option 1** keeps the FY 24/25 budget at the indicative level of **\$61.8 M**.
  - **Notes** options 2 and 3 presented in this paper are high risk, requiring projects and programmes of work to stop.

## Background and Context

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4. The confirmed budget for the WCC Capital Programme for the financial year 23/24 is **\$60.9 M**.
5. This budget:
  - excludes \$500k relating to Let's Get Wellington Moving and \$630k relating to the reduction of Aotea Quay works, and
  - includes \$2.0 M for two reactive renewal projects approved to be funded as additional to the capex programme - Bell Street Tawa and Arlington Street Mt Cook. These are unplanned events caused by third party. These projects are currently forecasting to come in under the approved funding of \$2.3 M.
6. Year-to-date actuals as of 29 February 2024 are **\$41.8 M** across the total capital programme.
7. At a programme level, the latest forecast from when this memo was written is **\$69.2 M** for the current financial year against the baseline budget of **\$60.9 M**.
8. Wellington Water manages Council's capital delivery plan at a programme level, balancing underspend and overspend of individual projects throughout the year with the aim to deliver the programme to the approved budget. While there was some forecasted overspend of individual projects identified earlier in the financial year, the forecast programme overspend first came to light in February 2024. The level of confidence in achieving this is very high. There are currently several projects in construction. Several budget holders within the capital programme are experiencing increased pressures exceeding the FY 23/24 approved budget.
9. Due to increasing Capital Programme budget needs, Wellington Water request an increase to the budget by **\$8.3 M**. The tables in Attachment A and B set out the details of the specific requested budget increases for Options 1, and 2.
10. Actions that would need to occur to keep the programme within the current approved budget cause complication and risk to the network – see actions listed attachments A and B below. The projects listed in Option 3 (no additional funding) are currently in construction and stopping them now will cause challenges and cost escalations. This becomes problematic for future year planning as backlog and budget issues build up.
11. The three Capital Programme options described in this memo include carrying back budget from FY 24/25 and covering some unplanned costs incurred this FY, the additional budget requested for key projects to reduce impact to FY 24/25 programme, ring fencing the underspent WWTP

budget and Reactive Renewals carrying forward to FY 24/25, as well as a no additional funding scenario. **The FY 23/24 Capital Programme with the presented funding options is linked in the appendix, attachment C.**

12. This proposal covers all the projects in WCC's annual plan, as listed in the *Confirmation of the Wellington City Council Three Waters Capital Delivery Plan for 2023/2024 Financial Year* memo (31 July 2023).
13. The projects forecasting an overspend are due to various factors. At a high level, they include:
  - schedule changes, including movement between financial years;
  - contractual costs of placing works on hold;
  - price increases;
  - scarcity of supplies;
  - new scope discovery;
  - legal fees for settlement disputes and access agreement;
  - contaminated land fill disposal, and
  - expenditure on projects not listed in the annual plan, e.g. for: defects rectification that was not accounted for; design costs expensed for projects that were progressing to enable programme growth which have been put on hold as the likely LTP envelopes have been developed; and reactive renewals.
14. Within the projects forecasting an underspend are four projects which have been placed on hold or pushed into the FY 2024/2025 Capital Programme as of October 2023. These project updates have been communicated to WCC through monthly PMO reporting:
  - Amritsar Street Firefighting - Tender exceeded available budget, funding was redistributed to other WCC projects. No further budget in LTP 24-34.
  - Allington Road Culvert Replacement – Contribution project, schedule pending developer readiness. Funding was redistributed to other WCC projects. No further budget in LTP 24-34.
  - Aro Valley Wastewater Renewals (Adams Aro Holloway Maarama Failie Landcross Streets) – Construction now planned for FY 2024/2025.  
  
WCC WW manhole cover safety improvements – Costs exceeded available budget. Funding was redistributed to other WCC projects, and construction delayed to future years.

### Recommended Option 1

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15. Option 1 proposes to carry back budget for two projects from FY 24/25, ringfence unspent budget in FY 23/24 to carry forward into next year and add additional funding to continue key projects that will help reduce the impact to the FY 24/25 budget.
  16. Option 1 requests an additional **\$8.3 M** above the approved FY 23/24 budget. This is made up of:
-



- **\$5.1 M** to be carried back from FY2024/25 due to schedules changing from initially planned for Taranaki St Rising Main, and Karori Outfall Wastewater Renewal.
- **\$4.4 M** additional requested budget for project cost increases this FY 23/24 and to cover costs not accounted for in the FY 23/24 annual plan (including \$0.2M to begin the reactive renewal of the Aro Street Ridermain following recent pipe failures).
- **-\$1.2 M** of underspent Wastewater Treatment Plant (WWTP) budget carried forward into FY 24/25 budget (ring fenced).

17. The above changes will result in a reduction of the FY24/25 budget by **\$3.9 M** assuming that the full values brought into 2023/24 are expended. Wellington Water request the FY24/25 budget remains at \$61.8 M and the \$3.9 M reduction is allocated to high priority reactive network renewals, including \$1.6M for Aro Street Ridermain Renewal, and to cover an increase in cost for the Wrights Hill Reservoir.
18. Under Option 1, the total request in FY23/24 is **\$8.3 M** and in FY24/25 is **\$0 M**. The sum of this option is **\$8.3 M**. The overall changes to the FY23/24 and FY24/25 capital budgets under **Option 1** are summarised below:

Option 1:	FY 23/24	FY 24/25	Change across FY23/24 + FY24/25
<b>Starting Budget</b>	<b>60,915,685</b>	<b>61,752,000</b>	
Carry back from FY24/25 to 23/24 - Taranaki St Rising Main	4,156,178	(4,156,178)	0
Carry back from FY24/25 to 23/24 - Karori Outfall	984,392	(984,392)	0
Carry forward FY23/24 budget into FY24/25 - Balance of ring fenced WWTP budget	(1,211,898)	1,211,898	0
Additional funding request	4,396,056	3,928,674	8,324,730
<b>Net funding request</b>	<b>8,324,730</b>	<b>0</b>	<b>8,324,730</b>
<b>Closing Budget Request</b>	<b>69,240,415</b>	<b>61,752,000</b>	
Net change	8,324,730	0	

19. This option ring fences \$1.2 M of underspent budget for the wastewater treatment plant projects noted in Appendix A Table 9 of the *Confirmation of the Wellington City Council Three Waters Capital Delivery Plan for 2023/2024 Financial Year* memo (31 July 2023) to be spent in FY 24/25. These are important projects within a wider programme of work which has taken longer to ramp up than anticipated. Option 1 will ensure underspent budget on the wastewater treatment plants isn't used to offset the overspend in other areas. It also requests FY24/25 budget is not reduced below the proposed \$61.8 M total programme budget. This option includes opportunities to increase funding and scope for projects targeted at reducing water loss.
20. Option 1 considers forecast overspend and underspend within the programme. Option 1 covers the projects in need of additional funding. It includes opportunities to increase funding and scope for projects targeted at reducing water loss. This list is built up of projects that are currently in construction, on hold in design and/or ready to construct, and in urgent need of consideration either due to the asset performance risk they are seeking to mitigate or delivery risks. They provide multiple benefits to the city, reduce the risk of further disruption from unplanned failures, and improve the sequence of work for the upcoming FY 24-34 long term plan (LTP). The additional funding requested in this proposal is the balance of the overspend and underspend at a programme level, excluding ring fenced budget for the wastewater treatment plant.

21. There is still a degree of delivery risk associated with the capital programme, particularly as we are moving into the final quarter of the year. It is therefore recommended that in the event Wellington Water does not deliver to the forecast \$69.2 M, that any unspent budget is carried into 2024/25. This is specific high need for WCC's Network Operations Reactive Renewals budget for all three waters with below recommended budgets for FY 24/25.
22. Refer Attachment A and Attachment B for detail on the project specific risks if additional funding is not provided.

### Other options for consideration

#### **Option 2 – Not Recommended - Revised budget, bringing forward budget from FY 24/25 and adding requested additional funding to continue key projects and reduce impact to FY 24/25**

23. Option 2 proposes to carry back budget for two projects from FY 24/25 and add additional funding to continue key projects that will help reduce the impact to the FY 24/25 budget.

#### **Option 2 is made up of:**

- **\$5.1 M** brought forward for Taranaki Rising Main, and Karori Outfall Wastewater Renewal, which are being delivered off of schedule (ahead and behind respectively),
  - **\$3.0 M** for costs expended to date over approved budget, and to continue to deliver critical projects above approved budget
24. Under Option 2, the total request in FY23/24 is **\$8.1 M** and in FY24/25 is a **reduction of \$5.1 M**. The sum of this option is **\$3.0 M**.

Option 2:	FY23/24	FY24/25	Change across FY23/24 + FY24/25
Starting Budget (\$60.1M less LGWM + Aotea Quay reduction)	60,915,685	61,752,000	
Carry back from FY24/25 to 23/24 - Taranaki St Rising Main	4,156,178	(4,156,178)	0
Carry back from FY24/25 to 23/24 - Karori Outfall	984,392	(984,392)	0
Additional funding request - Balance of year end forecast against budget	2,984,160	0	2,984,160
<b>Net funding request</b>	<b>8,124,730</b>	<b>(5,140,570)</b>	<b>2,984,160</b>
Closing Budget Request	69,040,415	56,611,430	
Net change	8,124,730	(5,140,570)	

25. Wellington Water **does not** recommend this option to be adopted by council as it will reduce budget available for capital investment in FY 24/34 for renewing aging assets.
26. Option 2 considers forecast overspend and underspend within the programme. The additional funding requested in this proposal is the balance of the overspend and underspend at a programme level. It does not include budget for Aro Street watermain or ring fencing the WWTP underspend from FY 23/24.
27. Refer Attachment A and Attachment B for detail on the project specific risks if additional funding is not provided.

#### **Option 3 – Not Recommended - No additional funding is granted.**



28. Option 3 is to remain within the existing \$60.9 M budget. We strongly recommend not proceeding with this option due to the significant project risks and impacts outlined below.
- Slowing down work on Taranaki Rising Main so it is delivered per original schedule.
    - Risk: Longer period of disruption to the public, CBD business, and traffic system. Lost opportunity to celebrate effective delivery.
    - Risk: Additional traffic management costs
    - Risk: Resourcing: we are now seeing contractors from the panel looking for work outside the region, which will impact our ability to deliver future works when funding is available.

	FY23/24	FY24/25	Change across FY23/24 +
<b>Option 3:</b>			
<b>Starting Budget</b>	60,915,685	61,700,000	
Carry back from FY2024/25 to 2023/24 (Taranaki St, Karori Outfall, Severn St)	0	0	0
Carry forward FY23/24 budget into FY24/25 (Balance of ring fenced WWTP budget)	0	0	0
Additional funding request	0	0	0
<b>Net funding request</b>	0	0	0
<b>Closing Budget Request</b>	60,915,685	61,700,000	
<b>Net change</b>	0	0	

29. Refer Attachment A and Attachment B for detail on the project specific risks if additional funding is not provided.

### Managing Within Budget

30. At the beginning of the 2023/24 financial year, Wellington Water communicated to Wellington City Council six controls (a to f below) that would be used to improve programme control and delivery. This section provides an update on progress against each control.

31. **Control a:** continuing with monthly monitoring and reporting, and working to ensure all groups within Wellington Water are engaging with the monitoring and reporting process;

**Update:** *Internal monitoring and reporting:* Additional support has been provided to internal budget holders to improve forecasting practices. Monthly full programme reviews, attendance required for all capital budget holders at a team level. Monthly meetings with all project managers on project status. The Programme Practice Team, who are responsible for the reporting, monitoring, planning, change, and controls, has been uplifted with additional functions to provide greater support across the Capital Programme. This has started to flow through into greater scrutiny and controls across the projects and will be more fully realised in the 2024 calendar year as the improvement workplan is undertaken.

*External monitoring and reporting:* Each month WWL uses both the council reporting pack and the Monthly Capex/Opex meeting to communicate progress, risks and issues and annual financial position on the capital delivery programme to the councils. The meeting is a good opportunity to raise project and programme level performance and progress questions.

The monthly capital investment reporting pack which is an input to this meeting, includes the following capex focused reports:

- Capex Financial Dashboard – this dashboard reports on the annual financial data including: Budget, Actuals and Forecast split into categories such as water type and LGA classification. Major Projects are listed as line items in the data set
- Major Projects Dashboard – this dashboard report provides a summary of Major Project Performance
- PMO Dashboard – this dashboard reports on the remainder of the planned capital delivery programme

In addition to this WWL is now sending monthly detailed reports for Major Projects that are in construction, however these are sent later in the month as they are more detailed and take longer to prepare.

WWL use the same reporting templates for all councils. Every financial year we ask for feedback from the councils on the templates and then based on: (1) the feedback from all councils, (2) what data we can get reliably get out of our systems, and (3) the available budget and resource to make improvements to the reporting suite, we take a look at the improvements we can make to the council programme reporting. This financial year we made the following changes:

- Major Projects - we are now sending monthly detailed reports for Major Projects that are in construction, the first of these was issued in December 2023 covering November 2023 performance.
- PMO Dashboard - Added the meters of pipe laid to the reports
- PMO Dashboard - Added construction start and end date milestone data for all projects on the annual works programme and the change that has occurred in the month
- PMO Dashboard - Added data on the health of the forward programme by reporting on which phase the projects within the annual works programme are in.

WWL will be starting to gather feedback from all councils on the capital reporting pack early in Q4 to inform potential changes to the templates for next financial year. This will be led by WWL's Programme Practice Team.

32. **Control b:** removing the over-programming approach to Council's capital delivery plan;

**Update:** Over-programming was used in previous years to mitigate against the risk of under-delivery and to prepare the programme for future growth. This was anticipated to allow the programme to grow to meet the investment required to achieve the required renewal rates to manage network performance risk. This approach has been stopped, however there was an excess of projects which had been started and needed to be put on hold. There were also older projects missed from the Capital Delivery Plan with unbudgeted defects and project close-out costs. The estimated total of this effect is \$3.8 M for FY 23/24 (\$1.9M in actuals to date). The costs are grouped in each water's budget line 'Defects rectification, design and costs to place projects on hold'. Over 40 projects, across all three waters, are currently placed on hold due awaiting budget.



33. **Control c:** continuing to strengthen roles and responsibilities associated with budget control and change management, in particular the control of activities and change across the different groups within Wellington Water;

**Update:** This is an active practice at Wellington Water with Programme Delivery Leads meeting on regular basis (and as required) with respective budget holders within the capital delivery programme. This is a control that was not consistently applied before FY 23/24. It continues to evolve with wider reporting and monitoring across the WWL capex portfolio being consolidated. There are monthly governance meetings to communicate the budget and the associated risks. Regular meetings (at min. monthly) with the finance team are also prioritised by the Programme Delivery team. Issues are captured and communicated on a monthly basis with WCC, outside of regular financial reporting to highlight risks and concerns.

34. **Control d:** continuing to work with our delivery teams to improve forecasting accuracy at the budget line level, for example we have already implemented new key performance indicators for both our consultant and contractor panels;

**Update:** Forecasting and actuals have been improving in accuracy this FY. KPIs and forecasting accuracy continues to be a focus across the delivery panels and internal budget holders. This has seen improvement in accuracy and less variability since work was undertaken last year and will continue to be focused on as part of the wider delivery uplift.

35. **Control e:** improving communication with Council on unplanned failures and reactive renewals;

**Update:** This is generally an active practice at WWL. Funding for urgent works and unexpected events comes from the same Capital Programme Budget. Examples of such this financial year are Karori Outfall and Reactive Renewals. We have been informing council quickly on major failures, reactive renewals, and active leak repairs.

36. **Control f:** undertaking an internal review of our delivery of Council's FY2022/23 capital delivery plan so we can learn and improve.

**Update:** An internal review was undertaken on delivery of the 2022/23 capital programme following an overspend, key findings were:

- The overprogramming approach did not appropriately manage a ready bench of projects to keep pace with delivery and provide agility in the programme as desired. Noted that this approach was to be removed in 23/24.
- Greater centralised oversight across works in other groups is needed to better manage the budgets and delivery.
- The setup of digital systems and tools was not ideal for the growth in the programme and has not met the current need and did not have the dynamic capabilities needed.
- Increased engagement with shareholder councils is required to ensure discussions on projects or budget issues are raised in a proactive manner. Noted that it requires both parties to be focusing on the same outcomes.

A number of changes were made in the FY23/24 year in relation to the review (increased oversight, reporting and monitoring) and WWL will continue to work hard on this.



## Appendix

Attachment A

Table 1 – Carry back to FY 23/24 from FY 24/25 Budget

Ref.	WCC Key Projects	LGA Classification	Annual Budget	Spend year to date this FY (29 Feb 2024)	Forecast to FYE	Reason for Cost Increase	Current phase	Risk/Impact of not continuing	Funding Amount Requested from FY 24/25 Capital Programme (presented in all options)
A.1)	<p>Taranaki St Sewer Upgrade (Taranaki St Rising Main Upgrade)</p> <p><b>NOTE:</b> This line item is not a request for additional funding. This project is currently forecast to be completed within the overall Council approved project budget of \$20.07 M. The increase in budget in FY2023/24 is due to the project being completed ahead of schedule, and subsequently reducing the FY2024/25 budget.</p>	Growth	\$ 10,200,000	\$ 6.9 M	Between \$13.6 M and \$14.2 M (*difference is risk allowance of \$780k)	Project ahead of schedule, contaminated land fill disposal, contractual costs to place on hold	Construction, Complete March 2024	<p>The schedule for Taranaki St Rising Main is significantly ahead of schedule due to the use of trenchless technology and additional resources on site. The project is now expected to be completed end Dec 24, earlier than the original estimate of between March and May 2025. We have also had a significant increase in contaminated soil costs which has been compounded this financial year due to the rapid progress, but cost savings from the rapid progress has resulted in less impact on overall project forecasts. There is \$6 M contractually committed in the LTP in FY 24/25, the balance remaining \$1.9 M will be used in FY 24/25 (\$50k in FY 25/26).</p> <p><b>Biggest Risks:</b></p> <ul style="list-style-type: none"> <li>Any complications with Guided Auger Bore (GAB) technology there could be a dramatic impact on progress (and cashflow).</li> <li>Contaminated soil disposal remains a high risk with reliance on contractor (GPF Ltd) relationship with Southern Landfill (Southern Landfill normally closed over winter and Silverstream closed for 12 months).</li> </ul> <p><b>Benefits:</b></p> <ul style="list-style-type: none"> <li>Reduced impact of significant increase in contaminated soil costs by speeding up programme</li> <li>Reduced traffic management and impact on traffic and the public. Completion in Inglewood place will reduce impact to directly affected business and public.</li> <li>Planned WCC works at Inglewood Place could progress earlier.</li> </ul>	\$4,161,780
A.2)	Karori Outfall Wastewater Renewal	Renewal	\$1,450,000	\$1.5 M	\$2,434,392	Schedule slippage, land access agreement, legal fees, stand-down, environmental monitoring costs	Pending agreement for land access	<p>The section of the Karori wastewater treatment outfall pipeline in question is directly east of the intersection of South Makara Road and the Karori Stream. The pipeline in this location runs parallel to the Karori Stream, traversing across a very steep slope. The primary service objective is that the public is protected from direct exposure to untreated wastewater on land. This funding request eliminates the request in the FY 24/25 LTP contractually committed works. There is \$1.2 M contractually committed in the LTP in FY 24/25, the balance remaining \$215k be used in FY 24/25 (\$19k in FY 25/26).</p> <p><b>Project update:</b></p> <ul style="list-style-type: none"> <li>WWL have not yet returned to site as they do not have the property owners written consent, despite ongoing negotiations.</li> <li>WWL presented the property owner with a written agreement on the 5th December 2023 for their review and signing following numerous discussions. Any further discussions were delayed by the owner until February due to Christmas and extended leave for the owner's lawyer.</li> </ul>	\$984,392



								<ul style="list-style-type: none"><li>• WWL had agreement in principle following a number of detailed changes in a meeting with the owner's representative on the 12th February 2024, and the documentation was returned to them on the 13th February 2024 for signing.</li><li>• GWRC issued abatement notices to WWL and WCC, WWL shared this notice with the property owner to convey the urgency of the matter. This includes an Abatement Notice Deadline of 9 May 2024 to Cease Discharge. WWL will be requesting an amendment to the Abatement Notice Deadline to accommodate the LGA timeframes. This has been discussed in principle with GWRC on the 15th March 2024.</li><li>• Since the 12th February 2024, WWL have been pushing to get this agreement signed and have had a number of further significant requests for amendments for new and existing issues including in relation to the bridge compensation and the valuation details in particular the second collapse of the bank being adequately covered. WWL's last response to address the most recent issues and close out all queries to date was sent on the 14th March 2024. We have not received communications since this date and followed up again on 25th March 2024.</li><li>• In our last communications to the owner on the 14th March WWL notified them that if agreement could not be agreed that week WWL would be issuing the LGA access notice as per the abatement notice.</li><li>• WWL now have the documentation ready to issue the LGA Section 181 notice.</li></ul>	
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Attachment B

