



## TE KAUNIHERA O TE AWA KAIRANGI

28 February 2024

Order Paper for Council meeting to be held in the  
Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt,  
on:

### **Wednesday 6 March 2024 commencing at the conclusion of the Policy, Finance and Strategy Committee**

The meeting will be livestreamed on Council's Facebook page.

#### **Membership**

	Mayor C Barry (Chair)
	Deputy Mayor T Lewis
Cr G Barratt	Cr J Briggs
Cr K Brown	Cr B Dyer
Cr S Edwards	Cr A Mitchell
Cr K Morgan	Cr C Parkin
Cr N Shaw	Cr T Stallinger
Cr G Tupou	

**For the dates and times of Council Meetings please visit [www.huttcity.govt.nz](http://www.huttcity.govt.nz)**

#### **Have your say**

You can speak under public comment to items on the agenda to the Mayor and Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this by emailing [DemocraticServicesTeam@huttcity.govt.nz](mailto:DemocraticServicesTeam@huttcity.govt.nz) or calling the Democratic Services Team on 04 570 6666 | 0800 HUTT CITY

## TE KAUNIHERA O TE AWA KAIRANGI | COUNCIL

<b>Chair</b>	Mayor Campbell Barry
<b>Deputy Chair</b>	Deputy Mayor Tui Lewis
<b>Membership:</b>	All Councillors (11) Refer to Council's Standing Orders (SO 31.10 Provisions for Mana Whenua)
<b>Meeting Cycle:</b>	Council meets on an eight-weekly basis (extraordinary meetings can be called following a resolution of Council, or on the requisition of the Chair or one-third of the total membership of Council)
<b>Quorum:</b>	Half of the members

### **POWER TO (BEING A POWER THAT IS NOT CAPABLE OF BEING DELEGATED)<sup>1</sup>:**

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than those in accordance with the LTP.
- Purchase or dispose of Council land and property other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Local Government Act 1974, the Public Works Act 1981, or the Resource Management Act 1991, that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.
- The power to adopt a Remuneration and Employment Policy for Council employees.

### **DECIDE ON:**

#### **Policy and Bylaw issues:**

- Adoption of all policies required by legislation.
- Adoption of strategies, and policies with a city-wide or strategic focus.
- Approval of draft bylaws before the consultation.
- Adoption of new or amended bylaws.

#### **District Plan:**

- Approval to call for submissions on any Proposed District Plan, Plan Changes and Variations.

<sup>1</sup> Work required before the making of any of these decisions may be delegated.

- Before public notification, approval of recommendations of District Plan Hearings Subcommittees on any Proposed Plan, Plan Changes (including private Plan Changes) and Variations.
- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.
- Approval, to make operative, District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).
- Acceptance, adoption, or rejection of private Plan Changes.

**Representation, electoral and governance matters:**

- The method of voting for the triennial elections.
- Representation reviews.
- Council’s Code of Conduct for elected members.
- Hearing of and making decisions on breaches of Council’s Code of Conduct for elected members.
- Elected members’ remuneration.
- The outcome of any extraordinary vacancies on Council.
- Any other matters for which a local authority decision is required under the Local Electoral Act 2001.
- Appointment and discharge of members of committees when not appointed by the Mayor.
- Adoption of Terms of Reference for Council Committees, Subcommittees and Working Groups, and oversight of those delegations.
- Council’s delegations to officers, community boards and community funding panels.

**Delegations and employment of the Chief Executive:**

Appointment of the Chief Executive of Hutt City Council.

**Meetings and committees:**

- Standing Orders for Council and its committees.
- Council’s annual meeting schedule.

**Long Term and Annual Plans:**

- The adoption of the LTP and Annual Plans.
- Determination of rating levels and policies required as part of the LTP.
- Adoption of Consultation Documents proposed and final LTPs and proposed and final Annual Plans.

**Council Controlled Organisations:**

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation.

- Approval of annual Statements of Intent and annual Statement of Expectation for Council Controlled Organisations and Council Controlled Trading Organisations.