Table 2: Funding Options for FY 23/24 Budget

Ref.	WCC Key Projects	LGA Classification	Annual Budget	Spend year to date this FY (29 Feb 2024)	Forecast to FYE	Reason for Cost Increase	Current phase	Risk/Impact of not continuing	Option 1 Preferred Option	Option 2	Option 3:
B.1)	Taranaki Street WWPS Upgrade	Growth	\$3,500,000	\$4.19 M	\$4,600,000	Project ahead of schedule	Construction, Complete March 2024	Contracted. Will be complete March 2024. Cannot slow or hold.	\$209,080	\$1,137,716	\$1,137,716
B.2)	Omaroro Reservoir (Prince of Wales - POW)	Growth	\$1,500,000	\$1,576,689	\$1,685,984	Defect rectification	Defects	The risk of not funding this project is that some resurfacing work in Rolleston Street is not done. Practical completion has been reached. The outstanding work is to cover costs for defect rectification and project management time.  Option 1: This allows for an invoice and payment that are included in accrual amount. Option 2: The same as 'Option 1' above yet with additional \$100k costs for full repairs on Rolleston Street.	\$185,984	\$285,984	\$285,984
B.3)	WCC-CPX-Kent Tce Rising Main Renewal	Renewal	\$0	\$11,005	\$11,005	Programme funding on hold	On hold, pre-concept	This is to cover work already carried out to place the project on hold. Construction is anticipated in FY 27/28 in the 24-34 LTP.	\$11,005	\$11,005	\$11,005
B.4)	Wakefield Street WW Upgrade	Level of Service	\$0	\$44,012	\$73,372	Programme funding on hold, Opt. 3 allows for pre-construction activities.	Ready for Construction	Begin Stage 2 construction in FY 24/25 (subject to funding). Could be brought forward to this FY. Pump station (Ref. A.6) cannot be operated without Wakefield St being operational. Operational risks in network remain without Wakefield St complete.	\$73,327	\$73,327	\$73,327
B.5)	Network Operations Stormwater Reactive Renewals	Renewal	\$1,000,000	\$1,184,077	\$2,055,000	New scope, collapsed SW main on Marsden Ave consumed most of initial budget	On hold due to funding constraints - Construction	These listed renewal projects are operationally driven through the WWL Customer Service Operation Group (COG) risk register for assets that are not meeting the current level of service requirements and need CAPEX intervention to resolve. Five additional projects have been identified by the Customer Operations Group to be prioritised for delivery this financial year due to high or extreme operational risks or due to contracts being committed in the previous financial year.  The following renewals are ready to activate and complete this FY. They include: <ul style="list-style-type: none"> <li>Collapsed SW main on Austin Street</li> <li>Removal and replacement of the current flume on Holloway Road</li> <li>Rehabilitate the stormwater main on the Terrace near Aurora and Europe Lane (Wellington Motorway)</li> </ul>	\$184,077	\$1,055,000	\$1,055,000



								<p>Please note that the following projects were originally included in this request for construction this FY year and have now been delayed due to waiting on funding approval. This in turn has backlogged our reactive renewals, requiring an extra over on next year's proposed budget. The budgets that remain in FY 23-24 for these projects are costs that have been spent this financial year on investigation and design. <b>Anything underspent in this budget line is requested to be carried forward to FY 24/25.</b></p> <ul style="list-style-type: none"> <li>Rehabilitate the Kaiwharawhara Tunnel</li> <li>Landslip destroyed stormwater pipe on Melrose Road</li> </ul>			
B.6)	Network Operations Wastewater Reactive Renewals	Renewal	\$1,275,000	\$1,031,438	\$1,629,000	New scope, collapsed SW main on Marsden Ave consumed most of initial budget. The purpose of the work provided is to carry out a replacement of the 150 mm wastewater main on a new alignment to remedy the grade issues and enable the stormwater remediation works. The design and physical works were committed under contract in the previous fiscal year based on the requested wastewater reactive budget.	On hold due to funding constraints - Construction	<p>These projects are operationally driven through the WWL COG risk register for assets that are not meeting the current level of service requirements and need CAPEX intervention to resolve. Six additional projects have been identified by the Customer Operations Group to be prioritised for delivery this financial year due to high or extreme operational risks or due to contracts being committed in the previous fiscal year.</p> <p>The following renewals are ready to activate and complete this FY. They include:</p> <ul style="list-style-type: none"> <li>Slip on Waikowhai Street</li> <li>Wastewater seepage on Bruce Avenue</li> </ul> <p>Please note that the following projects were originally included in a request for construction this FY year and have now been delayed due to waiting on funding approval. This in turn has backlogged our reactive renewals, requiring an extra over on next year's proposed budget. The budgets that remain in FY 23-24 for these projects are costs that have been spent this financial year on investigation and design. <b>Anything underspent in this budget line is requested to be carried forward to FY 24/25.</b></p> <ul style="list-style-type: none"> <li>Wastewater backup and overflows on Ngatoto Street</li> <li>Erosion to wastewater pipe on Willowbank Road – Stage 1</li> <li>Wastewater pipe dipped on Nathan Street</li> <li>Landslip destroyed wastewater pipe on Melrose Road</li> </ul>	\$0	\$354,615	\$354,615
B.7)	WCC-CPX-Reactive Renewals - Pump	Renewal	\$150,000	\$11,004	\$175,460	Scarcity of supply	On hold due to funding	There is a high risk that both unique pumps may fail within the next year, necessitating their replacement	\$0	\$85,000	\$85,000

	Station (Chapman St.)						constraints - Procure	this financial year. The pricing is based on the cost of two pumps.			
<b>B.8)</b>	Pressure Management [Phase 1] – Pipe burst on Houghton Bay Road	Level of Service	\$240,000	\$1,666,314	\$2,041,829	New scope	Construction	Repair of a critical AC watermain to enable recent works that are to reduce water loss via pressure-reducing valves.	\$334,000	\$1,801,829	\$1,801,829
<b>B.9)</b>	[Package] FT WCC Watermain Renewals 21-27	Renewal	\$0	\$55,306	\$55,447	Delivery planning	On hold due to funding constraints - Design	Progressing design this financial year enables projects to be scheduled sooner for construction. These are projects to renew drinking water pipes that have already had multiple bursts, causing disruption to the community and costing valuable operational funding to go back and fix the leaks. This funding request develops the detailed design, which will further enable construction readiness. It will reduce water loss in five suburbs: <ul style="list-style-type: none"> <li>• Johnsonville WM Renewals (sp) – Disraeli Rd</li> <li>• Newlands WM Renewals (sp) - Link Rd*</li> <li>• Oriental Bay WM Renewals (sp)*</li> <li>• Wadestown WM Renewals (sp)</li> <li>• Wilton WM Renewals (sp)</li> </ul> <p><b>*Disraeli Rd, Link Rd, Oriental Bay, signalled for construction in FY 25/26. Wadestown in FY 27/28, Wilton in FY 29/30.</b></p>	\$55,447	\$55,447	\$55,447
<b>B.10)</b>	Sample Collection Points	Level of Service	\$0	\$97,425	\$156,519	Rephasing of costs, supply of goods	Construction	This work assesses the sample location for each existing distribution sample point located at reservoirs and other currently known high-risk network sampling sites. It also commences the installation of upgraded or new distribution sample points at reservoirs.	\$156,519	\$156,519	\$156,519
<b>B.11)</b>	Agra Crescent Stormwater Renewal	Renewal	\$0	56,000	56,000	Programme funding on hold, early contractor engagement	Design	This project was preparing for FY 23/24 construction with early contractor engagement for constructability input, rescoping, and repricing when programme funding was placed on hold with little notice.	\$56,000	\$56,000	\$56,000



B.12)	Dedicated Service Connection Renewals	Renewal	\$2,800,000	\$1,228,070	\$3,300,000	Programme achieved a reduction in network water loss, additional funding recommended to extend scope	Construction	This programme focuses on the reduction of water loss throughout the region. This work specifically aims to address the acute water shortage. The WCC budget for these renewals is expected to dry up early due to the high demand for renewals this financial year. This programme was first trialled in 2023/24 and has been found to be an effective capital intervention to reduce water leakage at service connections.		\$500,000	\$500,000
B.13)	Tawa St Watermain Renewal	Renewal	\$0	\$76,041	\$177,268	Opportunity to improve the resilience redundancy of Tawa	Design	This request is to provide better resilience/redundancy to Tawa water supply with an emergency pressure control valve. The opportunity to install valve while a condition assessment is being done in Q4 has presented at 375 steel cement Line 1955 which is the Tawa Reservoir Outlet Main.		\$177,268	\$177,268
B.14)	Wrights Hill Reservoir Seismic Improvements	Level of Service	\$0	\$466,332	\$1,085,372		Construction	<ul style="list-style-type: none"> <li>This project has timed construction around the winter months. Pre-construction took place in Q1 of FY 23/24. Insufficient budget for FY23/24 and within the draft LTP as tendered prices have just returned 26/03/24 with an total project estimate of \$2.7 M.</li> <li>23/24 FY – \$466,332 temporary works + \$619,040 main contract works = \$1,085,372</li> <li>24/25 FY – \$1.45 M main contract works in Q1, Q2</li> <li>Total = \$2.7 M, a \$350k shortfall in FY 24/25.</li> </ul>	\$466,332		\$1,085,372
B.15)	Projects outside of FY 23/24 Programme	Various	\$0	\$1.9 M	\$3.6 M			<p>There were projects outside of the FY 23/24 Capital Programme that had close-out, defects, on-hold, and design costs that were not captured in the FY 23/24 budget requirements. The sum of these projects is grouped by water in the project listings (Appendix C).</p> <p>Closing out these outstanding costs provide benefits to the Council, minimise the risk of further disruption, and improve the sequence of work for the upcoming FY 24-34 long term plan (LTP). From a service planning perspective, this option eliminates flow on effect to the FY2024/25 WCC Capital Programme.</p>		\$3.6 M	\$3.6 M

Attachment C

FY 23/24 Capital Programme Funding Options

Water	Project Name	Sum of FY24 Recommended Budget	Sum of FY24 WCC Budget	Actuals as at Feb2024	Full Year Forecast as at March 2024	Difference - Budget against forecast	FY2024/25 budget
Drinking Water	Let's Get Wellington Moving design work BUDGET ONLY	500,000	0	0	0	0	0
	Wellington Watermain Catchment Renewals BUDGET ONLY	110,000	0	0	0	0	0
	Drinking water development projects – reactive	75,000	75,000	4,939	34,308	40,692	150,000
	Omaroro Reservoir (Prince of Wales - POW)	1,500,000	1,500,000	1,576,689	1,785,984	(285,984)	0
	WCC Water REACTIVE Network Renewals	3,000,000	3,000,000	930,385	3,850,000	(850,000)	2,133,531
	WCC Urgent Renewals - Reservoirs	70,000	70,000	58,284	106,325	(36,325)	0
	WCC Water Reactive Pump Station Renewals	150,000	150,000	11,004	175,460	(25,460)	98,000
	WCC District Meter Area REACTIVE renewals	150,000	150,000	68,533	157,336	(7,336)	166,207
	WCC Water Network modelling	600,000	600,000	240,926	308,741	291,259	0
	Main Road (68-Redwood Ave) Water Network Renewals (PK)	2,600,000	2,600,000	2,740,769	2,740,769	(140,769)	0
	(SWS) WCC PW Pressure Management	240,000	240,000	1,666,314	2,041,829	(1,801,829)	1,283,421
	Middleton Road (Halswater Dr-Westchester Dr) Watermain Renewal (PK)	10,000	10,000	9,338	10,298	(298)	0
	Pembroke Road (Huntingdon St - Mairangi Rd) Watermain Renewals (PK)	10,000	10,000	7,689	8,645	1,355	0
	Huntingdon Street Watermain Renewal (from Pump Station to Mt Wakefield Reservoir) (Lining)	10,000	10,000	36,301	37,949	(27,949)	0
	Agra Cres WM Renewal (PK)	2,200,000	2,200,000	3,095,253	3,111,966	(911,966)	0
	WCC Security Locks Reservoirs	20,000	20,000	22,052	22,052	(2,052)	0
	WCC-CPX-Reservoir Leakage Renewals	50,000	50,000	0	49,975	25	0
	WCC Reservoir Reactive works - Health and Safety Improvement	100,000	100,000	130,290	178,358	(78,358)	110,813
	PRV Renewals	100,000	100,000	101,491	118,083	(18,083)	0
	Amritsar Street (84-107) Firefighting - (DFR)	850,000	850,000	21,247	21,301	828,699	0
	WCC District meter area PLANNED renewals	240,000	240,000	131,742	293,248	(53,248)	100,000
	WCC Commercial Meter REACTIVE Renewals	150,000	150,000	195,313	195,313	(45,313)	166,207
	WCC Reservoir VHCA Remedial Works	500,000	500,000	727,365	733,152	(233,152)	5,000
	Dedicated Service Connections Renewals	2,800,000	2,800,000	1,228,070	3,300,000	(500,000)	0
	Onslow reservoir number 1 outlet main upgrade	67,300	67,300	0	0	67,300	0
	Maupuia Reservoir No.3	50,000	50,000	0	23,079	26,921	0
	Highland Park Reservoir replacement	40,000	40,000	0	0	40,000	0
	Regional Pressure Management (WCC) BUDGET ONLY	50,000	50,000	0	30,000	20,000	0
	Buried Reservoir integrity upgrades - VHCA BUDGET ONLY	30,000	30,000	0	0	30,000	150,000
	Reservoir renewals BUDGET ONLY	10,000	10,000	0	0	10,000	0
	WCC-CPX-Wrighthill Reservoir Seismic Upg	0	0	466,332	1,085,372	(1,085,372)	1,100,000
	WCC-CPX-Sample Collection Points	0	0	97,425	156,519	(156,519)	0





	WCC-CPX-Tawa St Water Main Renewal	0	0	76,041	177,268	(177,268)	0
	Defects rectification, design and costs to place projects on hold	0	0	412,503	566,800	(566,800)	0
<b>Drinking Water Total</b>		<b>16,282,300</b>	<b>15,672,300</b>	<b>14,056,295</b>	<b>21,320,131</b>	<b>(5,647,831)</b>	<b>5,463,179</b>
Stormwater	WCC Stormwater REACTIVE Renewals	1,000,000	1,000,000	1,184,077	2,255,000	(1,255,000)	608,115
	Shirley Street (37-39) to Hurman St (2) Stormwater Upgrade	660,000	660,000	669,917	748,623	(88,623)	30,000
	Stormwater development projects – reactive	75,000	75,000	0	34,616	40,384	150,000
	WCC Climate Change Stormwater Modelling	250,000	250,000	157,037	172,813	77,187	0
	Waikare St (4-7) Stormwater Renewal	10,000	10,000	0	0	10,000	0
	Main Road (68-74) Tawa Stormwater Improvement	10,000	10,000	118,238	122,768	(112,768)	20,000
	WCC-CPX-Global SW Consenting	95,000	95,000	93,436	165,226	(70,226)	0
	Karori Road (357a) Stormwater Renewal (with WW)	525,000	525,000	310,732	452,786	72,214	0
	Hawkestone Street (6-27) and Molesworth Street (79-83) Stormwater Renewal (with WW)	1,315,000	1,315,000	1,178,013	1,400,661	(85,661)	0
	WCC-CPX-SW-Global Ops Works Consent	15,000	15,000	10,518	14,837	163	20,000
	Allington Road Culvert Replacement	2,750,000	2,750,000	0	0	2,750,000	0
	VHCA - Rugby St SW Renewal	50,000	50,000	0	0	50,000	0
	VHCA Glenmore and Holloway Road SW Renewals	20,000	20,000	0	0	20,000	0
	Freshwater Management tool - Build	15,000	15,000	0	6,923	8,077	0
	Agra Crescent SW Renewal	0	0	0	56,000	(56,000)	0
	WCC-CPX-Bell St Tawa SW Reactive Renewal	0	792,254	48,228	792,254	0	0
	WCC-CPX-ArlingtonSt MtCook SW React Rnwl	0	1,172,432	626,912	1,172,432	0	0
	Defects rectification, design and costs to place projects on hold	0	0	182,669	200,933	(200,933)	0
<b>Stormwater Total</b>		<b>6,790,000</b>	<b>8,754,685</b>	<b>4,579,777</b>	<b>7,595,873</b>	<b>1,158,813</b>	<b>828,115</b>
Wastewater	Other priority work or contingency, as determined by Wellington Water	500,000	364,700	0	0	364,700	0
	Featherston St (Whitmore St to Waring Taylor St) Rising Main Renewal	10,000	10,000	18,277	18,277	(8,277)	0
	Landfill Road Manhole Rehabilitation (Careys Gully Centrate Line rehab) - Stages 1 to 3	450,000	450,000	276,785	462,000	(12,000)	0
	WCC Wastewater REACTIVE Renewals	1,275,000	1,275,000	1,031,438	2,629,000	(1,354,000)	1,412,856
	Wastewater development projects – reactive	75,000	75,000	0	29,229	45,771	150,000
	Bluebelt Wastewater Modelling	250,000	250,000	133,011	230,186	19,814	0
	Hawkestone Street (6-27) and Molesworth Street (79-83) Wastewater Renewal (with SW)	915,000	915,000	861,481	1,046,766	(131,766)	0
	WCC WW manhole cover safety improvements	500,000	500,000	227,194	291,557	208,443	0
	Hinau St Wastewater Upgrade and McLennan St Cross Connection	1,200,000	1,200,000	1,763,074	1,768,511	(568,511)	0
	Karori Road (357a) Wastewater Renewal (with SW)	75,000	75,000	113,805	114,010	(39,010)	0
	Maida Vale Road Wastewater Pipe Renewals	10,000	10,000	21,246	21,300	(11,300)	0
	WCC Moa Pt WWTP PLANNED Renewals	315,000	315,000	(684,632)	348,853	(33,853)	1,500,000
	WCC Western WWTP PLANNED Renewals	250,000	250,000	284,971	367,323	(117,323)	500,000
	Waikare St (4-7) Wastewater Renewal	20,000	20,000	0	0	20,000	0
	Taranaki St new PS	3,500,000	3,500,000	4,187,690	4,637,716	(1,137,716)	0
	Victoria St Rising Main renewal	700,000	700,000	227,403	476,077	223,923	2,000,000
	Pump Stations 1 - 7 Upgrades	695,000	695,000	143,032	474,070	220,930	2,000,000
	WCC Western WWTP REACTIVE Renewals	50,000	50,000	94,724	351,798	(301,798)	225,000



	WCC Moa Pt WWTP REACTIVE Renewals	300,000	300,000	681,881	950,197	(650,197)	1,120,000
	WCC-CPX-WW Overflow Consent Western	594,000	594,000	187,753	377,247	216,753	0
	[Package] Pitt, Stratford, and Wilton Wastewater Renewal	700,000	700,000	258,082	258,082	441,918	0
	Aro Valley Wastewater Renewals (Adams Aro Holloway Maarama Fairlie Landcross Streets)	3,000,000	3,000,000	27,941	27,941	2,972,059	7,435,178
	Eastern trunk main and PS23 rising main upgrade	800,000	800,000	145,124	343,920	456,080	1,200,000
	WCC Wastewater Pump Stations PLANNED Renewals	200,000	200,000	133,879	245,390	(45,390)	0
	Airport WW Interceptor	800,000	800,000	155,396	494,057	305,943	2,000,000
	Smart Wastewater Network (Regional) - WCC	10,000	10,000	13,272	13,306	(3,306)	0
	Karori Storage Tunnel Upgrade	970,000	970,000	1,210,224	1,222,111	(252,111)	0
	Moa Point WWTP UV Project	800,000	800,000	184,645	875,973	(75,973)	7,200,000
	WCC WWTP SCADA, PLC and MCC Renewal - Moa	261,667	261,667	180,458	194,177	67,490	3,000,000
	WCC WWTP SCADA, PLC and MCC Renewal - Western	261,667	261,667	168,226	194,177	67,490	0
	WCC WWTP SCADA, PLC and MCC Renewal - Careys Gully	261,667	261,667	168,226	194,177	67,490	0
	VHCA-Wellington Interceptor Pipe Renewal - Cuba St to Abel Smith St	50,000	50,000	0	0	50,000	0
	Triplicate WW interceptor renewals	25,000	25,000	0	13,883	11,117	0
	Otari Wilton Bush overflow and Sewer Trunk capacity	50,000	50,000	0	0	50,000	400,000
	Defects rectification, design and costs to place projects on hold	0	0	666,648	774,427	(774,427)	0
	Moa Point WWTP Inlet Pump Station Renewal	2,058,000	1,400,000	1,473,860	1,879,049	(479,049)	0
	Careys Gully Sludge Dewatering Renewal	1,000,000	1,000,000	148,066	317,940	682,060	1,020,000
	Moa Point WWTP Clarifier Bearing Replacements	700,000	700,000	0	652,904	47,096	0
	Moa Point WWTP Aeration System Renewal	500,000	500,000	162,830	400,000	100,000	0
	Moa Point WWTP Roof Renewal	500,000	500,000	26,931	237,501	262,499	0
	Moa Point WWTP Chemical Tanks Renewal	300,000	300,000	0	0	300,000	0
	Moa Point WWTP Odour Control System Renewal	300,000	300,000	8,481	60,000	240,000	0
	Western WWTP UV Renewal	300,000	300,000	36,645	337,967	(37,967)	0
	Western WWTP Consent Renewal	100,000	100,000	2,743	2,743	97,257	0
	Taranaki St Rising Main	10,200,000	10,200,000	6,919,851	14,356,178	(4,156,178)	6,000,000
	Karori Outfall WW Renewal	1,450,000	1,450,000	1,511,504	2,434,392	(984,392)	1,200,000
	<b>Wastewater Total</b>	<b>37,282,000</b>	<b>36,488,700</b>	<b>23,172,165</b>	<b>40,124,411</b>	<b>(3,635,711)</b>	<b>38,763,034</b>
	<b>Grand Total (excl Aro St)</b>	<b>60,354,300</b>	<b>60,915,685</b>	<b>41,808,237</b>	<b>69,040,415</b>	<b>(8,124,730)</b>	<b>45,054,328</b>
	<b>Additional budget request</b>						
	Aro Street Ridermain Renewal - reactive repair	0	0	0	200,000	(200,000)	(1,646,700)
	<b>Grand Total</b>	<b>60,354,300</b>	<b>60,915,685</b>	<b>41,808,237</b>	<b>69,240,415</b>	<b>(8,124,730)</b>	<b>45,054,328</b>
	<b>Activity with \$0 budget in FY23/24 (excl Bell St and Arlington St SW Renewals which had approval for additional budget (insurance))</b>				1,949,847	3,809,573	



# Komiti Ngā Wai Hangarua | Wellington Water Committee

01 March 2024

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Report no: WWC2024/1/63

## Letter of Expectation

### Purpose of Report

1. For the Wellington Water Committee (the Committee) to approve the annual shareholder and partners' Letter of Expectation to Wellington Water Limited (the company).

### Recommendations

That the Committee:

- (1) notes and receives the report;
- (2) approves the annual shareholder and partners' Letter of Expectation to Wellington Water Limited (attached as Attachment 1 to the report); and
- (3) authorises the Wellington Water Committee Chair to sign the letter.

### Background

2. Committee members have the delegated authority from each of the six shareholding Councils to agree on the annual Letter of Expectation. This is set out in the Committee's terms of reference.
3. The objective of the Letter of Expectation is to provide shareholders with the opportunity to state their priorities to the company, which will then be included in the company's Statement of Intent. According to the constitution, the company board must deliver a draft Statement of Intent on or before 1 April 2024 for consideration.
4. The priorities included in the Letter of Expectation reflect those flowing from the Councils' overall objectives as expressed in their Long-term Plans in relation to the three waters services. The letter also reflects the priorities communicated at a workshop on 9 February 2024 and feedback from shareholding Councils and some iwi partners after the circulation of an early draft.

**Communications**

5. Once the Committee approves, the Chair of the Committee will circulate the agreed Letter of Expectation to the Chair of the Board of the company, the Chief Executive, and all shareholders.

**Legal Considerations**

6. Officers recognise that the matters referenced in this report may have a high degree of importance to affected or interested parties.
7. The matters requiring a decision in this report have been considered by officers against Part 6 of the Local Government Act 2002 (the Act) requirements. Part 6 sets out the obligations of local authorities in relation to the making of decisions.

**Significance of the decision**

8. Part 6 requires the Committee to consider the significance of the decision. The term “significance” has a statutory definition in the Act.
9. Officers have considered the significance of the matter and consider it, on its own, to have a low significance. Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

**Appendices**

No.	Title	Page
<a href="#">1</a>	Draft Letter of Expectation 2024	121

**Author:** Wendy Walker  
Chief Executive, Porirua City Council

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Mayor Campbell Barry  
Chair, Wellington Water Committee  
Private Bag 31912  
LOWER HUTT

29 February 2024

Nick Leggett  
Chair  
Wellington Water Limited  
Private Bag 39804  
WELLINGTON

Kia ora Nick

#### **Letter of Expectation 2024 - 2027**

This letter sets out the priorities and expectations of the six shareholding councils and Mana Whenua of Wellington Water Limited (WWL) for the period 2024-2027.

We expect these to be reflected in the development of WWL's draft Statement of Intent for the Wellington Water Committee's consideration. These priorities were developed at a Committee workshop on 9 February 2024 and have been informed by subsequent discussions with Councils and Mana Whenua.

#### **Context**

The path of water reform over the last few years has been dynamic and uncertain. Now, a change of Government has seen the repeal of the Labour Government's legislation. The National-led coalition Government's policy, *Local Water Done Well*, returns the responsibility for water services to each Council.

Progression towards a new entity to deliver our water services is now further away than it was at this time last year.

For shareholding Councils, this raises two key considerations:

1. The responsibility for developing a regional or sub-regional position on the form and function of a new water services entity will sit more clearly locally. Work is under way regionally to develop an appropriate vehicle for this work.

This responsibility will sit outside the WWL governance arrangements but will require the active cooperation of the company especially in the provision of information and operational expertise.

2. The focus in the short to medium term must be on WWL managing assets and delivering three water services efficiently and effectively with emphasis as outlined below.

#### **Te Mana o te Wai – the korowai for water services**

Te Mana o te Wai prioritises the health and wellbeing of water first. The second priority is the health needs of people and the third is the ability of people and communities to provide for their social, economic, and cultural wellbeing.

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We expect WWL to give effect to Te Mana o te Wai in planning, regulatory and operational areas working in partnership with Mana Whenua.

**Key Expectations of Wellington Water Limited for 2024-25**

1. Improve efficiency, effectiveness, transparency, and oversight by working with shareholders to produce a single framework that encompasses:
  - i. A reporting and performance management scheme including key performance indicators, but also broader productivity indicators that provide confidence that WWL is delivering value for money and competitive tension.
  - ii. A simplified, reduced traffic management regime within existing Codes of Practice.
  - iii. A capital programme planning and management framework, and associated reporting that; is clearly linked to Council Long Term and Annual Works Plans, enables Councils to comply with LGA audit requirements, and provides for Councils to reprioritise investment to support growth and other priorities as appropriate.
  - iv. High level, pragmatic benchmarking to be reported to the Wellington Water Committee to provide value for money assurance of service delivery.

The framework must be common, rather than specific to each of the six shareholders.

2. Provide assurance that WWL has an absolute focus on delivery, value for money and sustainable operational improvements.
3. WWL will review its contracting arrangements around maintenance and capital works and provide assurance that the procurement model is best practice and is delivering the best value for shareholding Councils.
4. Compliance with all regulatory requirements with clear, no surprises advice to shareholders around the risk of non-compliance where appropriate. This is especially relevant – but not limited - to the performance of wastewater treatment plants.
5. WWL will work with shareholders to produce a single integrated water meter implementation plan across the shareholding Councils.
6. Where smart investment can produce asset management improvements that can benefit a new water services model, these will be costed and reported back to the Wellington Water Committee.
7. For the next year, drinking water investments and maintenance should be oriented around mitigating the risk of an acute water shortage for the summer of 2025 and beyond.
8. The shareholding Councils endorse the five existing priority areas for WWL:
  - Look after existing infrastructure.
  - Support growth.
  - Ensure sustainable water supply for the future.
  - Improve water quality in our rivers, streams, and harbours.
  - Reduce our carbon emissions and adapt to the impacts of climate change.
9. WWL must ensure that local Mana Whenua priorities are understood and are incorporated into operations.

This letter is communicated at a time where our assets are failing at a rate faster than ever, with obvious and high-profile consequences across the region. The need for WWL and its shareholders to work together in pursuit of these expectations has never been greater.

The shareholding Councils look forward to receiving a concise draft of the Wellington Water Ltd Statement of Intent no later than 1 April 2024.

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Staff are available to provide further details if required. Please contact [wendy.walker@porirua.govt.nz](mailto:wendy.walker@porirua.govt.nz) should you have any queries.

Yours sincerely

Campbell Barry  
Chair  
Wellington Water Committee





# CIVIC ADMINISTRATION BUILDING AND MUNICIPAL OFFICE BUILDING REDEVELOPMENT

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## Kōrero taunaki | Summary of considerations

### Purpose

1. This paper seeks the Council's approval to enter negotiation with Precinct Properties Limited for the redevelopment of the Civic Administration and Municipal Office Buildings (CAB and MOB) following the completion of a procurement process.

### Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

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

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

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

### Relevant Previous decisions

- In December 2020, the Strategy and Policy Committee agreed that the Council's preferred option was to demolish MOB and that this would be included in the 2021/31 LTP.
- In June 2021, following consultation, the Council adopted the LTP with MOB demolition retained as the preferred option.
- In October 2021, the Strategy and Policy Committee adopted the Te Ngākau Civic Precinct Framework on the basis that Council is committed to Te Ngākau Civic Square being the musical, creative and democratic heart of Wellington.
- In October 2023, the Council agreed to progress with a tender process for the redevelopment of the CAB and MOB sites in line with the Framework and, amongst other things, deliver the Town Hall's front-of-house facilities.
- In November 2023, the Council agreed to bring forward funding from 2024/25 to 2023/24 to accelerate the demolition of CAB.

### Significance

The decision is **rated medium significance** in accordance with schedule 1 of the Council's Significance and Engagement Policy. The proposal meets the following criteria: Community Interest.

**Financial considerations**

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

**Risk**

- Low
 |  Medium
 |  High
 |  Extreme

Authors	Katherine Meerman, Chief Advisor Farzad Zamani, Manager Urban Regeneration & Design
Authoriser	James Roberts, Chief Operating Officer

**Taunakitanga | Officers' Recommendations**

Officers recommend that the Te Kaunihera o Pōneke | Council:

- 1) Receive the information
- 2) Note officers have completed the procurement process for the redevelopment of the CAB and MOB sites in line with the direction provided by the Council in October 2023
- 3) Note there were four compliant responses to the tender, which were assessed by an evaluation panel of internal and external members
- 4) Note the procurement process was overseen by an independent probity auditor whose report confirms the procurement process met public sector best practice
- 5) Note the proposal from Precinct Properties Limited is preferred on the basis that it:
  - a. Demonstrated strong activation and placemaking outcomes in line with the vision for Te Ngākau as a cultural and civic centre
  - b. Delivered a commercial proposal which minimised development and funding risk to Council
  - c. Demonstrated a flexible approach to ground/first floor spaces that will deliver Town Hall requirements while managing Council's long-term lease costs via multiple uses of spaces
  - d. Demonstrated a strong proven development and construction team with directly relevant case studies/previous experience
- 6) Note the Precinct Properties Limited proposal comprises the following:
  - a. Demolition of both CAB and MOB (to be undertaken by Council), replaced with a new development
  - b. Ground and first level space delivering:
    - i. integration with the Town Hall and Town Hall front-of-house requirements
    - ii. coworking space with a focus on creative sector start-ups and SMEs
    - iii. hospitality and retail activation
  - c. Commercial leasing and/or residential accommodation on upper levels
- 7) Agree that the Council enters negotiation with Precinct Properties Limited to prepare a development agreement by December 2024

- 8) Note that key terms of the development agreement will be brought back to the Council for agreement in late 2024/early 2025, in line with the delegations framework, including a recommendation for freehold or leasehold title
- 9) Delegate to the Chief Executive the ability to:
  - a. prepare a development agreement with Precinct Properties in line with Council resolutions and the Te Ngākau Civic Precinct Framework
  - b. agree all terms of the development agreement that do not specifically require Council decision under the delegations framework
- 10) Note the development of the CAB/MOB sites will not be completed by the time the Town Hall is expected to open and officers are exploring options to provide front-of-house facilities for the Town Hall for a transitional period.

### **Whakarāpopoto | Executive Summary**

2. This paper advises the Council of the outcome of the procurement process for the redevelopment of the CAB and MOB sites and seeks the Council's agreement to enter negotiations with the preferred respondent, Precinct Properties Limited.
3. With the completion of this procurement process, the Council is now well underway with projects across the Te Ngākau precinct, all of which will contribute strongly to a reactivated precinct and revitalised cultural and civic heart of the city. Work will continue across the precinct for the next five years, with major milestones regularly achieved throughout that period, including:
  - Draft master development plan delivered to Council in June 2024;
  - CAB demolition completed by end of 2024 and MOB demolition by end of 2025;
  - Te Matapihi completed at the end of 2025 and open to the public early 2026;
  - Completion of City Gallery maintenance and strengthening work and reopening to public early 2026;
  - Town Hall completion by mid-2027 and open to the public end of 2027; and
  - Subject to the decisions in this paper, a new CAB/MOB redevelopment completed end of 2028.
4. In October 2023 the Council agreed to initiate a procurement process to for the redevelopment of the CAB/ MOB sites in partnership with a private developer. The Council agreed development proposals would need to deliver on the vision and objectives of the Te Ngākau Civic Precinct Framework, reactivate the area as a cultural and creative hub on a 24/7 basis, and deliver the Town Hall's front-of-house requirements on the MOB site in a way that mitigates the impact on Town Hall construction.
5. Officers recommend that the Council agrees to proceed to negotiation with Precinct Properties Limited on the basis that their proposal most strongly demonstrated desired activation and placemaking outcomes, their commercial proposal was straightforward and minimised the Council's development and funding risk, and their development and construction team has previously worked together on directly relevant placemaking projects with Auckland Council.

6. Precinct Properties proposes to demolish CAB and MOB and replace them with a new development. The ground and first floors would have a strong civic focus with Town Hall requirements and connection to the Town Hall on both levels, open space for other performances, functions or meetings, and hospitality and retail activations. These floors could also house Precinct's co-working business, Generator, with a focus on supporting creative sector start-ups. The remaining floors would be used for NZSO (and VUW New Zealand School of Music, if required), and commercial and/or residential uses.
7. Officers expect that a development agreement could be negotiated with Precinct by the end of 2024 and relevant key terms of the development agreement would be brought back to the Council for agreement before the agreement is finalised.

## **Takenga mai | Background**

### Te Ngākau Civic Precinct Framework

8. The Te Ngākau Civic Precinct Framework was adopted by the Council in October 2021 and is now being used to guide all work in the precinct, including the production of the development plan for the precinct and the progress of the key projects underway – Te Matapihi and the Town Hall. The Framework has also been used to guide the CAB/MOB redevelopment tender process discussed in this paper.
9. The Te Ngākau Civic Precinct Framework was developed to provide a strategic, integrated guide for the future development of the precinct. Through the preparation of the Framework, the following issues were identified by stakeholders:
  - Closure of buildings has meant a loss of people, activity and vibrancy from the precinct
  - Te Ngākau does not reflect Wellington's unique culture and identity, specifically, it does not reflect mana whenua and te ao Māori
  - The precinct is not equipped to deal with future resilience challenges such as climate change or a major earthquake
  - The precinct is not integrated with the central city and the waterfront and provide clear and safe access between these important spaces
10. The Te Ngākau vision is that Te Ngākau is the beating heart of the capital city; a thriving neighbourhood where creativity, culture, democracy, discover and arts experiences collide on the edge of Te Whānganui-a-Tara. The vision is supported by the following objectives which need to guide the precinct's development and programme decisions:
  - A place that is resilient, sustainable and enduring;
  - Integrated with the city and waterfront;
  - Safe and easy access and integrated with wider transport network;
  - Respects and incorporates experiences of architecture, design and heritage balanced with its enduring functional role in the city;
  - Vibrant, welcoming and supports a range of uses alongside its core civic role;
  - Expresses our culture and embeds mana whenua values into design; and
  - Safe, inclusive, comfortable and green.

### MOB demolition

11. In the 2021/31 LTP, the Council consulted with the community on options for the future of the CAB and MOB buildings. CAB had been irreparably damaged in the Kaikoura earthquake and the MOB building had a low seismic rating and strengthening costs were expected to be uneconomic. In light of this, the Council's preferred option for both buildings was to demolish the buildings, replacing them with a new development to be undertaken in partnership with a private developer. This preference was confirmed following consultation.
12. Since the last LTP, the Council has taken the decision to proceed with the CAB demolition and in November 2023, brought forward funding from 2024/25 to the current financial year to accelerate the demolition progress. The soft strip out has recently begun and structural demolition will begin in June and is expected to be complete by December 2024.
13. The MOB seismic rating was recently confirmed to be 15% NBS and independent valuation and QS advice confirmed that the expected strengthening costs and resulting required lease rates would, in all likelihood, make strengthening a non-viable option. As reported to the Council in October, QS strengthening cost estimates are expected to be between \$279m (34% NBS) and \$360m (100% NBS). Experience with difficult ground conditions and strengthening costs and requirements in the neighbouring Town Hall also demonstrates the likely challenges that would be faced in strengthening MOB.
14. The CAB/MOB procurement process enabled respondents to propose either a new build or strengthened MOB, provided full costs were met by the developer so that the Council was not exposed to the same risks as the Town Hall. Following the procurement process, this paper now seeks the Council's decision to move ahead with a proposal to demolish MOB, in line with its previous stated intentions.

### Town Hall front-of-house requirements

15. From the beginning, the Town Hall project was intended to operate as part of an integrated set of buildings – including the Town Hall, MOB, MFC and Te Ngākau basement. The MOB site was intended for front-of-house facilities with MFC providing operational space for Venues Wellington and rehearsal space for NZSO.
16. Recently assessed seismic issues with related elements of the project (i.e., MOB, Te Ngākau basement, and MFC) have created challenges with this integrated intent and added to the difficulty delivering a functional Town Hall, placing additional pressure on the Town Hall to deliver more of the requirements of the overall project to ensure the desired customer experience outcomes are met.
17. In October 2023, the Council agreed to several changes to the Town Hall layout to reduce its reliance on neighbouring buildings and deliver operational requirements. These changes removed the reliance on the MFC but space on the MOB site is still needed for front-of-house facilities and venues requirements (e.g., hospitality space, connection to breakout/circulation space, bathrooms and bar facilities). The Council agreed that a core requirement of the CAB/MOB redevelopment procurement would be to deliver the necessary Town Hall requirements.

## Kōrerorero | Discussion

### Procurement process

18. In October 2023, following a successful initial market soundings process, the Council agreed to move to procurement for the redevelopment of the CAB/ MOB sites in partnership with a private developer, and to seek proposals that:
- Redevelop CAB;
  - Redevelop or strengthen MOB, and include delivery of the Council’s Town Hall requirements;
  - Meet the vision and objectives of the Te Ngākau Civic Precinct Framework; and
  - As far as possible, deliver both buildings in a way that minimises impact on the Town Hall’s construction timetable and seek to align the delivery of MOB with the completion of the Town Hall to minimise costs to the Council.
19. The tender process opened in December 2023 and closed in March 2024 and four compliant responses were received.
20. Respondents were asked to submit a concept design depicting their vision for the redeveloped sites and proposal that addressed the a set of design and functional requirements (summarised in Table 1). The proposals were assessed by an evaluation panel of internal and external members.

*Table 1: Response requirements*

Concept design	Proposal criteria
<ul style="list-style-type: none"> <li>• Aligns with provided key design principles</li> <li>• Delivers Town Hall front-of-house requirements</li> <li>• Includes tenancy provision for NZSO and VUW New Zealand School of Music within the MOB site</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrated alignment with the Te Ngākau Framework and objectives, particularly vision for a creative and civic hub with 24/7 activation</li> <li>• Capability and experience of consultant and construction team, including experience of working together on comparable projects</li> <li>• Commercial offering and funding model, and financial viability</li> <li>• Programme, delivery and timeframes, including to deliver in line with the completion of the Town Hall</li> <li>• Demonstrated ability to deliver a broader set of outcomes, including mana whenua engagement and sustainability outcomes</li> </ul>

21. The procurement process was overseen by an independent probity auditor, McHale Group, and their report is attached as Appendix 1. The report confirms the process was undertaken in accordance with public sector best practice. In particular, the probity assessment concluded:
- Procurement process and documentation as designed were consistent with WCC procurement policies, audit office procurement guidelines, public sector best practice and incorporated necessary probity principles;
  - Implementation of the process was consistent with these principles, minimising risk of probity failure due to weakness in the process and ensuring no party was treated unfairly;
  - Ethical behaviour as practised throughout, and the process was guided by principles of honesty, fairness, integrity, trust and respect; and
  - Given the significance and high-profile nature of WCC and this process, potential probity risks were identified in real-time, planned for, and mitigating action (where needed) was initiated.