#### **Community Engagement and Advocacy:**

- Receive reports from the Council's Advisory Groups.
- Regular reporting from strategic partners.

#### **Operational Matters:**

- Civil Defence Emergency Management matters requiring Council's input.
- Road closing and road stopping matters.
- Approval of overseas travel for elected members.
- All other matters for which final authority is not delegated.

#### **Appoint:**

- The non-elected members of the Standing Committees, including extraordinary vacancies of non- elected representatives.
- The Directors of Council Controlled Organisations and Council Controlled Trading Organisations.
- Council's nominee on any Trust.
- Council representatives on any outside organisations (where applicable and time permits, recommendations for the appointment may be sought from the appropriate Standing Committee and/or outside organisations).
- Council's Electoral Officer, Principal Rural Fire Officer and any other appointments required by statute.
- The recipients of the annual Civic Honours awards.

**TE KAUNIHERA O TE AWA KAIRANGI | HUTT CITY COUNCIL**

Ordinary meeting to be held in the Council Chambers,  
2nd Floor, 30 Laings Road, Lower Hutt on  
Wednesday 6 March 2024 commencing at the conclusion of the  
Policy, Finance and Strategy Committee.

**ORDER PAPER**

**PUBLIC BUSINESS**

**1. OPENING FORMALITIES - KARAKIA TIMATANGA**

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 atakura  
He tio, he huka, he hau hū  
Tihei mauri ora.

*Cease the winds from the west  
Cease the winds from the south  
Let the breeze blow over the land  
Let the breeze blow over the ocean  
Let the red-tipped dawn come with  
a sharpened air.  
A touch of frost, a promise of a  
glorious day.*

**2. APOLOGIES**

No apologies have been received.

**3. PUBLIC COMMENT**

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

**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.

**5. REGIONAL COLLABORATION ON A WATER SERVICES DELIVERY PLAN**

Report No. HCC2024/1/59 by the Strategic Advisor

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**MAYOR'S RECOMMENDATION:**

“That the recommendations contained in the report be endorsed.”

6. **PROPOSED OVERSEAS TRAVEL: UNITED KINGDOM INFRASTRUCTURE DELEGATION**

Report No. HCC2024/1/61 by the Head of Democratic Services

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7. **RECOMMENDATIONS TO COUNCIL FROM THE POLICY, FINANCE AND STRATEGY COMMITTEE MEETING HELD ON 6 MARCH 2024**

“That Council adopts the recommendations made on the following reports, and any amendments agreed at the Policy, Finance and Strategy Committee meeting held on 6 March 2024:

- (a) Seaview Marina Limited Draft Statement of Intent 2024/25 to 2026/27; and
- (b) Urban Plus Limited Draft Statement of Intent 2024/25 to 2026/27.”

8. **QUESTIONS**

With reference to section 32 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

9. **EXCLUSION OF THE PUBLIC**

MAYOR'S RECOMMENDATION:

“That the public be excluded from the following parts of the proceedings of this meeting, namely:

10. **RECOMMENDATION TO COUNCIL FROM THE CLIMATE CHANGE AND SUSTAINABILITY COMMITTEE MEETING HELD ON 20 FEBRUARY 2024: PANEL MEMBERS FOR LOW CARBON ACCELERATION FUND**

11. **RECOMMENDATIONS TO COUNCIL FROM THE CHIEF EXECUTIVE'S PERFORMANCE REVIEW SUBCOMMITTEE - CHIEF EXECUTIVE'S EMPLOYMENT AGREEMENT (Mayor and Councillors only)**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

(A)	(B)	(C)
General subject of the matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground under section 48(1) for the passing of this resolution.
Recommendation to Council from the Climate Change and Sustainability Committee meeting held on 20 February 2024: Panel members for Low Carbon Acceleration Fund	The withholding of the information is necessary to protect the privacy of natural persons. (s7(2)(a)).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exist.
Recommendations to Council from the Chief Executive's Performance Review Subcommittee - Chief Executive's Employment Agreement.	The withholding of the information is necessary to protect the privacy of natural persons. (s7(2)(a)).	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exist.