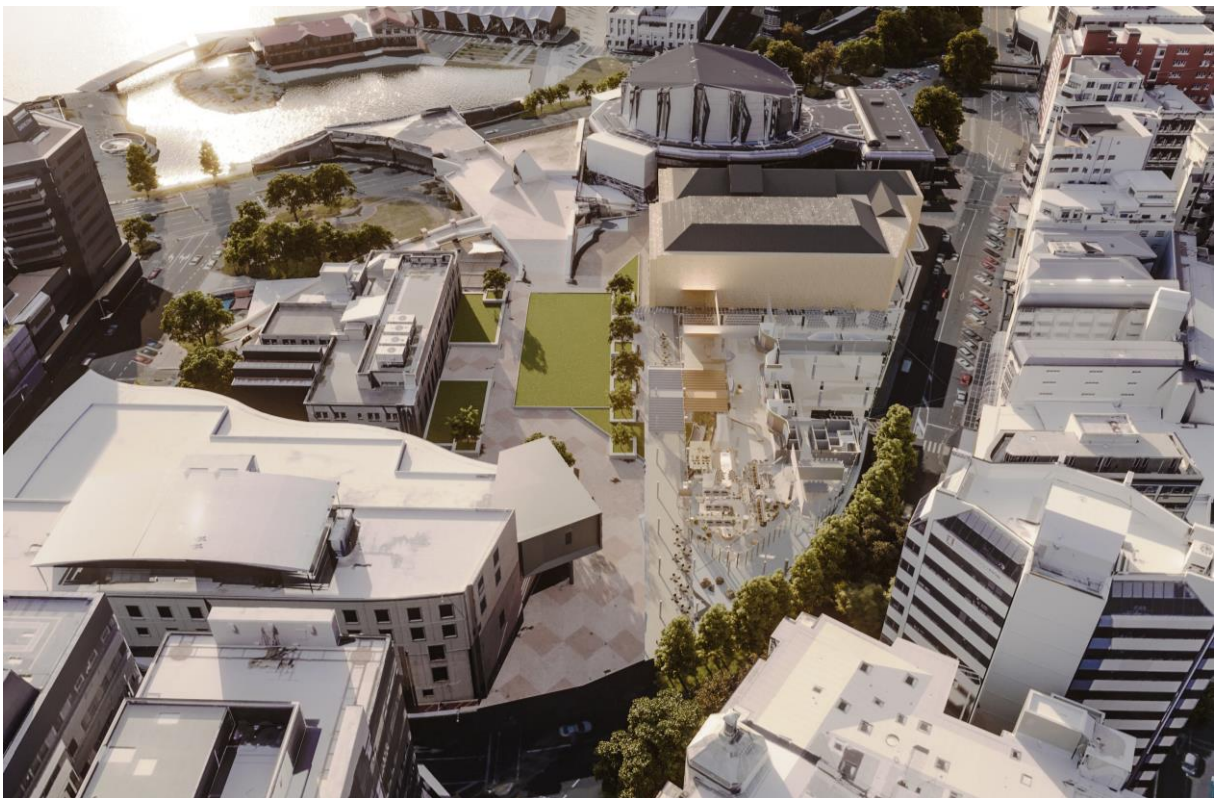
#### Summary of preferred response – Precinct Properties

22. The procurement process has concluded that Precinct's proposal is the preferred proposal and the strongest against the procurement objectives and criteria. In particular the proposal delivered:
- A commercial proposal with least development and funding risk to Council;
  - Strong activation and placemaking proposal in line with the vision for Te Ngākau as a cultural and civic centre;
  - Flexible approach to ground/first floor spaces that will deliver Town Hall requirements while managing Council's long-term lease costs via multiple uses of spaces; and
  - Strong proven development and construction team with directly relevant case studies/previous experience with a focus on precinct transformation and placemaking – particularly Wynard Quarter and Commercial Bay with Auckland Council.
23. The Precinct proposal is to demolish both the CAB and MOB buildings (which would be undertaken by the Council) and replace with a new development across both sites. The ground and first floors have a strong civic focus with Town Hall requirements and connection to the Town Hall on both levels, open space for other performances, functions or meetings, and hospitality and retail activations. These floors would also house Precinct's co-working business, Generator, with a focus on supporting start-ups and SMEs in the creative sector to align with the Te Ngākau Framework's focus. The remaining floors could be used for NZSO (and VUW New Zealand School of Music, if required), and commercial leasing and/or residential accommodation uses.
24. By leveraging the Generator business, Precinct will be able to provide a tailored solution to the Town Hall requirements so that the space required will still be activated when not in use by the Town Hall and then be opened up/reconfigured to enable the space to operate in 'Town Hall/civic mode' when required. This dual use of space provides a flexible commercial arrangement, reducing the Council's potential costs for leasing required spaces to support the Town Hall's operation.

25. A selection of indicative images of the Precinct proposal are set out in Figure 1 below. These should be considered to be illustrative only and are subject to further conversation and the development of detailed design through the negotiation process.



Figure 1: Illustrative CAB/MOB redevelopment – preferred proposal







### Negotiating a development agreement

26. Subject to the Council's agreement, the next step in the process is to enter negotiation with Precinct to prepare a development agreement for the sites. Preparation of the development agreement would include working further through the following issues, and others as relevant:
- Commercial terms, including consideration of freehold/leasehold title and terms for the Council-leased space for the Town Hall;
  - Building design, including how this will deliver on the Te Ngākau Framework objectives, and design of entry points, laneways and building set backs;
  - Nature of the hospitality and activation proposals on ground and first floors to ensure desired activation outcomes are achieved;
  - Confirming NZSO (and VUW) requirements for space and commercial terms;
  - Delivery timeframes, including integration with Town Hall requirements; and
  - Relationship to public and green spaces.
27. Those aspects of the development agreement that require Council decision, will be brought back to the Council for consideration by the end of 2024. Outside of these issues, this paper seeks that the Council delegate the preparation and finalisation of the development agreement to the Chief Executive.

### Alignment with Town Hall opening

28. The Council asked that the procurement process seek proposals that, if possible, deliver the Town Hall requirements in time for the scheduled opening of the Town Hall, to avoid the need to delay the opening. In the eventuality that alignment of Town Hall/MOB completion was not possible, the Council made a funding provision for temporary front-of-house facilities for a transitional period.
29. Through the procurement process no proposal delivered on the Town Hall front-of-house requirements in time for the expected Town Hall opening in 2027 – proposals either indicated this was not possible, or did not provide sufficient information to assess their programme’s feasibility, or did not provide sufficient confidence of the feasibility of aligning the projects.
30. Given the Town Hall project team is actively seeking to bring forward the Town Hall completion date to manage the Council’s cost and risk from the project, the ability to deliver MOB in time will come under further pressure. It is critical for the success of the Town Hall that all steps are taken to complete the project as early as possible – however, this will make a transitional period between the completion of the two buildings more likely.
31. Officers are exploring other options to deliver front-of-house facilities without the need to construct temporary facilities to the northside of the Town Hall, to avoid incurring the cost. This may include, for example, making use of facilities available in the Michael Fowler Centre. This will continue to be explored with the Town Hall project team and Precinct Properties through the negotiation period.

### **Kōwhiringa | Options**

32. There are two options available to the Council:
  - Agree to enter into negotiation with Precinct Properties on the basis of their proposal (preferred) or
  - Do not agree to enter into negotiation with Precinct Properties (not preferred).
33. While there are details to be worked through with Precinct through the negotiation process, officers’ view is that Precinct’s proposal is strong and will deliver the range of outcomes the Council is seeking.
34. If the Council did not agree to proceed to negotiate with Precinct, the current process will come to a conclusion. In this case, officers would work with the Council to redefine core requirements for the development of the site and prepare to go back to market with a second process. This course of action would have significant reputational consequences for the Council, with a loss of confidence on the part of the development community, and a high likelihood that developers would choose not to participate in a second process. A rerun process would also take another three to four months, resulting in a further delay in the full delivery of the Town Hall.

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## Whai whakaaro ki ngā whakataunga | Considerations for decision-making

### Alignment with Council's strategies and policies

35. The recommendations in this paper are consistent with the priorities in the LTP – particularly the 'fit-for-purpose community, creative and cultural spaces'. The proposals are also consistent with the Council's 'innovative, inclusive and creative city' and 'dynamic and sustainable economy' strategic priorities. The recommendations in the paper are also consistent with the vision and objectives in the Te Ngākau Civic Precinct Framework.

### Engagement and Consultation

36. There is no need to consult further on the recommended option in this paper.

#### *Previous consultations*

37. The Council has undertaken significant previous consultations on the matters discussed in this paper. In particular:
- Consultation and Engagement was undertaken on the Te Ngākau Civic Precinct Framework which confirmed the importance of a reactivated Te Ngākau for the city, identified the key issues associated with the precinct that needed resolving, and was the basis of developing the Te Ngākau Civic Framework vision and supporting objectives which are now guiding the work in the precinct. A summary of this consultation can be found here [Agenda of Ordinary Council Meeting - Thursday, 30 September 2021 \(wellington.govt.nz\)](#)
  - Consultation was undertaken in the 2021/31 LTP on options for MOB. The Council's preferred option was to demolish MOB and rebuild a new development in partnership with a private development. This preference was confirmed when the LTP was adopted. The procurement process and outcome is consistent with the Council's stated preference and the decisions in this paper give effect to that previously stated intention. A summary of the consultation is available here [Strategy & Policy Committee - disestablished - 10 December 2020, 9.30AM - Meetings - Wellington City Council](#) and here [Decision 5 - Fixing resilience issues in Te Ngākau Civic Square - Council office buildings | Let's Talk | Wellington City Council](#) and here [Our 10-Year Plan - Volume one \(wellington.govt.nz\)](#)

#### *Further consultation*

38. Because the demolition and rebuild of MOB, funded by a private developer, is already provided for in the LTP, there is no statutory obligation to consult further before proceeding with the next steps in this paper. While the Council has discretion about whether it chooses to consult further, officers advise against it for the following reasons:
- Matter one – significance of the decision – the decision in this paper is a decision of medium significance (within a wider Te Ngākau programme of work of high significance). While the decision is of community interest, the significant components of the decision (i.e., demolition and replacement with a privately funded development) have already been taken. The decision in this paper simply takes the next step in the direction already adopted.

- Matter two – accordance with the principles of the Local Government Act – in deciding about further consultation, the Council should consider the principles of the Local Government Act. In particular, the principles that require the Council to understand the views of its community and to undertake commercial transactions in accordance with sound business practice are relevant in this case. The Council understands the views of the community on these issues, having conducted significant previous consultations. Additionally, a decision to consult further at this point will compromise the procurement process outcome and risk the situation that developers do not engage in a subsequent process if the current process is closed out and not concluded.
  - Matter three – extent of the Council's resources – this matter concerns whether the Council has the resources to carry out a further consultation and the impact on other work if consultation is undertaken. There are critical interdependencies between this CAB/MOB redevelopment and other projects in Te Ngākau (particularly the completion of the Town Hall). Further consultation would put these projects at risk from time and cost overruns.
  - Matter four – opportunity to consider a range of views – the previous consultations have canvassed views on these issues in a robust way. It is unlikely that any further substantive insight into community views would be gained from further consultation.
39. Having regard to all these matters, officers do not believe that further consultation is necessary or legally required, and therefore recommend that the decisions in this paper are taken now.

### **Māori Impact Statement**

40. The Te Ngākau Civic Precinct Framework which guides the preparation of the development plan for the precinct was developed in partnership with mana whenua, Councillors, Council staff and advisors, existing users of the precinct and local community. Through the development of the Framework one (of several) issues identified was that Te Ngākau does not reflect Wellington's unique culture and identity, specifically, it does not reflect mana whenua and te ao Māori.
41. One of the key objectives in the Framework therefore is Te Ngākau is a place that welcomes and expresses our diverse culture and integrates Mana Whenua values into design and delivery processes. This will include reconnecting the precinct with Te Whānganui-a-Tara and the foreshore as a matter of importance, ensuring the precinct references the origins of the place for mana whenua, and embedding mana whenua values into its design and delivery.
42. Decisions on the CAB/MOB development will ensure alignment of the Framework and this will be a key part of the discussions through the negotiation process.

### **Financial implications**

43. The funding for the demolition of CAB and MOB has already been provided for in the LTP. The cost of the development would be met by Precinct – further details of the commercial arrangements and resulting lease costs for Council for the Town Hall space are subject to negotiation through the development agreement.

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## Legal considerations

44. The advice in this paper has been subject to legal and procurement review, including across the regulatory, commercial and consultation issues.
45. The procurement process for the CAB/MOB redevelopment was overseen by an independent probity auditor and proposals were assessed and moderated by a panel of internal and external members. The probity report confirmed the process followed public sector best practice and the full report is attached as Appendix 1.

## Risks and mitigations

46. Project risk for this and other Te Ngākau projects is regularly monitored by the Te Ngākau Programme Board, which includes commercial, construction and property, creative sector and professional governance expertise.

## Disability and accessibility impact

47. Not applicable.

## Climate Change impact and considerations

48. Climate change risk and impact has been considered across the Te Ngākau precinct and will be factored into design and development of the CAB/MOB site.

## Communications Plan

49. A recent media statement was released confirming the beginning of the CAB demolition process, face-to-face engagement has been undertaken with businesses, and letters have been delivered to businesses and neighbours in the area with details on the demolition timings, road closures, and access to Te Ngākau.
50. Following the Council briefing on this paper last week, the Council issued a press release confirming Precinct as the preferred developer. All media enquiries are being responded to by the Council's Media Team, in consultation with Precinct where necessary.


## Health and Safety Impact considered

51. Not applicable.

## Ngā mahinga e whai ake nei | Next actions

52. Subject to the Council's agreement to the recommendations in this paper, the next steps are to:
  - Convene a Council negotiating team to work with Precinct on the development agreement and
  - Initiate planning for MOB demolition to coordinate with CAB demolition and Town Hall construction.

## Attachments

Attachment 1.  Appendix 1: CAB and MOB procurement probity assessment [↓](#) Page 56







Level 1, 187 Featherston Street  
PO Box 25103, Wellington 6140

5 April 2024

Iestyn Burke  
Manager Property and Capital Projects  
Wellington City Council

Dear Iestyn,

## **PROBITY AUDIT REPORT ON THE REQUEST FOR PROPOSAL PROCESS FOR THE CIVIC ADMINISTRATION BUILDING AND MUNICIPAL OFFICE BUILDING SITE DEVELOPMENT**

### **i. Introduction**

We refer to the agreed Consultancy Services Order (“CSO”), dated 30 January 2024, for McHale Group to provide real-time (“live”) probity assurance services to Wellington City Council (“the Council/WCC”) over the Request for Proposal (“RFP”) process for the Civic Administration Building (“CAB”) and Municipal Office Building (“MOB”) site development.

We now provide you with our probity audit report covering the completed RFP process up to the point where a recommendation on the preferred respondent was made to the appropriate Council delegated authority/ies as per the Recommendation Memo received on 29 March 2024.

WCC issued to the market the RFP document on 5 December 2023, via the Government Electronic Tender Service (“GETS”). The closing date and time for receipt of proposals was 21 February 2024 at 5pm. Our probity assurance work commenced in February 2024.

On 6 February 2024, we issued our Probity Expectations Statement to WCC describing the minimum expectations from a probity perspective that as the Probity Auditor, we would expect to see in place over the RFP process up to the point where the WCC Recommendation Memo on the outcome of the process was made to the appropriate delegated authority/ies.

### **ii. Probity audit objectives**

Our probity assurance services were conducted with SAE 3100 (Revised) issued by the NZ Auditing and Assurance Standards Board, to enable us to report to you whether:

- ✓ WCC’s procurement process and related documentation as designed, were consistent with; the procurement policies and procedures of WCC, Audit Office procurement guidelines, and with best public sector practice, and incorporated the necessary probity principles (such as consistency, impartiality, managing conflicts of interest, fairness, transparency, accountability, and good ethical behaviour);



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- ✓ WCC's procurement process and related documentation were planned and implemented consistently with those principles and with integrity, in such a way as to minimise the risk of probity failure due to potential weaknesses in the process, and that no parties were treated unfairly;
  - ✓ Ethical behaviour was practised throughout the procurement process and was guided by the principles of honesty, integrity, fairness, trust, and respect, and these were evidenced; and
  - ✓ Given the significance and high profile of WCC and of the procurement process, potential probity risks (including incumbent suppliers on other Council projects, possible complex conflict of interest management, post-RFP closing date presentations from shortlisted respondents) were identified in real-time, planned for, and mitigating action (where appropriate) was initiated, in partnership with WCC.

### iii. Activities conducted

We conducted the following real-time probity audit activities:

- ✓ Developed and issued our Probity Expectations Statement to WCC on 6 February 2024, describing the minimum expectations from a probity perspective that as the Probity Auditor, we would expect to see in place over the RFP process up to the point where the Recommendation Memo report on the outcome of the RFP process was made to the appropriate WCC delegated authority/ies.
- ✓ Reviewed and supplied probity feedback/advice where appropriate in respect of; the Procurement Plan, Council's Procurement Policies and Procedures, RFP document and related documents such as the Response Form, GETS advertisement, conflict of interest declarations and associated management plans (where these were required), all communications with respondents (that were supplied to us for review) including GETS Question and Answer notices and Notices To Tenderers, Evaluation Brief and Guidance, documentation supporting the receipt and opening of submitted proposals via GETS or email to Council, Evaluation Panel meeting agendas and supporting papers, Recommendation Memo to Shortlist, supporting evaluation material, and the final Recommendation Memo.
- ✓ We also supplied real-time probity review comments/advice/guidance, both verbal and written to Council representatives (involved in the management of the RFP process) where required, for the duration of the RFP process.
- ✓ Attended the following meetings in a probity observation and advisory capacity in-person or via virtual meetings (video conference):
  - Evaluation Panel moderation meeting on 7 March 2024.
  - Shortlisted respondent presentation to the Evaluation Panel on 27 March 2024.
  - Final Evaluation Panel moderation meeting on 27 March 2024.
- ✓ Resolved probity queries from WCC and from respondents in real-time during the RFP process. At the time of writing this probity report, we were not aware of any outstanding probity matters.
- ✓ Implemented our probity confirmation process with each respondent confirming they were comfortable with the probity of the process up to the RFP closing date. Responses were received from all but one respondent.

- ✓ Held regular discussions with/briefings from/to key personnel involved in the management of the RFP process and supplied probity advice and guidance (where required) during the RFP process.

#### iv. Probity Opinion

We were satisfied as to the probity of the RFP process for the Civic Administration Building and Municipal Office Building site development up to the point a recommendation on the outcome of the RFP process was made to the appropriate Council delegated authority/ies as per the Recommendation Memo received on 29 March 2024. In our opinion, the RFP was carried out in accordance with:

- ✓ The RFP document;
- ✓ The RFP evaluation methodology;
- ✓ WCC procurement policies and procedures;
- ✓ Our expectations of good public sector probity practice; and
- ✓ Due regard for probity principles.

In our opinion

- ✓ WCC's procurement process and related documentation as designed, were consistent with; the procurement policies and procedures of WCC, Audit Office procurement guidelines, and with best public sector practice, and incorporated the necessary probity principles (such as consistency, impartiality, managing conflicts of interest, fairness, transparency, accountability, and good ethical behaviour);
- ✓ WCC's procurement process and related documentation were planned and implemented consistently with those principles and with integrity, in such a way as to minimise the risk of probity failure due to potential weaknesses in the process, and that no parties were treated unfairly;
- ✓ Ethical behaviour was practised throughout the procurement process and was guided by the principles of honesty, integrity, fairness, trust, and respect, and these were evidenced; and
- ✓ Given the significance and high profile of WCC and of the procurement process, potential probity risks (including incumbent suppliers on other Council projects, possible complex conflict of interest management, post-RFP closing date presentations from shortlisted respondents) were identified in real-time, planned for, and mitigating action (where appropriate) was initiated, in partnership with WCC.

In determining our expectations of good practice probity principles in competitive procurement, we have taken into account relevant public sector probity guidance promulgated by the Office of the Auditor-General ("OAG"), the Treasury Infrastructure Commission, and the Public Service Commission ("PSC") in respect of procurement, sensitive expenditure, and the management of conflicts of interest together with any relevant reports previously issued by external agencies, the New Zealand Government Procurement Rules and related principles and guidance (for reference only), and the probity guidance issued by the Independent Commission Against Corruption ("ICAC") in New South Wales and the Australian National Audit Office, and other appropriate overseas jurisdictions, together with our significant experience of conducting probity audits of major public sector procurement processes.

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We are not aware of any outstanding probity issues.

### Basis for Opinion

We conducted our engagement in accordance with Standard on Assurance Engagements (SAE) 3100 (Revised) Compliance Engagements issued by the New Zealand Auditing and Assurance Standards Board. We believe that the evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### WCC's Responsibilities

WCC is responsible for compliance with the good practice probity principles in respect of the RFP process.

### Our Independence and Quality Control

We have complied with the relevant ethical requirements relating to assurance engagements, which include independence and other requirements founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality, and professional behaviour.

In accordance with the Professional and Ethical Standard 3 (Amended), McHale Group maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards, and applicable legal and regulatory requirements.

### Our Responsibilities

McHale Group's responsibility is to express an opinion on WCC's compliance, in all material respects, with good practice probity principles in respect of the RFP process.

SAE 3100 (Revised) requires that we plan and perform our procedures to obtain reasonable assurance about whether WCC has complied, in all material respects, with good practice probity principles in respect of the RFP process throughout the procurement process.

An assurance engagement to report on WCC's compliance with good practice probity principles in respect of the RFP process involves performing procedures to obtain evidence about the compliance activity and controls implemented to meet the good practice probity principles in respect of the RFP process. The procedures selected depend on our judgement, including the identification and assessment of risks of material non-compliance as evaluated against the good practice probity principles in respect of the RFP process.

Other than in our capacity as independent assurance practitioners we have no relationship with, or interests in, WCC.

### Inherent Limitations

Because of the inherent limitations of evidence gathering procedures and limitations in compliance systems, it is possible that fraud, error or non-compliance may occur and not be detected. As the procedures performed for this engagement are not performed continuously throughout the engagement and the procedures performed in respect of WCC's compliance with good practice probity

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principles are undertaken on a test basis, our reasonable assurance engagement cannot be relied on to detect all instances where WCC may not have complied with good practice probity principles.

#### Use of Report

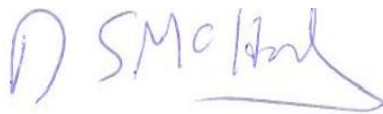
This report has been prepared for the management of WCC. We disclaim any assumption of responsibility for any reliance on this report to any persons or users other than the management of WCC, or for any purpose other than that for which it was prepared.

#### Way forward

The issuance of this report completes our real-time probity audit for WCC over the completed RFP process for the Civic Administration Building and Municipal Office Building site development up to the point where a recommendation was made to the appropriate WCC delegated authority/ies as per the Recommendation Memo received on 29 March 2024.

If you have any queries, please do not hesitate to contact me on (04) 496 5588 or 027 486 3412.