This resolution is made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as specified in Column (B) above."

Kate Glanville  
**SENIOR DEMOCRACY ADVISOR**

27 February 2024

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Report no: HCC2024/1/59

## Regional Collaboration on a Water Services Delivery Plan

### Purpose of Report

1. The purpose of this report is to:
  - a) provide an overview of the Government's intended legislative changes to give effect to Local Water Done Well policy, including the requirement on councils to develop a water service delivery plan.
  - b) ask Council to sign a Memorandum of Understanding (MoU) to collaboratively develop a water service delivery plan, including consideration of future delivery models, working with the other councils in the Wellington region.
  - c) ask Council to nominate an elected member to be Council's representative on the Advisory Oversight Group for the joint water service delivery plan process.

### Recommendations

That Council:

- (1) notes the Government's intended legislative changes to give effect to Local Water Done Well policy, including the requirement on councils to develop a water service delivery plan;
- (2) approves signing of a Memorandum of Understanding (MoU) (attached as Appendix 1 to the report) to jointly develop a water service delivery plan with the other councils in the Wellington region;
- (3) agrees to delegate authority to the Chief Executive to finalise the MoU, consistent with discussions and any amendments made by Council; and
- (4) agrees to nominate the Mayor to be Council's representative on the Advisory Oversight Group for the joint water service delivery plan process.

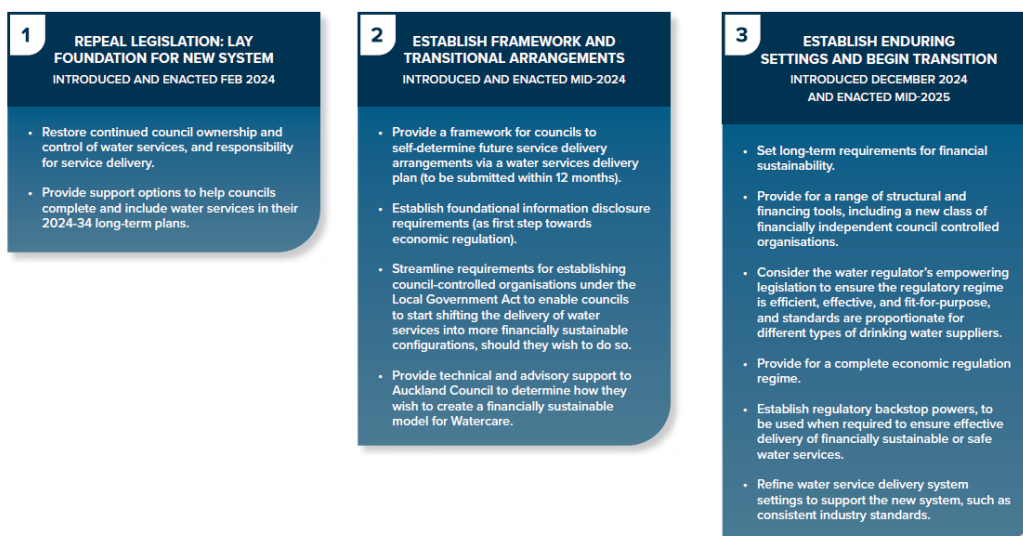


## Background

### ***Local Water Done Well policy and legislative change***

2. Change is coming to how water is regulated and managed by local authorities. The Government has repealed the Water Service Entities Act 2022 and set out the process and legislative changes required to give effect to its *Local Water Done Well* policy.
3. The *Local Water Done Well policy* is based on a clear premise that change is required and will happen. The policy is still under development, but indicatively will be based on the following requirements:
  - **Councils to develop a water services plan:** Within a year, councils must develop a plan to transition to a new water service delivery model that can meet regulatory and investment requirements.
  - **Increased regulation in relation to:**
    - Water quality regulation
    - Infrastructure investment regulation
  - **Financial sustainability** – water services models must be financially sustainable, based on:
    - Revenue sufficiency
    - Ringfencing to fund investment
    - Funding for growth
4. The Government has signalled that it intends to give effect to this policy through two further pieces of legislation (refer Figure 1 below).

*Figure 1: Giving effect to Local Water Done Well, legislative pathway*



5. The first new bill (Stage 2 in figure 1), is expected to be introduced and enacted mid-2024. This bill is being informed by an expert Technical Advisory Group. This legislation is expected to set out a clear framework for councils to develop a future water service delivery plan within 12 months of enactment. It is also expected to set out the foundations for economic regulation and streamline requirements for establishing council-controlled organisations under the Local Government Act. This will enable councils to move to different models, should they choose to do so.
6. The second bill (Stage 3 in figure 1), is expected to be introduced in late 2024 and enacted by mid-2025. This is expected to set out provisions relating to long-term requirements for financial sustainability, provide for a complete economic regulation regime, and a new range of structural and financing tools, including a new type of financially independent council-controlled organisation.
7. The second bill will also establish regulatory backstop powers, to be used when required to ensure effective delivery of financially sustainable or safe water services. In addition, it will make amendments to the water regulator's legislation to be used to ensure delivery of financially sustainable or safe water services.
8. All legislation to support the implementation of *Local Water Done Well* is expected to be passed by mid-2025 – ahead of the local government elections in October 2025.

### *The need for change*

9. Councils in the Wellington region are facing stark challenges to meet the investment needed for drinking water, wastewater, and storm water infrastructure.
10. The need for change to how water services are funded and delivered has been the subject of several major reviews, policy processes and legislative reform since at least 2016. Three major reviews (the Havelock North Drinking Water Inquiry 2016-2017, the Three Waters Review - 2017-2019, WCC Mayoral Task Force on Three Waters 2020), all concluded that councils were struggling to maintain and renew their ageing water infrastructure.
11. These reviews have confirmed that significant and sustained investment is required over the coming decades to ensure councils can continue to enable growth, provide safe drinking water, improve environmental water quality, and are resilient to future seismic and climate change events. This level of investment is not possible for local government under current borrowing settings and any attempts to increase expenditure through rates will pose affordability issues for communities.

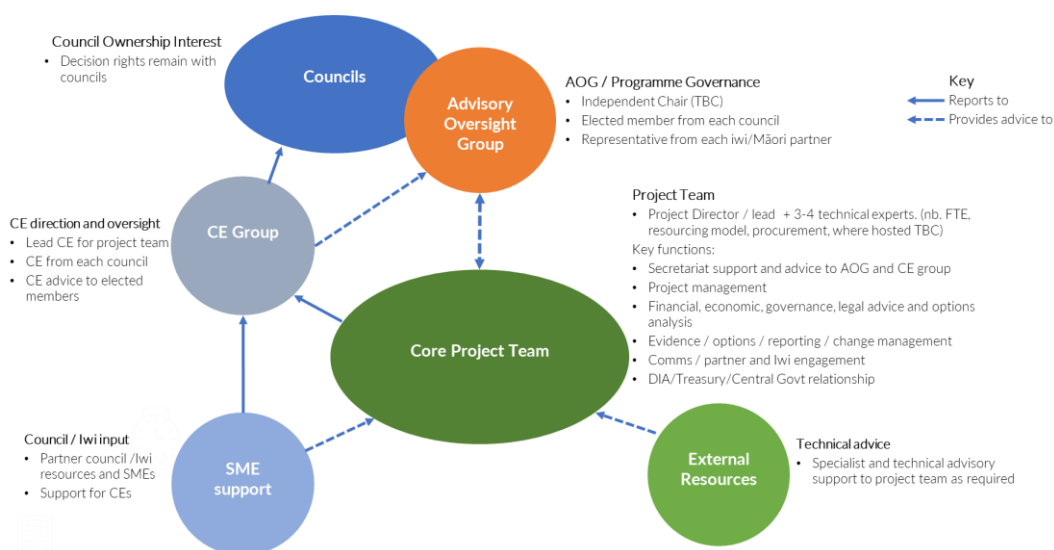
12. For Council the key issues being faced are:
- a. A significant backlog of investment in an aging and failing network;
  - b. The level of investment required is not possible under current council financial settings. Council is close to borrowing limits and is not able to continue to load debt onto balance sheets. A new approach is needed that will address the balance sheet limitations for Council or the establishment of a new delivery model that can raise capital based on asset ownership;
  - c. Ongoing increases to rates will be unacceptable and unaffordable. Investment cannot be based on borrowing only and must also be based on a balance of funding between current and future users to ensure a fair share of the true cost of the service. To ensure long term financial sustainability, water investment for asset renewals must be structured on an equitable intergenerational basis;
  - d. Enabling growth and housing supply will be increasingly challenging; and
  - e. The ability ability to meet increased regulatory requirements (both costs and processes), for environmental, drinking water and economic regulation will be challenging and costly.
13. Investment coordination is particularly important for the connected metro water networks of Wellington, Porirua, Upper Hutt and Hutt City councils where bulk water supply, wastewater treatment and stormwater solutions are shared across city boundaries. This is proving very challenging under the current Wellington Water model.
14. It will be critical that any future water service model has the ability to deliver the level of investment required. This will need a model that is able to borrow, and over time can increase revenue from water users to a level where this sustainably covers the true costs of services. This could be through some form of charges or rates with a crucial consideration being to ensure that this is that this is fair, affordable and delivers value for money for the community.