Yours sincerely



**Shaun McHale**  
Managing Director  
McHale Group Limited

cc. Liz Carter, Senior Advisor Commercial Procurement

# WCC SUBMISSION TO ENVIRONMENT COMMITTEE ON THE FAST-TRACK APPROVALS BILL 2024

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## Kōrero taunaki | Summary of considerations

### Purpose

1. This report to the Council seeks approval to submit to Parliament's Environment Select Committee on the Fast-track Approvals Bill 2024.

### Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

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

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

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

### Relevant Previous decisions

The Council submitted on earlier similar fast-track processes: Covid-19 Recovery Fast Track Consenting Act and within the Natural and Built Environment Act.

### Significance

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

- Low impact on Council's ability to perform its role.

### Financial considerations

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

### Risk

- Low
  Medium
  High
  Extreme

Author	Hayden Beavis, Advisor Planning
Authoriser	Andrew Wharton, Team Leader District Plan Michael Duindam, Manager District Planning Sean Audain, Manager Strategic Planning Liam Hodgetts, Chief Planning Officer

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## **Taunakitanga | Officers' Recommendations**

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

- 1) Receive the information.
- 2) Approve the attached submission on the Fast-track Approvals Bill 2024 (Attachment 1).
- 3) Authorise the Mayor to sign and make minor alterations to the submission.
- 4) Note that the closing date for receiving submissions is 19 of April 2024.

## **Whakarāpopoto | Executive Summary**

2. Parliament's Environment Committee have called for submissions on the Fast-track Approvals Bill 2024 (The Bill). The Council's submission raises concerns with the Bill and provides recommendations.
3. The Bill provides a streamlined approvals process for the delivery of infrastructure and development projects with significant regional or national benefits.
4. The report advises Council of the content of the draft submission, with the following points highlighted:
  - The Bill needs to align with sustainable management approaches.
  - Amend the approach taken to project types and entry criteria.
  - Ensure that costs and requirements of pre-application and fast-track processes do not fall upon local ratepayers.
  - Clarify the matter of land compensation for local authority reserves.
  - Mandate the consideration of future development strategies, spatial plans, and iwi planning documents.
  - Expand the pool size and expertise of expert panel members.
5. The preferred option is Option 1 – to lodge the attached submission with the Environment Committee on the Fast-track Approvals Bill.
6. The key implication for this submission is ensuring that Council takes the opportunity to positively influence this new piece of legislation.

## **Takenga mai | Background**

### *Fast-track consenting in New Zealand*

7. New Zealand has had two Fast-track Consenting frameworks recently – the COVID-19 Recovery (Fast-track Consenting) Act 2020 (CRFA), and within the Natural and Built Environment Act 2023 (NBEA).
8. The CRFA provided a limited term fast-track option for resource consent applications and lodging of notices. The purpose of this act was to promote employment in response to the economic and social impacts of COVID-19. This Act was repealed on 8 July 2023. Council made a submission on this Bill during its development.

9. The NBEA also included provisions for a fast-track process for resource consents and notices of requirement, which came into force on 24 August 2023. The Act was repealed on 20 December 2023.

#### *The Fast-track Approvals Bill 2024*

10. The Environment Committee opened submissions on the Fast-track Approvals Bill on 14 March 2024.
11. The Bill sets a streamlined decision-making process for approvals under a suite of Acts:
  - Resource consents, notices of requirement and certificates of compliance under the Resource Management Act 1991;
  - Concessions under the Conservation Act 1953;
  - Authority to do anything otherwise prohibited under the Wildlife Act 1953;
  - Approvals under the Freshwater Fisheries Regulations 1983;
  - An archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014;
  - Marine consents under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012;
  - Land access provisions in Sections 61 or 61B of the Crown Minerals Act 1991;
  - Aquaculture activity approvals under the Fisheries Act 1996;
  - Concessions and other permissions under the Reserves Act 1977.

#### *How projects gain access to the fast-track process*

12. Joint Ministers will receive applications from project owners to access the fast-track process. The Joint Ministers making the decisions are the Ministers for Infrastructure, Transport and Regional Development.
13. The Joint Ministers will assess projects against a set of eligibility criteria – this includes criteria they *must* consider, including whether it provides significant regional or national benefits. In considering these benefits, there is another list of criteria they *may* consider.
14. The Joint Ministers will then either refer the project to the expert panel, or decline it.

#### *The expert panel*

15. The role of the expert panel is to assess projects that have been referred to them by the Joint Ministers.
16. A panel convenor is selected by the Minister for Infrastructure, their role being to appoint members of the expert panel.
17. The expert panel is made up of four members. This membership must include one person nominated by relevant local authorities and one person nominated by relevant iwi authorities. The panel may exceed four members at the discretion of the panel convenor for various reasons related to the nature of the application.

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*Expert panel recommendations*

18. The expert panel will then assess and make recommendations on the referred project, including any conditions on the application. The recommendations are sent to the Joint Ministers to make a decision on whether to grant or reject the approvals sought by the project.
19. Appeals to the High Court are open to the decisions on points of law only, by specific parties. The Bill does not impact the ability to judicially review the process.

**Kōrerorero | Discussion**

20. The draft Council submission (Attachment 1) raises concern with the Bill, and suggests some amendments to address those concerns.

*Content of the submission*

21. The submission addresses key concerns that Council has with how the Bill interacts with the functions of local authorities, the potential for adverse effects from projects and how they are assessed / managed, and alignment with local planning and strategy documents.
22. The submission recommends that the Bill align with the sustainable management approach of the Resource Management Act 1991, as has been done with previous fast-track legislation. This approach ensures that adverse effects of projects are appropriately managed.
23. The scope of projects that can enter the fast-track process is expanded from previous instruments. This increases the risk of improperly managed adverse effects from a wider range of activities.
24. The submission recommends that the *national or regional significance* test for eligibility for the fast-track process is tied to Future Development Strategies where they exist, and that the *significant economic benefits* definition is refined.
25. The submission raises concern that prohibited activities by the Resource Management Act 1991 are not ineligibile for this process.
26. The submission seeks that the costs and requirements of pre-application processes and operating a fast track do not fall on local ratepayers as technical officers from local and iwi authorities will likely be involved in pre-application stage of referral and their time should be reimbursed as per the normal resource consenting processes.
27. The submission recommends that a proactive programme is established to increase the range and number of potential panel members. This will be required with the wide range of projects and the expertise and experience necessary to properly assess them. In addition, the remuneration of panel members should be reviewed to attract suitably qualified and experienced personnel.
28. The Bill does not mandate the consideration of future development strategies, spatial plans and iwi planning documents. These documents are critical to determining how and where regions and cities will grow, and will be necessary considerations to ensure consistency with local planning. The submission recommends that consideration of these matters by the expert panel is mandatory.



## **Kōwhiringa | Options**

### **Option 1 – Approve the attached submission (recommended)**

29. Lodgement of this submission provides the Council with an opportunity to influence the final Fast-track Approvals Bill.

### **Option 2 – Do not approve the attached submission (not recommended)**

30. The Council could decide not to make a submission on the Fast-track Approvals Bill. This is not the recommended option as it limits the Council's opportunity to constructively influence the final Fast-track Approvals Bill.

## **Whai whakaaro ki ngā whakataunga | Considerations for decision-making**

### **Alignment with Council's strategies and policies**

31. The submission and its content are in alignment with Council's strategies and policies as set out below:
- Our City Tomorrow – He Mahere Mokowā mō Pōneke - A Spatial Plan for Wellington City 2021
  - Wellington City 2024 District Plan: Council Decisions Version

### **Engagement and Consultation**

32. No specific engagement and consultation have been undertaken with the public in the preparation of the submission other than internal consultation with business units.

### **Māori Impact Statement**

33. A copy of the draft submission was provided to our Tākai Here partners on 11 April 2024. No feedback on the draft submission was received prior to this report being completed.

### **Financial implications**

34. There are no direct financial implications relating to approving this submission.

### **Legal considerations**

35. There are no legal implications resulting from approval of this submission.

### **Risks and mitigations**

36. Reputational or other risks resulting from approval of the submission are limited to the Council having made earlier submissions on similar Bills.

### **Disability and accessibility impact**

37. There are no impacts on disability or accessibility resulting from approval of the submission.

### **Climate Change impact and considerations**

38. The submission does not directly relate to climate change, however the Infrastructure Commission<sup>1</sup> has noted that to meet carbon reduction targets, consenting for renewable energy and related infrastructure needs to be 50% quicker than they are projected to be under the Resource Management Act. A fast-track approvals such as this Bill can assist with construction of this infrastructure.

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<sup>1</sup> <https://tewaihanga.govt.nz/our-work/research-insights/infrastructure-consenting-for-climate-targets>

### **Communications Plan**

39. A communication plan has not been prepared for the release of this committee paper and associated submission.

### **Health and Safety Impact considered**

40. There are no health and safety impacts arising from the submission.

### **Ngā mahinga e whai ake nei | Next actions**

41. Following approval of the submission and any amendments approved by the Council, the submission will be formally lodged with the Environment Committee, no later than 19<sup>th</sup> of April 2024.

### **Attachments**

- Attachment 1. Wellington City Council submission on the Fast-track Approvals Bill [↓](#) 

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Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington

**Kia Ora**

## **INTRODUCTION**

1. Wellington City Council thanks the Environment Committee for the opportunity to provide feedback on the proposed Fast-track Approvals Bill (the Bill).
2. The Wellington City Council (the Council) notes that the issue of providing for national scale projects under local planning regimes has endured through time with tools like designations being one of the few consistencies between the Town and Country Planning Acts and the Resource Management Act 1991 (RMA), and via various fast track and enabling acts passed over time.
3. The Council understands the need to invest in large projects and the difficulties the current RMA creates in doing this. We have focussed our submission on how this Bill could be amended to ensure that in the fast tracking of projects:
  - There can be alignment with the purpose of sustainable management.
  - That the type of projects can be anticipated, and the entry criteria are clear
  - That the costs and requirements of pre application processes and operating such a fast track do not fall upon local ratepayers
  - That the role of spatial plans and iwi planning documents are clearly accounted for

*The Bill Needs to Align with Sustainable Management.*

4. The Council recommends amending the Bill to align with the sustainable management approach of the RMA or the sustainable development approach of the Local Government Act 2002 (LGA), or to give them equal weighting as the purpose statement when assessing applications and eligibility assessment.
5. The Bill does not tie the purpose statement to sustainable management as defined in Section 5(2) of the RMA – the insertion of a reference could allow this.

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6. The reason for aligning the Bill to either or both of these purposes is that it would give a common purpose between this Bill and the wider Resource Management system. This would make subsequent or consequential plan change, consenting or monitoring processes easier to co-ordinate without creating more complex mechanisms in the law.
7. This has been done with previous fast-tracking legislation, for example the Covid-19 Recovery (Fast Track Consenting) Act 2020 (CRFA) was a focused process to account for specific economic uncertainty during COVID-19, but at the same time gave equal weight to the sustainable management approach from the RMA. Given that Bill was responding to urgent circumstances and did not relax the weight given to the RMA's sustainable management approach it seems unusual that this one would.
8. Whilst the Bill does give weight to sustainable management through the priority list of matters an expert panel must consider in consent applications under clause 32 (1) of Schedule 4 this is subordinated to the Bills own purpose of *delivery of infrastructure and development projects with significant regional or national benefits*.
9. To create an enduring fast-tracking system, it will be necessary to have transparent and considered approach to environmental protections for projects within the fast track. Better integrating sustainable management as a purpose into the Bill would help address these concerns.

#### *Project Types and Entry Criteria*

10. Historically these types of instruments have largely been used for infrastructure and public sector projects that carried a public good. Under the Covid19 fast track this idea of public good was expanded to economic development.
11. This legislation is unusual in that it allows for a very wide range of projects to potentially enter the fast track – from mining and aquaculture to housing development and major infrastructure. Given this wide range of projects – and the co-ordinated consenting under several acts of parliament enabled this wide entry criteria could lead to a loss of social licence for projects undergoing fast track consenting over time, erosion of environmental protections, hazard and climate adaptation approaches and spatial plans.
12. To address this the council submits that the nationally or regionally significance test should be tied to the regional Future Development Strategies required under the National Policy Statement on Urban Development in Districts where these exist. This would provide a simpler test of these terms to be developed and integration with other infrastructure and urban development investment priorities. This would require amendment to the Bill to change consideration of these instruments from optional to required.

13. Similar definition is required for the eligibility of significant economic benefits. As it stands, it could cover projects that would be more appropriately managed under RMA processes, including primary industries and extractive industries for minerals and petroleum. The Council is also concerned that the Bill can allow projects that are prohibited activities under the RMA. This results in risks that adverse effects are not properly considered, and more everyday projects are considered outside their proper planning framework. Given how few activities are prohibited District Plans, and that prohibited activities are often given that status due to unacceptable risks from concerns such as natural hazards or proximity to incompatible land uses, such a dispensation could lead to long term issues in addressing natural hazards and other issues.

*That the costs and requirements of pre application processes and operating such a fast track do not fall upon local ratepayers*

14. The Council supports the Bill's option for full recovery of local authority and iwi authority costs during all pre-application and processing of fast track projects as set out in Schedules 3 and 4 of the Bill.
15. The Bill also needs to ensure that any reasonable costs incurred by local authorities with their involvement with the expert panel processes are recoverable.
16. Technical officers from local and iwi authorities will likely be involved in the pre-application stage of a referral application, such as the consultation requirements for applicants for approvals (s 16) and requests for information from joint Ministers (s 20). Under the existing resource consenting process, this time would be accounted for in the resource consent application fee. The Council supports a similar approach being established in the Bill.
17. A further area that we would ask for clarification on would be on the matter of land compensation for Local Authority Reserves. The content of Schedule 5 (Process relating to Conservation Act 1987 and Reserves Act 1977) appears to focus on Crown land that's subject to the Conservation Act and/or Reserves Act. However, this is not clear since there is also content in the schedule that seems to include land subject to those Acts that is privately owned.
18. Under Schedule 5, Crown land seems to have processes prescribed for compensation and land exchange. There does not however seem to be consideration of Local Government Reserves. The Council asks that Schedule 5 is made clearer, and if Local Government reserves are intended to be included, the protections and compensation for these be clearly included, particularly if there is an option for land swaps or compensation in land.

*The skills and experience of expert panel members should be expanded*

19. The Council recommends that a proactive programme is established to increase the range and number of potential panel members. Due to the Bill potentially creating a

pathway for such a wide range of projects, expert panels will need a wide range of expertise and experiences to fully consider the effects under several pieces of legislation. The Council also recommends that the remuneration of panel members is reviewed to ensure that it is adequate to attract suitably qualified and experienced personnel. Due to the demand for qualified commissioners the council has found with previous fast track applications it can take considerable efforts to find commissioners willing to undertake the work.

*Mandatory consideration of Future Development Strategies, Spatial Plans and Iwi Planning Documents*

20. As mentioned above, the Council recommends that the consideration of Future Development Strategies, City and Regional Spatial Plans and Iwi Planning Documents are mandatory considerations for establishing significance and entry for the fast track consenting process.
21. The Bill directs that the joint ministers *may consider* priority projects identified in local government strategies and consistency with local planning documents, including spatial strategies. The Council is supportive of consideration of these documents but recommends that these are shifted into the “must consider” criteria list. The Bill should also include a framework to tie Future Development Strategies to defining what is considered regionally significant.
22. The Wairarapa-Wellington-Horowhenua Future Development Strategy helps plan for housing, business and industrial land, community services, infrastructure, and climate and hazard resilience. The growth planned in the strategy is built on a strong evidence base and comprehensive planning. The Future Development Strategy has also been informed by community consultation and endorsed by elected representatives from across the region. The infrastructure and development projects needed to realise this strategy are exactly the type of projects well suited for the fast track process, and ones that people have come to expect from these instruments. Even if a project is not anticipated or identified in the Future Development Strategy it can be used to see if it would conflict with other anticipated developments or investments.
23. Other city, regional and iwi planning documents also help local authorities prioritise investment into infrastructure upgrades and feed into other policy decisions and city planning. The key documents that would also be usefully considered would be any city spatial plans, the Regional Land Transport Plan and the Natural Resources Regional Plan.
24. If a project has not considered these key local documents, then there is a risk that there is inconsistency between the significant projects that go through this process that will compromise the outcomes sought through regional and city planning.

**FURTHER INFORMATION AND OPPORTUNITY TO PRESENT THIS SUBMISSION**

25. Wellington City Council would like to present these points in person at the Environment Select Committee.
26. For additional information and scheduling, please contact Michael Duindam, Manager District Planning ([michael.duindam@wcc.govt.nz](mailto:michael.duindam@wcc.govt.nz)) in the first instance.
27. The Council acknowledges its mana whenua partners Taranaki Whānui ki te Upoko o te Ika, Te Rūnanga o Toa Rangatira and Te Rūnanganui o Te Āti Awa ki te Upoko o Te Ika a Māui, and commends any submission these authorities make to the Environment Select Committee.





# ACTIONS TRACKING AND FORWARD PROGRAMME

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## Kōrero taunaki | Summary of considerations

### Purpose

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

### Strategic alignment with community wellbeing outcomes and priority areas

Aligns with the following strategies and priority areas:

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

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

### Relevant Previous decisions

Not applicable.

### Financial considerations

Nil

Budgetary provision in Annual Plan / Long-term Plan

Unbudgeted \$X

### Risk

Low

Medium

High

Extreme

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

## Taunakitanga | Officers' Recommendations

Officers recommend the following motion:

That the Te Kaunihera o Pōneke | Council:

1. Receive the information.

## Whakarāpopoto | Executive Summary

### Actions Tracking

3. Council passed 19 resolutions on 29 Hui-tanguru 2024 (29 February 2024)
  - 15 are complete and 4 are in progress.
4. Council had 98 in progress actions carried forward from previous action tracking reports:
  - 64 are now complete and 34 are still in progress.

### Forward Programme

5. The following items are scheduled to go to Council's upcoming hui:

6 Pīpiri 2024 (6 June 2024)

*No items currently scheduled for this meeting.*

27 Pīpiri 2024 (27 June 2024)

- Water Services Bylaw - Approval to Adopt
- Adoption of the Long-term Plan 2024
- Adoption of Rates Resolution

## Takenga mai | Background

### Actions Tracking

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


### Forward Programme

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

## Attachments

Attachment 1. Actions Tracking - In Progress [↓](#) 

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Attachment 2. Actions Tracking - Completed [↓](#) 

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Date	ID	Title	Clause number	Clause	Status	Comment
Wednesday, 30 June 2021	2	2.5 Implementation of Parking Charges	7	Request officers to investigate off-street parking opportunities with both council and privately run public parking buildings for evening and weekend parking throughout the year.	In progress	Report back is scheduled for April 2024.
Thursday, 31 March 2022	38	4.2 Report of the Pūroro Waihanga   Infrastructure Committee Meeting of 23 March 2022: PROPOSED DISPOSAL - PART OF 39 CHAPMAN STREET, JOHNSONVILLE	2	Agree to dispose of the Land to the adjoining owner at 15 Chesterton Street, Johnsonville.	In progress	05/04/24 - Drafting of sale and purchase agreement in progress, however purchaser would like to wait for outcome on Proposed District Plan rezoning submission before progressing.
Thursday, 28 April 2022	43	3.2 Report of the Pūroro Waihanga   Infrastructure Committee Meeting of 27 April 2022 LAND DISPOSAL (ISOLATION STRIPS) - HANSON STREET SERVICE LANE, MOUNT COOK	2	Agree to dispose of the Land to the adjoining owner of 25 Hanson Street (Lot 1 DP 358660, ROT 238839), for amalgamation with that property.	In progress	5/04/24 - Settlement occurred 28 March 2024, waiting on LINZ process (via Legal) before completing action.
Thursday, 31 March 2022	44	4.1 Report of the Pūroro Tahua   Finance and Performance Committee Meeting of 17 March 2022: DEVELOPMENT CONTRIBUTIONS POLICY REPORT BACK ON CONSULTATION AND FINAL VERSION FOR APPROVAL	3	Note that the Policy will be reviewed in time for the 2024 Long-Term Plan and at that time reserves acquisition will be fully included.	In progress	In Progress - draft due Q3 2023/24. Included in the LTP process Still in progress 05/04/2024
Thursday, 30 June 2022	74	3.4.1 Report of the Pūroro Hātepe   Regulatory Processes Committee Meeting of 8 June 2022: Background to Oral Submissions and Decision on Objections to Proposed Road Stopping – 24 Cave Road, Houghton Bay.	2	Delegate to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if required.	In progress	05/04/24. All objectors have now withdrawn. Applicant has requested to place application on hold for 2 years, request was approved.
Thursday, 30 June 2022	80	2.2 Sludge Minimisation Facility Business Case	4	Request officers bring back to Council options for sludge disposal, in the event that the Sludge Minimisation Facility cannot be built in time to meet the 2026 deadline.	In progress	22/02/2024 Work on this will be completed following the final consent decision in April 24(following the appeal period).
Wednesday, 6 July 2022	105	2.2 Let's Get Wellington Moving: MRT/SHI Preferred Programme Option	20	Endorse LGWM on behalf of partners, including mana whenua, preparing a proposal for a Specified Development Project with Kāinga Ora, noting that LGWM will report back to partners with final recommendations on a Specified Development Project proposal.	In progress	20/02/2024 Work on a Specified Development Project is paused as we await further information from Waka Kotahi about the future of the transformational business case.
Thursday, 25 August 2022	648	2.2 Decision on Shelly Bay Road upgrade options following community engagement	8a	Agree that: The Shelly Bay Road upgrade will be comprised of the work undertaken by the Developer to deliver the consented design, followed by any localised upgrades which will be delivered by WCC within the existing road corridor and the current \$2.4m LTP budget. The WCC work will prioritise active transport modes and aim to enhance the recreational value of Shelly Bay Road as part of Te Motu Kairangi.	In progress	With the development not proceeding there will be no road upgrade. Rescinding this resolution will be addressed in the 2024/25 LTP, including foregoing the funding previously allocated.
Thursday, 25 August 2022	649	2.2 Decision on Shelly Bay Road upgrade options following community engagement	8b	Agree that: Officers will further explore the long-term opportunities to upgrade Shelly Bay Road in such a way that will enable the road to meet Waka Kotahi design guidance (as a minimum) and the Great Harbour Way plan (as an aspiration), noting that: (i) No opex costs have been set aside for this work; (ii) Given lead in times, these opportunities will not be able to be implemented until after their consented design has been delivered; and (iii) As no budget (other than the initial \$2.4m capex) is included for any of these options in the long term plan, all options would be subject to future Council decision making processes. (iv) Request an initial report be undertaken in time for the 2023/4 Draft Annual Plan to request any necessary feasibility funding, noting that, until any funding is provided, there would be no resources to progress this part of the work.	In progress	With the development not proceeding there will be no road upgrade. Rescinding this resolution will be addressed in the 2024/25 LTP, including foregoing the funding previously allocated.
Thursday, 25 August 2022	650	2.2 Decision on Shelly Bay Road upgrade options following community engagement	8c	Agree that: Officers to start the process to investigate a 30km/hr speed limit on Shelly Bay Rd between the Miramar cutting and the Shelly Bay development, either through the Speed Management Review process or the standard speed review process, whichever is faster.	In progress	With the development not proceeding there will be no road upgrade. Rescinding this resolution will be addressed in the 2024/25 LTP, including foregoing the funding previously allocated.