### **Discussion**

15. The need for change is urgent and delay to moving to a sustainable future model risks pushing a bow wave of costs and investment into the future for clean and safe water. It would therefore be prudent to begin the process to develop a water service delivery plan.
16. Based on direction from Government to date and expected legislative change, Council will be required to develop a water service delivery plan by around mid-2025. Council has options to develop this independently, or to work with other councils in the region.
17. Developing the plan independently would reduce some complexities of process and decision-making requirements.

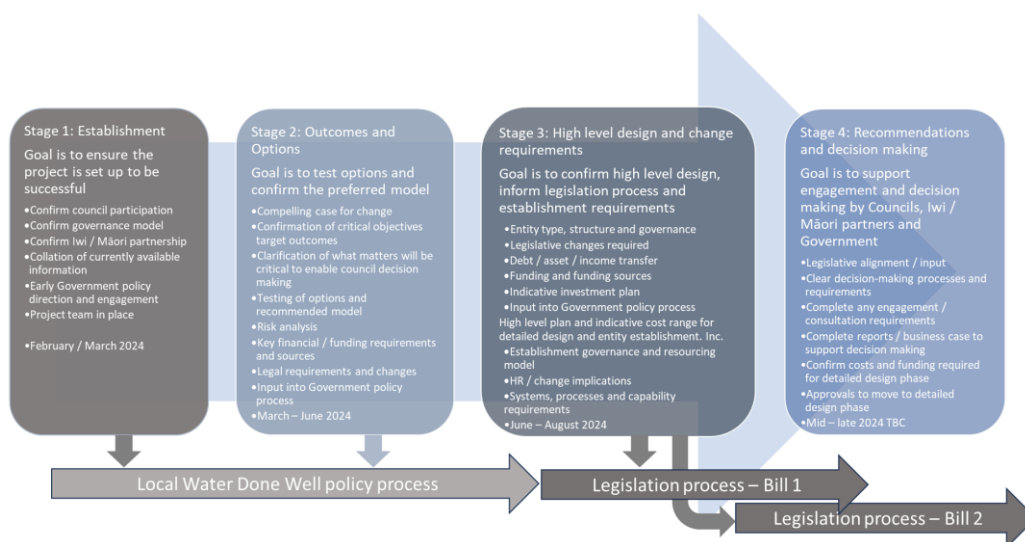
18. Working with other councils in the region offers the opportunity to collectively engage in the legislative process, to ensure a sustainable, workable future model is identified and can then be implemented. It also is in keeping with the way Council currently works and delivers three waters activity through Wellington Water.
19. While there is no mandated future model, it is expected that the legislation will create a new type of CCO / COC (Council Owned Company). This indicates that the Government has a preferred model in mind.
20. In the context of other demands and pressures on Council, there is value in a collective approach to ensure an effective and efficient approach to resources and the ability to learn from and support other councils.
21. Given the connected metro water network and need to consider the implications of any future model on Wellington Water Limited, it would be challenging for council to develop the water service delivery plan unilaterally.
22. Informed by these considerations, an approach to enable regional collaboration on a water services delivery plan has been developed for Council's consideration. This is based on a collaborative and non-binding partnership between councils in the Wellington region to work through this process robustly and efficiently.
23. Importantly, the process would not transfer any formal decision-making responsibilities or delegations from Council. Any future decisions on a water service delivery plan, preferred models or commitments to future change would remain with Council.
24. A commitment to regional collaboration would be confirmed by signing a joint MoU. The draft MoU is attached as Appendix 1.
25. As part of this approach, councils would establish a joint governance oversight group called the 'Advisory Oversight Group' (AOG) made up of elected members. Iwi / Māori partner representatives will also form part of this group, with the approach to be confirmed working with Iwi / Māori partners during the establishment phase.
26. The AOG would be chaired by an independent chair with suitable expertise in local government, financial models and large scale utility operations.
27. The draft terms of reference for the AOG are attached to the MOU. The AOG is not a formal joint committee and has no formal decision making rights. Support would be provided by Chief Executives and a joint project team.