Thursday, 25 August 2022	651	2.2 Decision on Shelly Bay Road upgrade options following community engagement	9	Note that, given the constraints identified and the levels of community interest in achieving a higher level of service, officers have also investigated how to improve the level of service for active mode users (beyond that provided by the consented design), without delivering a shared path that meets Waka Kotahi design guidance. This has included consideration of the process by which any such change could be delivered. .	In progress	With the development not proceeding there will be no road upgrade. Rescinding this resolution will be addressed in the 2024/25 LTP, including foregoing the funding previously allocated.
Thursday, 25 August 2022	653	2.2 Decision on Shelly Bay Road upgrade options following community engagement	10	Agree that officers will progress localised upgrades to the consented design in accordance with the discussion contained below.	In progress	With the development not proceeding there will be no road upgrade. Rescinding this resolution will be addressed in the 2024/25 LTP, including foregoing the funding previously allocated.
Thursday, 30 September 2021	692	4.1 Mākara Cemetery - potential land acquisition	All clauses	All clauses - public	In progress	5/04/24 - Formal discussions with owner began Dec 2023, have engaged a valuer and are waiting on assessment to be completed.
Thursday, 15 December 2022	1219	4.4 Land Acquisition - Aotea Quay	All clauses	All clauses	In progress	
Thursday, 20 April 2023	1487	2.1 Election Matters	2	Agree that a representation review be undertaken in the 2025-2028 triennium for the 2028 local election	In progress	This will be actioned in the 2025-28 triennium.
Thursday, 20 April 2023	1489	2.1 Election Matters	4	Agree that Officers will report back to Council when data from Census 2023 is available as information for the 2025-2028 triennium representation review.	In progress	Current indications are that this data is expected in mid-2024.
Thursday, 1 June 2023	1605	2.4 Sport Facilities Fees and Charges Review	2	Agree to complete the review into Council's sport facilities fees and charges	In progress	Review underway. Draft report is due 30 April 2024 for Officers review.
Thursday, 29 June 2023	1770	2.1 Notice of Motion Regarding State of Palestine	1	Direct officers to initiate a Friendly City relationship with Ramallah, with the longer-term intent of building a Sister City relationship in line with criteria set by the International Relations Policy once it has been updated in 2024.	In progress	Met with Palestine Ambassador to Australia and New Zealand in early February. An online meeting between the two city mayors will take place on Monday 29 April - for initial discussion and exploring friendly city potential. An action plan for engagement with Ramallah is in draft.
Thursday, 29 June 2023	1805	2.4 Golden Mile Traffic Resolution and Detailed Design	13	Establish a Business Advisory Group to engage with members of the Wellington Business Community to inform the design and delivery of LGWM projects.	In progress	20/02/2024 Underway
Thursday, 29 June 2023	1806	2.4 Golden Mile Traffic Resolution and Detailed Design	14	Instruct officers to develop clear criteria and rules for the exemption permitting system and report these back to Council to make a final decision.	In progress	
Wednesday, 4 October 2023	2279	2.1 City Activation Project	All clauses	All clauses	In progress	The report has been publicly released with appropriate redactions and is available on the WCC website: <a href="https://wellington.govt.nz/your-council/meetings/committees/council/2023/10/04">https://wellington.govt.nz/your-council/meetings/committees/council/2023/10/04</a>
Wednesday, 25 October 2023	2391	2.2 Town Hall update and funding approval	11	Agree that the Council seeks to offset the additional cost by: a. Partnering with a private developer to complete the Town Hall project via a redevelopment on the MOB site which delivers the Town Hall's front-of-house requirements and meets the objectives of the Te Ngākau framework; and b. If necessary, delay the opening of the Town Hall until the MOB development is complete to avoid the cost of temporary front-of-house works	In progress	Procurement process underway and officers will report back to Council in April on outcome.

Wednesday, 25 October 2023	2392	2.2 Town Hall update and funding approval	12	Note, in addition to these cost offsets, officers are taking the following management actions to manage the project going forward: a. Implementing the recommendations of the RCP review, which include exploring opportunities for fixed price contract portions, reallocation of risk, and lump sum settlement of past contract instructions; and b. Implementing increased reporting for the Environment and Infrastructure Committee on the Te Ngākau programme	In progress	Council to be updated in April briefing
Wednesday, 25 October 2023	2396	2.2 Town Hall update and funding approval	16	Note officers are initiating a formal tender process for the CAB and MOB buildings, running between November 2023 and March 2024, seeking proposals that: a. Redevelop CAB; b. Redevelop or strengthen MOB, and include delivery of the Council's Town Hall requirements; c. As far as possible, deliver both buildings in a way that minimises impact on the Town Hall's construction timetable and seeks to align the delivery of MOB with the completion of the Town Hall to minimise costs to the Council; and d. Meet the vision and objectives of the Te Ngākau Civic Precinct Framework	In progress	Procurement process underway and officers will report back to Council in April.
Wednesday, 25 October 2023	2398	2.2 Town Hall update and funding approval	18	Note the completion of a development plan for the wider Te Ngākau precinct is a Chief Executive KPI and will be provided to the Council by June 2024, following the completion of a tender process which will go to market in early November.	In progress	Procurement process underway. Council will be updated in April.
Wednesday, 25 October 2023	2403	2.2 Town Hall update and funding approval	22	Agree that officers report back to the Environment and Infrastructure Committee by 30 November on cost, process and scope of completing this work to enable the funding to be approved before work begins.	In progress	
Wednesday, 25 October 2023	2404	2.2 Town Hall update and funding approval	23	Agree that officers commence exploration of the viability of a local bill, and other options, that will allow WCC sufficient legislative flexibility as both property owner and regulator for projects where earthquake strengthening, heritage constraints and/or resource consenting issues have combined to create prohibitive cost or stagnating development outcomes.	In progress	
Wednesday, 25 October 2023	2405	2.2 Town Hall update and funding approval	24	Agree to explore alternative funding options including fundraising from private donors before the end of 2023/24 financial year	In progress	
Wednesday, 25 October 2023	2420	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	3	Agree to dispose of the Land.	In progress	5/04/24 - Sale and Purchase Agreement has been signed, public notice period is set to start mid-April.
Thursday, 14 December 2023	2854	2.1 Funding for Wellington Water Limited	6	Authorise officers to release a further \$1m in operational funding for leak repair to Wellington Water Ltd if, by 15 March, the initial \$1m has been fully utilised and Wellington Water Ltd has provided the reporting outlined in 5) to the satisfaction of officers.	In progress	5/4/24 Still in progress

Thursday, 14 December 2023	2856	2.2 Te Atakura 2023 Update	2	Request that officers report back to the committee on the next steps for communicating effective climate action to residents before the end of the next financial quarter	In progress	Action is in progress. Report back to Committee has been delayed due to staff time constraints.
Thursday, 14 December 2023	2858	2.2 Te Atakura 2023 Update	4	Request that officers investigate approaches to help our communities engage in climate action, including the use of a citizen's assembly.	In progress	Discussions underway.
Thursday, 14 December 2023	2862	3.2 Report of the Koata Hātepe   Regulatory Processes Committee Meeting of 13 December 2023	1	Approve the new premises lease for Port Nicholson & Pōneke Cycling Club, as required under the Wellington Town Belt Act 2016.	In progress	Sent to club for execution
Thursday, 14 December 2023	2872	4.1 Report of the Unaunahi Māhirahira   Audit and Risk Committee 29 November 2023 - Te Kāinga Update	All clauses	All clauses	In progress	
Thursday, 29 February 2024	3039	2.2 Charles Plimmer Bequest Forward Programme	2	Approve the Plimmer Bequest 10-year forward programme for inclusion in the draft 2024-34 Long Term Plan as follows: 2024 - Mt Victoria/Matairangi Byrd Memorial slope - \$500k 2025 - Kilbirnie Park - \$2m 2026 - Ian Galloway Park - \$1m 2030 - Te Motu Kairangi Park (Watts peninsula) - \$1.5m* 2031 - Te Motu Kairangi Park (Watts peninsula) - \$1m* * reviewed every three years alongside LTP	In progress	The proposed forward programme is included in the draft LTP for consultation April-May 2024.
Thursday, 29 February 2024	3040	2.2 Charles Plimmer Bequest Forward Programme	2	Note that the Plimmer project long list will be reviewed again in conjunction with the preparation of the draft 2027-37 Long Term Plan. Officers will report back to Councillors on an updated forward programme in the context of progress and timing of Te Motu Kairangi and Council's strategic priorities and directions for parks investment.	In progress	No action required at this time - relates to the preparation of the next LTP in 2027.
Thursday, 29 February 2024	3042	2.3 Water Services Bylaw Review 2024	2	Agree to remove water services matters from the Wellington City Consolidated Bylaw and to make a new, stand-alone Water Services Bylaw.	In progress	The draft Water Services Bylaw 2024 is a stand-alone bylaw and is currently open for public consultation. The bylaw is due to be considered for adoption by the Council on 27 June 2024.
Thursday, 29 February 2024	3043	2.3 Water Services Bylaw Review 2024	3	Approve the Statement of Proposal presenting the draft Water Services Bylaw 2024 (attachment 1) for public consultation from 12 March to midday 15 April 2024; and	In progress	The Water Services Bylaw is open for public consultation until midday 15 April 2024.

Date	ID	Title	Clause number	Clause	Status	Comment
Thursday, 26 August 2021	6	2.2. Annual Dog Control Report 2020-21	4	Agree that officers report back through the Animal Bylaw/Dog Policy process later this year on metrics for the objectives set out in the Annual Dog Report.	Completed	
Thursday, 26 August 2021	8	2.2. Annual Dog Control Report 2020-21	6	Request officers bring back options for better resourcing of Animal Control in order to help protect our wildlife. Resourcing could include partnership opportunities, shared resourcing and fee reallocation and/or increase, as well as investigating the provision of off-leash dog facilities.	Completed	
Thursday, 26 August 2021	9	2. 6 Strategy and Policy Work Programme	3	Note that once agreed, the programme will be included in the relevant Committee Forward Programmes.	Completed	Paper going to Council in Oct/Nov for endorsement.
Wednesday, 15 December 2021	27	3.1 The Gifting of the name Te Aro Mahana	2	Agree to formally recognise the gift of the name Te Aro Mahana for the new play area within Frank Kitts Park and accordingly name the newly developed play area Te Aro Mahana.	Completed	The name will be formally gifted when the play area is ready to be opened.
Thursday, 24 February 2022	31	3.1 Report of the Pūroro Rangaranga   Social, Cultural and Economic Committee Meeting of 3 February 2022   25 Hanson Street	2	Agree to dispose of the Land, in order to give effect to the exchange.	Completed	Completed
Thursday, 30 June 2022	67	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	2	Agree to grant stormwater and wastewater easements, pursuant to Section 48 of the Reserves Act 1977, to the owners of 324 and 326 Main Road, Tawa, over Council recreation reserve land at Duncan Park and Play Area, being part of Lot 26 Deposited Plan 15397 and held on ROT WN790/45.	Completed	Remaining actions are with the landowner. no further councillor action required.  The Applicant will implement the pipes as part of the building project. The builder will contact Reserves Planner prior to this work to arrange a Temporary Vehicle Access Permit from the Park Ranger team. The easement areas will be surveyed and legalised after the pipes have been laid and the reserve reinstated.
Thursday, 30 June 2022	68	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	3	Delegate to the Chief Executive the power to carry out all steps to effect the easements.	Completed	Remaining actions are with the landowner. no further councillor action required.
Thursday, 30 June 2022	69	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	4	Note that the works within the easement areas will be subject to the relevant bylaw, building and/or resource consent requirements.	Completed	Remaining actions are with the landowner. no further councillor action required.
Thursday, 30 June 2022	70	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	5	Note that the works to install the stormwater and wastewater lateral pipes will proceed in accordance with final Parks, Sport and Recreation agreement to all reserve management, work access and reinstatement plans.	Completed	Remaining actions are with the landowner. no further councillor action required.
Thursday, 30 June 2022	71	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	6	Note that under the Instrument of Delegations for Territorial Authorities dated 12 July 2013, the Minister of Conservation has delegated the authority to grant easements over reserve land under Section 48 of the Reserves Act 1977 to Council.	Completed	Remaining actions are with the landowner. no further councillor action required.
Thursday, 30 June 2022	72	2.1 Reserves Act 1977 : Easements over Duncan Park and Play Area (Tawa)	7	Note that approval to grant these easements will be conditional on: a. The applicant being responsible for all costs associated with the creation of the easements, including any of Council's fair and reasonable costs. b. The requirement for public notice under Section 48(2) of the Reserves Act 1977 being waived as the reserve is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of these easements.	Completed	Remaining actions are with the landowner. no further councillor action required.
Wednesday, 6 July 2022	113	2.2 Let's Get Wellington Moving: MRT/SHI Preferred Programme Option	28	Note that the LGWM will regularly report back to partner shareholding governing bodies against progress milestones in the preparation of the Detailed Business Case	Completed	Partners have agreed to disestablish LGWM, the programme will no longer exist post 31 March.
Thursday, 25 August 2022	673	4.1 Sludge Minimisation Facility Project Funding	All Clauses	All clauses - public	Completed	
Thursday, 29 September 2022	710	2.4 Development Contributions Remission Request for 4 Oxford Terrace	5	Agree to increase the budget for Social and Recreational Grant Pool (1124) in the year which Development Contribution relating to this development falls due and debt fund this grant at the time.	Completed	Ongoing - the changes will be dealt with through the annual plan.



Thursday, 29 September 2022	711	2.4 Development Contributions Remission Request for 4 Oxford Terrace	6	Agree to reduce the budget for the Environmental and Accessibility Fund (1220) by \$383k in order to fund the above grant.	Completed	Ongoing - the changes will be dealt with through the annual plan.
Thursday, 15 December 2022	1157	3.3.1 Report of the Koata Hātepe   Regulatory Processes Committee Meeting of 14 December 2022: NEW GROUND LEASE FOR VICTORIA BOWLING CLUB	1	Approve a new lease pursuant to the Wellington Town Belt Act 2016 for Victoria Bowling Club Incorporated for a 10-year term with a further renewal term of 10 years.	Completed	Negotiating terms of the lease with club.
Thursday, 15 December 2022	1158	3.3.2 Report of the Koata Hātepe   Regulatory Processes Committee Meeting of 14 December 2022: PROPOSED ROAD STOPPING – LAND ADJOINING 76 ADJOINING 76 ORANGI KAUPAPA ROAD, NORTHLAND	2 (c)	c. Delegate to the Chief Executive Officer the power to conclude all matters in relations to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	Completed	Complete as at meeting date
Thursday, 15 December 2022	1159	3.3.2 Report of the Koata Hātepe   Regulatory Processes Committee Meeting of 14 December 2022: PROPOSED ROAD STOPPING – LAND ADJOINING 76 ADJOINING 76 ORANGI KAUPAPA ROAD, NORTHLAND	2 (c)	c. Delegate to the Chief Executive Officer the power to conclude all matters in relations to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	Completed	Complete as at meeting date.
Thursday, 15 December 2022	1160	3.3.2 Report of the Koata Hātepe   Regulatory Processes Committee Meeting of 14 December 2022: PROPOSED ROAD STOPPING – LAND ADJOINING 76 ADJOINING 76 ORANGI KAUPAPA ROAD, NORTHLAND	3	Delegate to the Chief Executive Officer the power to conclude all matters in relations to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	Completed	Complete as at meeting date
Thursday, 20 April 2023	1544	4.2 LAND ACQUISITION - OHARIU VALLEY ROAD, OHARIU	All clauses	All clauses.	Completed	
Thursday, 20 April 2023	1558	4.3 Te Kāinga Project Decision	All clauses	All clauses	Completed	
Thursday, 1 June 2023	1609	2.4 Sport Facilities Fees and Charges Review	6	Agree to delegate to the Mayor and Chief Executive the appointment of an independent consultant informed by a recommendation from the independent chair and working group.	Completed	MartinJenkins was appointed as consultant.
Thursday, 29 June 2023	1808	2.4 Golden Mile Traffic Resolution and Detailed Design	12.a	a) Agree for the Mayor and interested Elected Members to meet with Greater Wellington Regional Council and Waka Kotahi to review the location and design of bus stops along the Golden Mile in the next two months and to report back to Council on any improvements that can be made to the allocation of bus stops to maintain the existing high level of service.	Completed	
Thursday, 7 September 2023	2239	2.1 Approval of the Updated Wellington Regional Leadership Committee Agreement and Terms of Reference	3	Agree that the Wellington Regional Leadership Committee continues as a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002, with the amended terms set out in the attached Joint Committee Agreement (dated 2023), with the amendments in effect from the date the Wellington Regional Leadership Committee Joint Committee Agreement is signed by all local authority parties.	Completed	
Wednesday, 25 October 2023	2380	3.2 Report of the Kōrau Mātinitini   Social, Cultural, and Economic Committee Meeting of 12 October 2023	2	Agree an increase to operational budget for 2023/24 of \$6.7m for Let's Get Wellington Moving, which is a carry-forward of prior year underspend	Completed	
Wednesday, 25 October 2023	2382	2.2 Town Hall update and funding approval	2	Note the forecast cost to the Council to complete the Town Hall redevelopment has increased from its current budget of \$182.4m to between \$252m to \$329m, an increase of \$70m to \$147m	Completed	
Wednesday, 25 October 2023	2383	2.2 Town Hall update and funding approval	3	Note the cost range reflects a number of risk scenarios that could still eventuate on the project and a set of choices about scope and timing that are available to the Council	Completed	



Wednesday, 25 October 2023	2384	2.2 Town Hall update and funding approval	4	Note, in response to escalating costs, officers initiated an independent review of the project from RCP, a nationwide project management and construction consultancy with experience in heritage projects, and has accepted the review's recommendations	Completed
Wednesday, 25 October 2023	2386	2.2 Town Hall update and funding approval	6	Agree to increase the budget for the Town Hall by \$14m for the current 2023/24 year	Completed
Wednesday, 25 October 2023	2387	2.2 Town Hall update and funding approval	7	Agree to include provision in the Long-Term Plan (LTP) for up to \$133m additional budget for the Town Hall across the following financial years: a. \$50m 2024/25 b. \$48m 2025/26 c. \$30m 2026/27 d. \$5m 2027/28	Completed
Wednesday, 25 October 2023	2388	2.2 Town Hall update and funding approval	8	Note these costs have been developed by officers and the project's quantity surveyor (RLB) and subject to internal peer review by RLB and external review by RCP	Completed
Wednesday, 25 October 2023	2389	2.2 Town Hall update and funding approval	9	Note officers strongly recommend against delaying the decision and/or approving part of the required funding for the following reasons: a. It would impact the construction programme's critical path with immediate consequences for time and cost over and above the numbers in this report; b. Recent engagement from the LTP's Citizens' Assembly provides evidence of support for continuing with in-flight projects, including the Town Hall; c. Providing certainty about the way forward is a critical recommendation of the RCP review in order to manage the project; and d. The Council has all the necessary information to make the required decision	Completed
Wednesday, 25 October 2023	2390	2.2 Town Hall update and funding approval	10	Note that, with respect to the 2024/34 LTP: a. There is current sufficient capacity in the Council's debt-to-revenue ratio for this funding to be approved; and b. Approving this funding will have an impact on other capital programme decisions available to the Council	Completed
Wednesday, 25 October 2023	2393	2.2 Town Hall update and funding approval	13	Agree the following changes to the Town Hall's design to improve its utilisation for a range of functions and performances, and reduce the building's early reliance on the Michael Fowler Centre (MFC): a. Repurpose Mayoral suite to three rooms for security operations and Venues Wellington staff room, and two additional events and VIP spaces (which could be used for the Council's civic events, citizenship ceremonies and functions); and b. Assign the space currently allocated for dual use as a performance venue and Council debating chamber to a sole purpose smaller performance venue	Completed
Wednesday, 25 October 2023	2394	2.2 Town Hall update and funding approval	14	Note the Council will receive further advice on options for future Council accommodation in November 2023	Completed