28. Formation of the AOG and signing of the MoU would signal a commitment by councils and Iwi / Māori partners to work together through a collaborative and non-binding process. The proposed structure for a Wellington regional collaborative approach is shown below.



29. The water services delivery plan and future models and options to be considered will need to respond to agreed objectives and consider future approaches that are workable, affordable, sustainable and meet the needs of communities and the environment.
30. The key deliverable from this joint process would be a joint water services delivery plan for the region, including options for future delivery models based on strategic option selection and high-level design. This process and outputs do not preclude any council from choosing to develop its own water services delivery plan.
31. Critical success factors are that the water services delivery plan and any future model:
- Is supported by all councils and Iwi / Māori partners which are part of this process
  - Is supported by the Government *and* enabled through legislative change
  - Is based on a sustainable funding model
  - Enables commitment from councils and Government to move to subsequent phases to deliver the plan – detailed design and implementation.

32. The high-level process and timing for this approach is shown in Figure 3. This is still being developed and would be tested and refined working with the AOG.



33. This process anticipates a staged approach to development of a water services plan aligned with the development of legislation. This would be focused on clear testing of options based on agreed outcomes by around mid-2024. This would inform the development of a high-level design for a future model to support any required engagement and decision-making happening around late 2024. This would enable the completion of the water services delivery plan by early to mid-2025, aligned with the expected requirements of legislation.

### Implications for Maori

34. Changes to water management will raise a range of significant issues for Iwi / Māori including water quality, priorities for investment and how to give effect to te mana o te wai.
35. As part of this process, Council will need to confirm an approach of how to effectively work with Iwi / Māori partners. This approach would be confirmed working with Iwi / Māori partners during the establishment phase.

### Climate Change Impact and Considerations

36. There are no specific climate change matters to consider at this time.

### Consultation

37. It is expected that the proposed legislative changes and water services plans will be of considerable interest to communities, partners and other stakeholders.
38. The process will need to consider how this is effectively undertaken, including any statutory requirements for engagement in relation water services delivery plans or future delivery models.

### Legal Considerations

39. The proposed legislative changes and water service delivery plan will raise a range of legal issues and considerations for councils to work through. These are expected to be confirmed as part of the two proposed bills to be introduced during 2024 and enacted by mid-2025.

### Financial Considerations

40. The financial implications of committing to this process will be confirmed as part of the establishment phase of the project and are expected to be met using existing three waters transitional funding.
41. The medium to longer term implications of legislative change and any future water services delivery plan are expected to be significant. These will be a key consideration for the process and any future decisions required of Council.