Wednesday, 25 October 2023	2395	2.2 Town Hall update and funding approval	15	Note a successful market soundings process has been completed by PwC to test developer interest in funding the redevelopment of MOB and the Civic Administration Building (CAB)	Completed
Wednesday, 25 October 2023	2397	2.2 Town Hall update and funding approval	17	Note the Council will be updated on the Te Ngākau programme: a. At the completion of the tender process for MOB/CAB sites, with a recommended development option (March/April 2024); and b. Regularly via new four-monthly programme briefings to the Environment and Infrastructure Committee	Completed
Wednesday, 25 October 2023	2399	2.2 Town Hall update and funding approval	19	Agree to repurpose the Mayoral suite to three rooms for security operations and Venues Wellington staff room, and two additional events and VIP spaces (which could be used for the Council's civic events, citizenship ceremonies and functions)	Completed
Wednesday, 25 October 2023	2400	2.2 Town Hall update and funding approval	20	Agree to designate one of the two events/VIP spaces as "Te Ngākau - The Civic Room", ensuring it is appropriately furnished to reflect the Council's mana with key ceremonial and historical items, and ensure the Council has prioritised use of this room for ceremonial and civic functions.	Completed
Wednesday, 25 October 2023	2401	2.2 Town Hall update and funding approval	21	Note that Officers will provide monthly project reporting to Council	Completed
Wednesday, 25 October 2023	2406	2.2 Town Hall update and funding approval	25	Direct officers to prioritise management of project cost over heritage restoration for the remainder of the project, where these objectives are in direct tension and where achievement of both is not possible (i.e., where cost management is not in contradiction with the project's resource consent or other regulatory requirements).	Completed
Wednesday, 25 October 2023	2408	2.1 Strategy and Policy Priorities	2	Agree the strategy and policy work programme for 2023-25 as outlined in Attachment 1, including: a) Moving Climate Adaptation Roadmap work from priority ranking of 4 to a 3. b) Confirming that the Rainbow Strategy is completed at the latest by mid-2025. c) Confirming that Our Natural Capital will be completed at the latest by mid-2025.	Completed
Wednesday, 25 October 2023	2409	2.1 Strategy and Policy Priorities	3	Note that the strategy and policy work programme is a live programme. As committee decisions are made or needs are identified, timing or priority of the programme contents will need to be reviewed and the updated overall programme will be reported periodically to the Council.	Completed
Wednesday, 25 October 2023	2410	2.3 Submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options Paper)	1	Receive the information.	Completed
Wednesday, 25 October 2023	2411	2.3 Submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options Paper)	2	Approve the submission, as set out in Attachment One: Wellington City Council's submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options paper).	Completed

Wednesday, 25 October 2023	2412	2.3 Submission on the Inquiry on Climate Adaptation (Community-Led Retreat and Adaptation Funding: Issues and Options Paper)	3	Agree to delegate authority to the Chair and Deputy Chair of Te Kaunihera o Pōneke   Council and the Chief Executive to finalise the submission, including any amendments agreed by Te Kaunihera o Pōneke   Council and any minor consequential edits.	Completed	
Wednesday, 25 October 2023	2413	2.4 Wellington District Licensing Committee Annual Report for the Year Ending 30 June 2023	1	Receive the information.	Completed	
Wednesday, 25 October 2023	2414	2.4 Wellington District Licensing Committee Annual Report for the Year Ending 30 June 2023	2	Agree that this Annual Report may be submitted to the Alcohol Regulatory Licensing Authority (ARLA).	Completed	
Wednesday, 25 October 2023	2416	2.5 Proposed Road Closure	2	Agree to close Ganges Road (Agra Street to Dekka Street - one way portion only from number 1 to 19) for the Khandallah Fair on 10th December 2023, from 6.00am to 4.00pm. The road closure will apply to vehicles and cyclists including motorised scooters, and is subject to the conditions listed in the proposed road closure impact report.	Completed	
Wednesday, 25 October 2023	2418	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	2	Declare that the approximately 23 m2 (subject to survey) of unformed legal-road land (the Land) adjoining 3 Liffey Street (Part Lot 3 DP 1911, held on ROT WNB1/687) is not required for a public work and is surplus to Council's operational requirements.	Completed	Complete as at date of meeting
Wednesday, 25 October 2023	2419	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	2	Declare that the approximately 23 m2 (subject to survey) of unformed legal-road land (the Land) adjoining 3 Liffey Street (Part Lot 3 DP 1911, held on ROT WNB1/687) is not required for a public work and is surplus to Council's operational requirements.	Completed	Completed as at date of meeting
Wednesday, 25 October 2023	2421	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	4	Delegate to the Chief Executive Officer the power to conclude all matters in relation to the road stopping and disposal of the Land, including all legislative matters, issuing relevant public notices, declaring the road stopped, negotiating the terms of the sale or exchange, imposing any reasonable covenants, and anything else necessary.	Completed	Complete as at date of meeting
Wednesday, 25 October 2023	2422	2.6 Road Stopping – Land Adjoining 3 Liffey Street, Island Bay	5	Note that if objections to the road stopping process are received and the applicant wishes to continue, a further report will be presented to the Regulatory Processes Committee and Council for consideration.	Completed	Completed as at date of meeting
Thursday, 14 December 2023	2849	2.1 Funding for Wellington Water Limited	1	Receive the information.	Completed	
Thursday, 14 December 2023	2850	2.1 Funding for Wellington Water Limited	2	Determine whether an additional \$2 million in operational funding for leak repair will be allocated to Wellington Water Limited (WWL) in the 2023/24 financial year.	Completed	
Thursday, 14 December 2023	2851	2.1 Funding for Wellington Water Limited	3	Note that this would need to be funded by debt.	Completed	
Thursday, 14 December 2023	2852	2.1 Funding for Wellington Water Limited	4	Note that Wellington Water Limited has indicated that it is unable to provide the Council with a prioritised list of target leaks to be fixed in any given period and that progress and actual costs to fix leaks would require a substantial increase to its current reporting that its systems cannot readily provide.	Completed	

Thursday, 14 December 2023	2853	2.1 Funding for Wellington Water Limited	5	Authorise an additional \$1m in operational funding for leak repair to Wellington Water Limited (WWL) in the 2023/24 financial year subject to WWL confirming it can provide the following data each month for the remainder of the financial year: Leak data - address, date reported, date fixed.	Completed	
Thursday, 14 December 2023	2855	2.2 Te Atakura 2023 Update	1	Receive the information.	Completed	Te Atakura is loaded onto the Wellington City Council website.
Thursday, 14 December 2023	2857	2.2 Te Atakura 2023 Update	3	Note that officers will include key actions and updates for The Food Futures work as part of quarterly reporting and in the next Te Atakura update	Completed	Achieved
Thursday, 14 December 2023	2859	2.2 Te Atakura 2023 Update	5	Formally endorse the international Fossil Fuel Non-Proliferation Treaty.	Completed	Wellington City Council's endorsement is recorded on the Fossil Fuel Treaty website: <a href="https://fossilfuel treaty.org/wellington">https://fossilfuel treaty.org/wellington</a>
Thursday, 14 December 2023	2860	2.3 Actions Tracking and Forward Programme	1	Receive the information.	Completed	
Thursday, 14 December 2023	2861	3.1 Report of the Kōrau Mātinitini   Social, Cultural, and Economic Committee Meeting of 23 November 2023	1	Adopt the updated freedom camping rules of the Public Places Bylaw 2022 as Attachment 1.	Completed	The update freedom camping rules has been adopted and the Public Places Bylaw 2022 has been updated and publicly notified.
Thursday, 14 December 2023	2863	3.3 Report of the Pītau Pūmanawa   Grants Subcommittee Meeting of 6 December 2023	1	Agree to allocate \$543,345 of funding from the FY24/25 Social and Recreation Fund for Downtown Community Ministry Inc (trading as DCM).	Completed	This allocation, as part of the Social and Recreation Fund, is included within the draft Long-term Plan.
Thursday, 29 February 2024	3038	2.2 Charles Plimmer Bequest Forward Programme	1	Receive the information.	Completed	
Thursday, 29 February 2024	3041	2.3 Water Services Bylaw Review 2024	1	Receive the information.	Completed	
Thursday, 29 February 2024	3044	2.3 Water Services Bylaw Review 2024	4	Agree to delegate to the Chief Executive Officer and the Chair of the Environment and Infrastructure Committee the authority to amend the Statement of Proposal to include any amendments agreed by the Council and any other minor edits.	Completed	This action is completed.
Thursday, 29 February 2024	3045	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	1	Receive the information.	Completed	
Thursday, 29 February 2024	3047	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	2a	Appoint Councillor Ray Chung to the Koata Hātepe   Regulatory Processes Committee	Completed	
Thursday, 29 February 2024	3048	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	2b	Appoint Councillor Rebecca Matthews to the Unaunahi Māhirahira   Audit and Risk Committee.	Completed	
Thursday, 29 February 2024	3049	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	2c	Remove Councillor Rebecca Matthews from the Pītau Pūmanawa   Grants Subcommittee.	Completed	
Thursday, 29 February 2024	3050	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	2d	Appoint Councillor Geordie Rogers to the Koata Hātepe   Regulatory Processes Committee.	Completed	
Thursday, 29 February 2024	3051	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	2e	Remove Pouivi Holden Hohaia from the Koata Hātepe   Regulatory Processes Committee	Completed	
Thursday, 29 February 2024	3052	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	2f	Appoint Pouivi Holden Hohaia to the Pītau Pūmanawa   Grants Subcommittee.	Completed	
Thursday, 29 February 2024	3053	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	3a	Agree to the following changes to Council Advisory and Reference Groups: a. Appoint Mayor Tory Whanau as the representative on the Wellington Water Committee	Completed	
Thursday, 29 February 2024	3054	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	3b	Appoint Councillor Tony Randle as chair of the Safe and Sustainable Transport Forum	Completed	
Thursday, 29 February 2024	3055	2.4 Update to Elected Member Appointments for the 2022-2025 Triennium	3c	Appoint Councillor Sarah Free as alternate for the Safe and Sustainable Transport Forum	Completed	
Thursday, 29 February 2024	3056	2.1 Maiden speech	1	Receive the information.	Completed	
Thursday, 29 February 2024	3057	2.1 Maiden speech	2	Thank Councillor Rogers for their maiden speech.	Completed	

### 3. Committee Reports

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## REPORT OF THE KŌRAU TŪĀPAPA | ENVIRONMENT AND INFRASTRUCTURE COMMITTEE MEETING OF 30 NOVEMBER 2023

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**Members:** Mayor Whanau, Deputy Mayor Foon, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Wi Neera, Councillor Young, Pouwi Hohaia. Pouwi Kelly (Absent for voting – apology accepted)

### The Committee recommends:

#### Old Johnsonville Library

### Recommendation/s

Recommend to Council that it:

- a) Declares the property at 116 Johnsonville Road and 3-5 Broderick Road, Johnsonville being 1,840m<sup>2</sup> (subject to survey) described as Lots 3, 4 and 5 DP6130 surplus to requirements.
- b) Authorises the Chief Executive Officer to dispose of the site for the purpose of achieving outcomes on the site.
- c) Delegates authority to the Chief Executive Officer to carry out all necessary disposal actions.
- d) Delegates authority to the Chief Executive Officer to enter into a development agreement for the development of the site.
- e) Agree that a requirement of the agreement will be that the successful developer has a proven track record of working well with local communities.
- f) Agree to investigate options for the proceeds of the sale to be used for the purchase of greenspace in the Johnsonville urban area.

The agenda of the Kōrau Tūāpapa | Environment and Infrastructure Committee meeting of 30 November 2023 can be accessed here: [Agenda of Kōrau Tūāpapa | Environment and Infrastructure Committee - Thursday, 30 November 2023 \(wellington.govt.nz\)](https://www.wellington.govt.nz/agenda-of-korau-tuapapa-environment-and-infrastructure-committee-thursday-30-november-2023)

The minutes of the Kōrau Tūāpapa | Environment and Infrastructure Committee meeting of 30 November 2023 can be accessed here: [Minutes of Kōrau Tūāpapa | Environment and Infrastructure Committee - Thursday, 30 November 2023 \(wellington.govt.nz\)](https://www.wellington.govt.nz/minutes-of-korau-tuapapa-environment-and-infrastructure-committee-thursday-30-november-2023)

### Attachments

Nil

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# REPORT OF THE KŌRAU TŌTŌPŪ | LONG-TERM PLAN, FINANCE, AND PERFORMANCE COMMITTEE MEETING OF 13 MARCH 2024

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**Members:** Mayor Whanau, Deputy Mayor Foon, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O’Neill, Councillor Pannett, Councillor Randle, Councillor Wi Neera, Councillor Young, Pouiwi Hohaia, Pouiwi Kelly.

**The Committee recommends:**

**Quarter 2 Performance Report**

## **Recommendation/s**

Recommend to Council to:

- a. Increase 2022/23 opex expenditure budget by \$2.3m operational overspend of approved budget as in the detailed Wellington Water Memorandum dated 23 October 2023 (attached).

The agenda of Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee meeting of 13 March 2023 can be accessed here: [Agenda of Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee - Wednesday, 13 March 2024 \(wellington.govt.nz\)](#)

The minutes of Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee meeting of 13 March 2023 can be accessed here: [Minutes of Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee - Wednesday, 13 March 2024 \(wellington.govt.nz\)](#)

## **Attachments**

Attachment 1. WCC OPEX increase to budget 2022-23  

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**MEMO**

TO Siobhan Procter (Wellington City Council)

COPIED TO Mark Ford (Wellington Water)

James Peyper (Wellington City Council)

Chris Matthews (Wellington City Council)

FROM Liam Wright; Head of Finance, Wellington Water

DATE 25 October 2023

**FOR DECISION**

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**2022/23 Opex Overspend**

Summary

Wellington City Council’s approved budget for its three waters operational expenditure programme was \$41.627m. This was increased by agreement in several increments, to a total of \$45.423m. Wellington Water has worked hard to constrain spending within that envelope. However, a series of relatively minor unexpected events, along with the impacts of wastewater process improvements and inflation on treatment plant costs have resulted in a year-end overspend of \$1.263m.

We request that Council approve the funding of this additional \$1.263m operational expenditure.

**Operations programme approved expenditure for 2022-23**

After the initial budget was set, a series of increments was approved throughout the year as follows:

Operations programme initial approved budget	\$41.627m
Agreed overspend (confirmed at the time budgets were set)	\$0.215m
Additional funding for water leak detection and repair activity	\$2.000m
Western wastewater treatment plant outfall pipe failure	\$1.326m
Central interceptor damage 218b Willis Street	\$0.026m
Hunter Street burst drinking water main March 2023	\$0.230m
<b>Total approved expenditure</b>	<b>\$45.423m</b>



### Year-end Result

The year-end result for operational expenditure for FY2022-23 was \$46.687m. Against the total approved amount of \$45.423m, this represents an overspend of \$1.263m.

This overspend has arisen in two principal areas of operational activity. Firstly, network repair costs exceeded approved expenditure by \$1.522m. The trend of increasing failure rates is continuing, and a number of events occurred that required responses beyond what is normally planned for. The largest of these are listed below:

21 Petherick Crescent, sewerage discharge due to collapsed wastewater main, depth of excavation required complicated the repair (August 2022)	\$ 40 k
Murphy St, Thorndon, remediation for wastewater overflow in main interceptor pipe (August 2022)	\$ 61 k
Cashmere Avenue, repair and clean up following burst drinking water main, which flooded downstream property, complications due to depth of excavation (October 2022)	\$ 43 k
Ngauranga Gorge, investigation and contingency plans required for drinking water main leak repair due to risk to surrounding infrastructure at the Ngauranga interchange (October 2022)	\$191 k
65 Victoria Street, wastewater rising main failure in the CBD with sucker trucks needed to reduce/prevent wastewater discharge into the environment (October 2022)	\$ 98 k
Broderick Road, multiple failures of drinking water main with large area for reinstatement (November 2022)	\$149 k
Cyclone Gabrielle, grid clearing of large amounts of debris following the storm (February 2023)	\$ 74 k
Victoria Street, another wastewater rising main failure in the CBD with sucker trucks needed to reduce/prevent wastewater discharge into the environment (March 2023)	\$ 58 k
Fault 92 Maida Vale Road wastewater discharge over a section with restricted access and difficulty due to trees and power lines (May 2023)	\$ 43 k
250 Middleton Road, Churton Park, wastewater failure exposed by stream and weather events, multiple parties involved in consultation for suitable solution (May 2023)	\$ 47 k
41 Aparima Road, Miramar, burst potable water main pipe collapse creating a void in the road, and damage to nearby stormwater pipe (June 2023)	\$ 63 k
Burst drinking water main Rongotai Road, with complications due to location and other critical infrastructure services (June 2023)	\$ 91 k
<b>Total for events listed</b>	<b>\$958 k</b>

The other main area of overspend in the operational expenditure programme was Treatment Plants. Wellington Water had been forecasting a full year overspend in this area since January, driven by higher than forecast impacts of inflation on treatment input costs; the optimisation process for sludge management, which addressed treatment plant output characteristics that were putting compliance at risk, but resulted in more sludge for disposal; and higher power costs taking effect with the advent of a new power contract.

Actual costs for Moa Point Treatment Plant for the year were \$1.340m over the FY2022-23 allocated budget as follows:

Moa Point Maintenance and Operations	\$ 198 k
Moa Point Sludge	\$ 467 k
Moa Point Power	\$ 675 k
<b>Total</b>	<b>\$1,340 k</b>

The total for unplanned expenses in these two areas exceeded \$2m, and Wellington Water staff worked hard to pull back other costs and re-assign funding from planned expenditure where they could, to minimise the final overspend. However, as this budget is under considerable pressure, and in order to maintain agreed levels of service, the overspend for the year was \$1.263m

### **Recommendation**

It is recommended that Wellington City Council approves and funds the \$1.263m overspend for the financial year 2022-23 three waters operational expenditure.

# REPORT OF THE KŌRAU MĀTINITINI | SOCIAL, CULTURAL, AND ECONOMIC COMMITTEE MEETING OF 11 APRIL 2024

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**Members:** Mayor Whanau, Deputy Mayor Foon, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Matthews, Councillor O’Neill, Councillor Pannett, Councillor Randle, Pouiwi Hohaia, Pouiwi Kelly. Councillor Free (Absent for voting – apology accepted), Councillor McNulty (Absent for voting – apology accepted), Councillor Wi Neera (Absent for voting – apology accepted), Councillor Young (Absent for voting – apology accepted).

**The Committee recommends:**

**ANIMAL BYLAW, DOG POLICY AND DOMESTIC ANIMAL POLICY - APPROVAL TO ADOPT**

## **Recommendation/s**

Recommend that Te Kaunihera o Pōneke | the Council:

- a. Adopt the Animal Bylaw 2024 (attachment 3)
- b. Note that, on adoption, Part 2 (Animals) of the Wellington Consolidated Bylaw 2008 will be removed to create a new standalone Animal Bylaw.
- c. Authorise the Chief Executive and the Chair and Deputy Chair of Te Kaunihera o Pōneke | the Council to approve minor changes and edits, as required, to the Animal Bylaw before publishing.

The agenda of the Kōrau Mātinitini | Social, Cultural and Economic Committee meeting of 11 April 2024 can be accessed here: [Agenda of Kōrau Mātinitini | Social, Cultural, and Economic Committee - Wednesday, 10 April 2024 \(wellington.govt.nz\)](#)

The minutes of the Kōrau Mātinitini | Social, Cultural and Economic Committee meeting of 11 April 2024 can be accessed here: [Minutes of Kōrau Mātinitini | Social, Cultural, and Economic Committee - Wednesday, 10 April 2024 \(wellington.govt.nz\)](#)

## **Attachments**

Attachment 1. Animals Bylaw 2024 Final  

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# Wellington Animal Bylaw

## April 2024



## **1. Purpose**

- 1.1. The title of this Bylaw is the “Wellington City Council Animal Bylaw 2024” (Bylaw). This Bylaw sets requirements for the keeping of Animals. It seeks to protect the public from nuisance, maintain and promote public health and safety and to safeguard the welfare of animals. This Bylaw gives effect to, and gives legal powers to enforce, the Wellington City Council Dog Policy 2024.

## **2. Commencement**

- 2.1. This Bylaw shall come into effect on the 18th day of April 2024.

## **3. Legislative authority**

- 3.1. This Bylaw is established under the Sections 145, 146 and Part 8 of the Local Government Act 2002; Section 20 of the Dog Control Act 1996; and Section 64 of the Health Act 1956.
- 3.2. Clause 11.4.4 is made pursuant to the *Burial and Cremation Act 1964*.