### Appendices

No.	Title	Page
1↓	Draft MOU and Terms of Reference.	16

**Author:** Bruce Hodgins  
Strategic Advisor

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**Approved By:** Jo Miller  
Chief Executive

# Attachment 1: Memorandum of Understanding

## Water Services Delivery Plan for the Wellington region

### DRAFT

#### Regional approach to a water services plan

##### Regional approach to a water services plan

Based on direction from Government and expected legislative changes, councils will be required to develop a water service delivery plan by around mid-2025.

The signatories to this Memorandum of Understanding (MoU) have committed to a process of working together to develop a water services plan including consideration of future delivery models.

This process is based on a collaborative and non-binding partnership approach between councils in the Wellington region to work through this process robustly and efficiently.

The future model and options to be considered will need to respond to agreed objectives and consider future approaches which are workable, affordable, sustainable and meets the needs of communities and the environment.

##### Outputs from this process

The key deliverable from this joint process is a joint water services plan, including for a future delivery models based on strategic option selection and high-level design. This process and outputs do not preclude any council from choosing to develop its own water services plan.

Critical success factors are that the water services delivery plan and any future model:

- Is supported by all councils and Iwi / Māori partners which are part of this process
- Is supported by the Government *and* enabled through legislative change
- Is based on a sustainable funding model
- Enables commitment from councils and Government to move to subsequent phases to deliver the plan – detailed design and implementation

This MoU outlines the expectations on signatories and the Terms of Reference (ToR) for the Advisory Oversight Group (AOG) for this process.

##### Changes to three waters















27 February 2024

Report no: HCC2024/1/61

## Proposed overseas travel: United Kingdom Infrastructure Delegation

### Purpose of Report

1. The purpose of this memorandum is to ask Council's approval for Mayor Barry to join Infrastructure New Zealand's (INZ) international delegation to the United Kingdom to explore how cities and regions there have implemented city and regional deals to drive growth. There will also be a focus on water reform and opportunities to learn from what has worked across the United Kingdom.
2. The delegation is taking place from Sunday 16 June to Saturday 22 June 2024.

### Recommendations

That Council:

- (1) notes and receives the information;
- (2) notes the Infrastructure New Zealand's delegation programme attached as Appendix 1 to the report;
- (3) notes that the cost of the travel, estimated at \$10,000, and registration fee of \$7,900 will be covered by the Mayor's Office budget; and
- (4) approves the travel request for Mayor Barry to attend Infrastructure New Zealand's delegation to the United Kingdom from Sunday, 16 to Saturday, 22 June 2024.

### Background

3. Mayor Barry has been invited to join INZ's international delegation to London, Manchester and Cardiff in the United Kingdom from Sunday, 16 June to Saturday, 22 June 2024.

### Discussion

4. The trip, entitled *Place based solutions: learnings from the UK* will explore how cities and regions across the United Kingdom have implemented city and regional deals to drive growth.
5. The delegation also plans to visit Wales to understand further their unique water service provision arrangements and opportunities to draw on their

experience as we consider the future of our water infrastructure here in Aotearoa New Zealand.

6. INZ notes the priority topics for investigation include (1) city deals, (2) water reform and (3) devolution.
7. The delegation comes at an opportune time for Council as it looks to embark on a significant water infrastructure maintenance programme through the 2024-2034 Long Term Plan.

### **Financial Considerations**

8. Officers will publish the expenditure on Council's website once it has been reported to the Audit and Risk Subcommittee.

### ***Air fares and incidentals while travelling***

9. The Mayor's travel will be booked in line with Council's Sensitive Expenditure Guidelines.
10. The cost of domestic and international flights will be approximately \$10,000 (exc GST).
11. Any additional travel expenses incurred in line with Council's Sensitive Expenditure Guidelines and Council's Elected Member Support Policy will be covered by the Mayor's Office budget.

### ***Registration Fee***

12. The registration fee for a public sector delegate is \$7,900 (exc GST). This registration fee covers accommodation, travel within the United Kingdom, site visits and most meals.

### **Appendices**

No.	Title	Page
1↓	Infrastructure New Zealand delegation programme	25

**Author:** Kathryn Stannard  
Head of Democratic Services

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**Approved By:** Jo Miller  
Chief Executive

