## **4. Revocation and savings**

- 4.1. This Bylaw consolidates, repeals, and replaces *Part 2 (Animals)* of the *Wellington City Council Consolidated Bylaw 2008*.
- 4.2. Any resolution made under the Wellington City Consolidated Bylaw 2008 continues in force until altered or revoked by further resolution.
- 4.3. All approvals issued under any revoked bylaw shall, after the coming into force of this Bylaw, be deemed to have been issued under this Bylaw and be subject to the provisions of this Bylaw.
- 4.4. All Council officers appointed under or for the purpose of any revoked bylaw and holding office at the time of the coming into operation of this Bylaw, will be deemed to have been appointed under this Bylaw.
- 4.5. All fees and charges fixed by resolution of the Council in regard to any goods, services, inspections, or approvals provided for in any revoked bylaw shall apply under the corresponding provisions of this Bylaw until altered by further resolution of the Council.

## **5. Interpretation**

- 5.1. The Animal Welfare Act 1999 and the Wellington City Council Dog Policy 2024 should be read in conjunction with this Bylaw.
- 5.2. Text in italics (*italics*) is not part of the Bylaw but is explanatory in nature.

5.3. All defined terms within the document begin with capitalisation.

5.4. In this Bylaw, unless the context otherwise requires:

**Animal** has the meaning defined in the Animal Welfare Act 1999 *and includes any live member of the animal kingdom that is a mammal, bird, reptile, amphibian or fish.*

**Authorised Officer** means any person appointed or authorised by the Council on its behalf.

**Beach exercise area** means any designated beach area where dogs can exercise off-leash under the control of their owner as specified in the Wellington City Council Dog Policy 2024.

**Control** means that the dog is not causing a nuisance or danger and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles, or other effective means.

**Community garden** refers to an approved non-exclusive occupation of Council land to grow plants, fruit, and vegetables.

**Controlled public place** means any area where dogs are allowed, provided they are being walked on a leash with the leash being held by their owner, ensuring direct control.

**Council** means the Wellington City Council.

**Disability assist dog** means a dog certified by one of the organisations listed in [Schedule 5](#) of the Dog Control Act 1996 as being a dog that has been trained (or is being trained) to assist a person with a disability. *It generally means any dog certified to assist a person with a visual, hearing, mobility or other disability.*

**Domestic animal** means any animal (including a bird or reptile but excluding bees) kept as a domestic pet; any working dog; any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

**Exercise area** means any designated public area where dogs are allowed to exercise off-leash under the control of their owner at all times as specified in the Wellington City Council Dog Policy 2024. *Exercise areas are not necessarily enclosed by fences and are often colloquially referred to as "Woof Woof Ruff" areas.*

**Exercise area (specified times)** are areas where dogs are permitted to exercise off-leash under the control of their owner at specified times of day and dependent on the season, as outlined in the Wellington City Council Dog Policy 2024.

**Identification device** refers to any animal identification device approved under the National Animal Identification and Tracing Act 2012 or in accordance with an identification system approved under section 50 of the Biosecurity Act 1993.

**Large Lot Residential Zone** refers to properties in lower density residential development as

outlined in the Council's District Plan. They are typically larger sites that are located on the periphery of urban areas. *The Zone typically provides a rural outlook, along with a greater sense of privacy than what would be expected within the residential areas.*

**Leash** means a physical strap or chain attached to a collar or harness on the dog, sturdy enough to ensure that the dog is restrained and controlled by the person using the leash.

**Nuisance** refers to the dictionary definition (a person, thing, or circumstance causing trouble, annoyance; anything harmful or offensive to the community or a member of it) or to a statutory nuisance as defined in Section 29 of the Health Act 1956.

**Owner** means a person who owns the animal, the parent or guardian of someone who is under the age of 16 who owns the animal, or a person who is looking after the animal and is responsible for it. For dogs, it includes the meaning as defined under the Dog Control Act.

**Poultry** refers to domesticated birds that are kept or raised for their eggs, meat, feathers, or companionship. It may include hens, roosters, ducks, geese, quail, peafowl, pheasants, swans, and guinea fowls.

**Prohibited area** means any public place where dogs are not allowed at any time, on or off-leash as specified in the Wellington City Council Dog Policy 2024.

**Prohibited area (specified times)** means areas where dogs are prohibited during the times as specified in the Wellington City Council Dog Policy 2024.

**Public place** has the meaning given to it under [Section 2 of the Dog Control Act 1996](#). It means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place. *It includes any road, park, recreation ground, sports field, reserve, beach, Wellington Town Belt, Waterfront, pool, pedestrian mall, public open space, community facility.*

**RFID** refers to a radio-frequency identification tag.

**Residential area** refers to any area that is not classified as the "General Rural Zone" or (unless otherwise specified) "Large Lot Residential Zone" in the Council's District Plan. It includes areas such as the Medium Density Residential Zone, High Density Residential Zone, and City Centre Zone.

**Rural area** refers to any area included in the "General Rural Zone" and (unless otherwise specified) "Large Lot Residential Zone" in the Council's District Plan. It is the largest Zone in terms of land area and is characterised by a sense of remoteness, spaciousness, pastoral farming and rolling countryside.

**Stock** refers to livestock, which may include alpacas, cattle, deer, donkeys, sheep, goats, and pigs. For the purpose of this Bylaw, it does not include horses.

**Stray cat** refers to a cat that does not have a microchip or other identifiable features to

suggest human ownership. They may live as an individual or in a group (colony) around centres of human habitation and have many of their needs indirectly supplied by humans.

**The Act** means the [Dog Control Act 1996](#).

**Working dog** has the meaning given to it under [Section 2 of the Dog Control Act 1996](#). *It generally includes any dog that is kept by the Police or Government department. It also includes any Disability assist dog.*

## **6. Fees, waivers, forms, and processes**

- 6.1. The Council may by resolution prescribe or vary any fee in respect of any matter provided for in this Bylaw.
- 6.2. The Council may refund, remit, or waive any fee prescribed by this Bylaw or charge payable for a certificate, authority, permit or consent from, or inspection by, the Council, for any reason it thinks fit.
- 6.3. The Council may prescribe the form of, and process to be followed for, any application, certificate, licence permit or other document, which is required under this Bylaw. These forms and processes may be altered or amended at any time.
- 6.4. An application to the Council can be made to waive full compliance with any provision of this Bylaw on the basis that it would needlessly injure or affect any person, the operation of any business, or cause loss or inconvenience to any person, without any corresponding benefit to the community.
- 6.5. On receipt of an application under clause 6.4, the Council may waive the strict observance or performance of any provision of this Bylaw and impose such other terms or conditions consistent with the intention and purpose of the Bylaw as the Council may think fit.

## **7. Removal of works in breach of bylaws and recovery of costs**

- 7.1. The Council may remove or alter any work or thing constructed in contravention of any provision of this Bylaw.
- 7.2. The Council may recover from any person responsible for the construction or permitting the continued existence of any such work or thing, all costs incurred in connection with any removal or alteration.
- 7.3. The exercise of clause 7.1 shall not relieve any person from liability for constructing or permitting the continued existence of any such work or thing.



*Local Government Act 2002 enforcement powers include court injunction (section 162), seizure and disposal of property (sections 154, 165, 168), powers of entry (sections 171, 172, 173) and power to request name and address (section 178).*

## **8. Activities that require Council permission**

8.1. The following activities require the Council's prior written permission:

### **8.1.1. Bringing domestic animals into designated public areas**

- a. Bringing a Domestic animal (excluding cats), other than where this is permitted under the Dog Policy, into areas classified as a Beach exercise area, Controlled public place, Exercise area (specified times), Prohibited area, or Prohibited area (specified times) for special events.

### **8.1.2. Animal establishments**

- a. Establishing or maintaining any animal boarding establishment, including dog daycare services; and
- b. Establishing or maintaining a pet shop, pet grooming facility, cattery, animal hospital, or refuge centre for the keeping, selling, or treating of animals that also operates a business as a boarding establishment.

### **8.1.3. Keeping animals**

- a. Keeping more than three dogs, as outlined in Section 11;
- b. Keeping more than four beehives in a Residential area, as outlined in Section 12;
- c. Keeping bees on Council land, as outlined in Section 12;
- d. Keeping stock in a Residential area, as outlined in Section 13; and
- e. Keeping more or different types of poultry in a Residential area, other than those outlined in Section 14.

8.1.4. The Council may grant permission to keep Animals with specific conditions and this may be subject to a fee.

## **9. General conditions of keeping animals**

- 9.1. Animals shall be kept in a manner that is not, or is not likely to, cause nuisance, dangerous, offensive, or injurious to health.
- 9.2. Animals shall be kept in a manner that ensures they have adequate physical wellbeing through acceptable nutrition, environmental, health and behavioural stimulus, and adequate mental wellbeing.
- 9.3. Domestic animals, other than domestic cats, found at large and not within their

owner's property, may be seized and impounded by an Authorised Officer.

- 9.4. The Council may sell, re-home or otherwise dispose of any animal seized and impounded under clauses 9.3. and 10.1. that has not been claimed or returned within seven days after it was seized and impounded.
- 9.5. **Feeding animals**
- 9.5.1. Feeding of animals can attract rats or other vermin or cause excessive fouling to public places. No animals (excluding dogs) are to be fed in public places, except in designated areas, or with prior written permission from the Council.
- 9.5.2. Areas for feeding will be clearly signposted. In assessing an application to feed animals, the Council will consider the following factors:
- a. whether the activity is likely to attract vermin or create public health issues
  - b. whether the activity is likely to cause nuisance, or adversely impact wildlife.

## **10. Cats**

- 10.1. Stray cats found roaming freely may be humanely captured by an Authorised Officer and held for seven days. The cat(s) may be arranged to be microchipped and/or desexed by an Authorised Officer after seven days.
- 10.2. Every person who keeps cats must ensure:
- 10.2.1. All domestic cats over the age of 12 weeks must be microchipped and the cat's microchip registered with New Zealand Companion Animal Register. Owners must ensure the microchip information is kept up to date.
- 10.2.2. All domestic cats over six months must be desexed, unless they are kept for breeding purposes and the owner is a current registered breeder with a recognised New Zealand registering body, such as New Zealand Cat Fancy Ltd and Catz Inc.
- 10.2.3. Notwithstanding 10.2.2. cats are exempt from being desexed if a registered veterinarian certifies that undergoing the procedure will place the cat at unnecessary risk.
- 10.2.4. Failure to comply with the desexing requirements outlined in this clause shall be subject to the penalties stipulated within this bylaw.

*Existing cat owners shall be granted a transition period from the commencement of this bylaw, during which they are required to desex any cats they already own. This transition period shall extend until June 1, 2025.*

## **11. Dogs**

### **11.1. Keeping more than three dogs**

- 11.1.1. No household (other than those in a Rural area) may keep more than three dogs in total, unless given prior written permission by the Council. Permission will be required for more than three dogs over the age of three months, whether or not the dogs are registered, or the owner/occupier is the registered owner of the dogs.
- 11.1.2. On application, dog owners will have to pay the associated fee for permission to keep more than three dogs on a property.
- 11.1.3. In assessing an application to keep more than three dogs, the Council will consider the impact on the amenity of the neighbourhood. The Council's permission may be subject to any terms, conditions, and restrictions it thinks fit, including:
- a. specifying the number of dogs that may be kept on the premises at any one time;
  - b. specifying the duration of the Council's permission;
  - c. restrictions as to the purpose for which the dogs may be kept;
  - d. provision for the dogs' hygiene, control, confinement, and regular inspection; and
  - e. provision for the protection of other persons or property from being affected in any way by the dogs.
- 11.1.4. Any person who faces an infringement or prosecution under the Dog Control Act 1996 or Animal Welfare Act 1999 may have their permission to keep more than three dogs revoked.

### **11.2. Dog nuisances**

- 11.2.1. If, in the opinion of an Authorised Officer, any dog or the keeping of any dog on any premises has become, or is likely to become, a nuisance, injurious or hazardous to health, property, or safety, the officer may require the owner by written notice to:
- a. reduce the number of dogs kept on the premises;
  - b. construct, alter, reconstruct, or otherwise improve the kennels, fences or other buildings used to house or contain the dog; and
  - c. take such action as the Authorised Officer deems necessary to minimise or remove the likelihood of nuisance, hazard or injury to health, property, or safety.
- 11.2.2. The owner must comply with any notice issued under clause 11.2.1. within the time specified in the notice.

**11.3. Classification of public places**

11.3.1. The Council may, by publicly notified resolution, designate any public place to be one of the following classifications and may impose permissions, prohibitions, and restrictions in respect of that area:

- a. exercise area;
- b. exercise area (specified times);
- c. beach exercise area;
- d. controlled public place;
- e. prohibited area; and
- f. prohibited area (specified times).

**11.4. Dogs in public places**

11.4.1. Dog owners or the person in charge of a dog must keep their dog under control at all times in any public place.

11.4.2. Dogs must be on-leash at all times unless in a designated Exercise area, Exercise area (within the specified times) or Beach exercise area.

11.4.3. The owner of any dog may keep their dog off-leash in any designated exercise area, exercise area (specified times) or beach exercise area during the times specified in the Dog Policy 2024 or resolution under clause 11.3.1.

11.4.4. Dogs are permitted to enter any cemetery controlled by the Council, provided that:

- a. this Bylaw is complied with; and
- b. the dog is under the control of its owner and on-leash at all times.

11.4.5. The owner of any dog will ensure their dog does not enter any public place contrary to any classification, prohibition or restriction imposed by the Council under clause 11.3.1. as specified in the Wellington City Council Dog Policy 2024.

11.4.6. Despite any restrictions imposed under clause 11.3.1, any Working dog that is working at the time may or Disability assist dog may be off leash in a Prohibited area, Exercise area (regardless of specified times) or a Prohibited area (specified times).

**11.5. Right of access to a prohibited area**

11.5.1. Dog owners are allowed:

- a. to move through a play area on-leash, specifically to move from one side to the other if there is no alternative route but they cannot stop with their dog in the play area;
- b. to take their dog on-leash access at Wellington International Airport if they

- intend to transport their dog;
- c. on-leash on the coastal track between Wahine Memorial Park and Moa Point; and
- d. to take their dogs off-leash only during the designated times as outlined in the Dog Policy 2024.

## **12. Bees**

### **12.1. Community beekeeping**

- 12.1.1. Beekeeping on any Council land, including parks and reserves, is a managed activity and is prohibited unless you have obtained a licence or prior written permission from the Council. Applications will be assessed by an Authorised Officer and may be granted with specific conditions.
- 12.1.2. No new beehives will be permitted on parks and reserves land unless they are located within a Community garden licensed area.

### **12.2. Keeping bees on private land**

- 12.2.1. Written permission is not required if a person wishes to keep bees within a Rural area.
- 12.2.2. An owner or occupier of any property in a Residential area may keep up to four beehives without prior written permission from the Council.
- 12.2.3. The Council may require the removal or relocation of a beehive(s) if the conditions for which the permission was originally given are not being met and/or if an Authorised Officer considers the beehives to be causing a nuisance. This applies to both Residential and Rural areas.

*The limit of four beehives (clause 12.2.2.) applies to any bees kept following the adoption of this bylaw. For instance, if an owner already possesses five beehives before the enactment of this bylaw, they are exempt from the limitation.*

### **12.3. Conditions for keeping bees**

- 12.3.1. In order to keep bees, a person must comply with the following conditions:
  - a. beekeepers must ensure that hives are positioned to avoid the flight path impinging on any neighbouring dwellings or living areas;
  - b. a suitable water source must be provided for the bees; and
  - c. management techniques employed to reduce the likelihood of causing a nuisance.
- 12.3.2. All beekeepers have a legal requirement to register any apiary, as required under the Biosecurity Act 1993, within 30 days of placing beehives on that

site. All hives must prominently show the Beekeeper's Registration Number. *Registration of beehives is with The Management Agency (National American Foulbrood Pest Management Plan), not the Council.*

*We strongly recommend referring to the Council's [Caring for Bees Factsheet](#) for further guidance on good hive management.*

### **13. Horses and Stock**

- 13.1. Written permission is not required to keep Stock and/or horses within a Rural area.
- 13.2. Keeping any Stock and/or horses in a Residential area is prohibited unless prior written permission from the Council is obtained.
- 13.3. The Council may require the removal of Stock and/or horses if the conditions for which the permission was originally given are not being met, if the Authorised Officer deems it to be an issue, and/or if nuisance complaints from two or more different adjoining property owners have been received. This applies to both Residential and Rural areas.
- 13.4. Authorised Officer may seize and impound any wandering horses or Stock.

*Note- clause 13.2. applies to the acquisition of any Stock/horses following the adoption of this bylaw.*

#### **13.5. Conditions for keeping Stock (excluding horses)**

- 13.5.1. In order to keep Stock, a person must comply with the following conditions:
  - 13.5.2. prevent the Stock from causing any nuisance or damage to the property of adjoining premises and is confined within their owner's property;
  - 13.5.3. properly recycle, reuse, or remove manure from the premises before it creates a nuisance;
  - 13.5.4. provide an adequate and appropriate living environment for their species, including companionship, space, shade and shelter; and
  - 13.5.5. ensure that Stock wears an Identification device (an RFID tag or similar) or collar to indicate that they are not feral and so the owner can be traced if the animal is seized.

*We strongly recommend referring to the Council's [Caring for Stock Factsheet](#) for further guidance.*

### **14. Poultry**

- 14.1. Written permission is not required to keep poultry within a Rural area.
- 14.2. No roosters or peafowl are to be kept in Residential areas and properties on Large Lot Residential Zones unless prior written permission has been granted by the Council.
- 14.3. An owner or occupier of any property in a Residential area may keep the following without the Council's prior written permission:
  - a. a combined maximum of eight (8) hens and/or female ducks; or
  - b. a maximum of twelve (12) female quails.

**14.4. Considerations for authorising Poultry keeping**

- 14.4.1. The Council may consider the following conditions when assessing permission for keeping Poultry:
  - a. the number of Poultry at the premises.
  - b. provision for the welfare, hygiene, control, and confinement of the Poultry.
  - c. provision for the protection of other persons or property from being affected in any way by the poultry.
  - d. the sex of the poultry and possibility of breeding.
  - e. the size of the property and proximity to neighbours.
  - f. any other factors it considers relevant.

**14.5. Conditions for keeping Poultry**

- 14.6. In order to keep poultry, a person must comply with the following conditions:
  - 14.6.1. Poultry must be contained within the owner's property at all times, so as not to cause (or be likely to cause) nuisance, offence or be injurious to health.
  - 14.6.2. Poultry feed must be stored securely in vermin-proof containers.
  - 14.6.3. The poultry enclosure must be cleaned regularly to prevent offensive odours, and all waste must be disposed of appropriately.
- 14.7. The Council may require the removal of poultry if the conditions for which the permission was originally given are not being met if the Authorised Officer deems it to be an issue, and/or if nuisance complaints from two or more different adjoining property owners have been received. This applies to both Residential and Rural areas.

*We strongly recommend referring to the Council's [Caring for Poultry Factsheet](#) for further guidance.*

## **15. Offences**

- 15.1. Under this Bylaw no person may:
  - 15.1.1. keep animals in a manner that is, or is likely to become, a nuisance, dangerous, offensive, or injurious to public health;
  - 15.1.2. be the owner or have the care, custody, or control of any domestic animal, other than domestic cats, and not confine it adequately to prevent it from straying onto any road or car park; trespassing on any land or reaching into or over any residential property or public place;
  - 15.1.3. injure or kill any domestic animal in a public place;
  - 15.1.4. bury any animal carcass in a manner that is or is likely to become a nuisance, injurious or hazardous to health or safety.
- 15.2. Every dog owner or person in possession of the dog at the time commits an offence who:
  - 15.2.1. allows their dog to enter or be in a public place when it is infected with an infectious disease or is a female dog in season;
  - 15.2.2. does not immediately pick up and remove/dispose of their dog's faeces when their dog defecates in any public place, or on land or premises other than that occupied by the dog's owner;
  - 15.2.3. fails to carry effective means to remove and dispose of any dog faeces when in public places with their dog;
  - 15.2.4. allows their dog (except a Working dog that is working at the time) in a public place, unless it is controlled by a leash or unless allowed by resolution under clause 11.3.1.
- 15.3. Every person who owns or exercises control over a horse commits an offence if they do not pick up and remove/dispose of the horse's faeces when their horse defecates in any public place as soon as practically possible. This includes defecating on land or premises other than that occupied by the owner.
- 15.4. Every person commits an offence against this Bylaw who damages, destroys or defaces (or has in their possession without authority from the Council) any property, article or thing belonging to the Council or under its control.
- 15.5. Every person commits an offence against this Bylaw who does not comply with any requirement or condition of their approval or acts contrary to any prohibition or resolution made in this Bylaw.
- 15.6. The continued existence of any work, building, land, premises, or thing in such a



state or form as to be in contravention of any provision of this Bylaw shall be deemed to be a continuing offence under this Bylaw.

## **16. Penalties**

- 16.1. A person who fails to comply with this bylaw may be liable on conviction to the penalty prescribed by section 242 (4) of the Local Government Act 2002, not exceeding \$20,000.
- 16.2. A person who fails to comply with clauses 11.1 to 11.5 and 15.2. of this bylaw may commit an infringement offence under Schedule 1 of the Dog Control Act 1996 and may be served with an infringement notice and be liable to pay an infringement fee of \$300.
- 16.3. A person who fails to comply with clauses 11.1 to 11.4 and 15.2 of this bylaw may commit an offence under section 20(5) of the Dog Control Act 1996 and may be liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002, not exceeding \$20,000.

*A full list of dog-related infringements offences and fees are stipulated in the Dog Control Act 1996 and outlined in the Dog Policy 2024. The amounts for these infringements range from \$100 to \$750.*

**Adopted 18 April 2024.**