



# KOMITI HANGANGA INFRASTRUCTURE AND REGULATORY COMMITTEE

5 July 2022

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

**Tuesday 12 July 2022 commencing at 2.00pm**

## Membership

	Cr D Hislop (Chair)	
Mayor C Barry		Cr G Barratt
Cr K Brown		Cr B Dyer
Cr A Mitchell (Deputy Chair)		Cr N Shaw
Cr L Sutton		

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

## **INFRASTRUCTURE & REGULATORY COMMITTEE**

<b>Membership:</b>	<b>8</b>
<b>Meeting Cycle:</b>	<b>Meets on an eight weekly basis, as required or at the requisition of the Chair</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Membership RMA Hearings:</b>	<b>An independent Commissioner plus a minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.</b>
<b>Reports to:</b>	<b>Council</b>

### **OVERVIEW:**

This is an operationally focused committee, overseeing Council's above and below ground core infrastructure needs, and core regulatory functions.

The Committee is aligned with the Economy & Development, and Environment & Sustainability, Directorates.

Its areas of focus are:

- Three waters infrastructure
- Roading/transport
- Infrastructure strategy
- Integrated transport strategy
- Wharves
- Environmental consents
- Regulatory functions including enforcement

### **PURPOSE:**

To deliver quality infrastructure to support healthy and sustainable living, providing efficient and safe transport options, and promoting the city's prosperity.

To consider matters relating to the regulatory and quasi-judicial responsibilities of the Council under Council's bylaws and relevant legislation including the following:

- Building Act 2004
- Dog Control Act 1996
- Fencing of Swimming Pools Act 1987
- Local Government Act 1974

- Local Government Act 2002
- Public Works Act 1981
- Reserves Act 1977
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012

## **DELEGATIONS FOR THE COMMITTEE'S AREAS OF FOCUS:**

- All powers necessary to perform the Committee's responsibilities including the activities outlined below.
- Develop required strategies and policies. Recommend draft and final versions to Council for adoption where they have a city-wide or strategic focus.
- Implement, monitor and review strategies and policies.
- Oversee the implementation of major projects provided for in the LTP or Annual Plan.
- Oversee budgetary decisions provided for in the LTP or Annual Plan.
- Oversee the development and implementation of plans and functions that promote economic wellbeing.
- Maintain an overview of work programmes carried out by the Council's Economy & Development Directorate.
- Undertake the administration of all statutory functions, powers and duties other than those specifically delegated to any other committee or subcommittee, or retained by Council.
- Conduct any consultation processes required on infrastructure issues before the Committee.
- Approval and forwarding of submissions.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- The committee has the powers to perform the responsibilities of another committee where it is necessary to make a decision prior to the next meeting of that other committee. When exercised, the report/minutes of the meeting require a resolution noting that the committee has performed the responsibilities of another committee and the reason/s.
- If a policy or project relates primarily to the responsibilities of the Infrastructure & Regulatory Committee, but aspects require additional decisions by the Communities Committee and/or Climate Change & Sustainability Committee, then the Infrastructure & Regulatory Committee has the powers to make associated decisions on behalf of those other committees. For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

### **Additional Infrastructure Delegations:**

- Determine roading issues considered by the Mayor and Chief Executive to be strategic due to their significance on a city-wide basis, including links to the State Highway, or where their effects cross ward or community boundaries.
- Hear objections to specified traffic matters where the community board wishes to take an advocacy role.

- Make decisions under Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965 in respect of temporary road closures, including making decisions on any ancillary matters including, without limitation, approval of temporary “No Stopping” restrictions under Hutt City Council Traffic Bylaw 2017.
- Undertake hearings on road stopping under the Local Government Act 1974.
- Make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road, including (where the proposal includes or involves a related acquisition, disposal or land exchange) a recommendation to Council on the acquisition, disposal or exchange.
- Consider and recommend to Council any request to the Crown that a road is stopped under section 116 of the Public Works Act 1981, and the disposal of the stopped road.
- Make any resolution required under section 319A of the Local Government Act 1974 regarding the naming of new roads and alterations to street names (other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas).

**Additional Regulatory Delegations:**

- Develop any regulations required to achieve Council’s objectives.
- Approve Council’s list of hearings commissioners under the Resource Management Act 1991, including councillors sitting as hearings commissioners and independent commissioners.
- Conduct statutory hearings on regulatory matters and make decisions on those hearings<sup>2</sup>, excluding those conducted under the Resource Management Act 1991, which are delegated to the Hearings Subcommittee and District Plan Hearings Subcommittee.
- Authorise the submission of appeals to the Environment Court on behalf of Council.
- Make decisions on applications required under the Development Contributions Policy for remissions, postponements, reconsiderations and objections.
- Recommend to Council the list of members approved to be members of the District Licensing Committee under section 192 of the Sale and Supply of Alcohol Act 2012.

**Delegations to make Appointments:**

- The Chair of the Infrastructure & Regulatory Committee, in conjunction with the Chief Executive, is authorised to appoint a subcommittee of suitably qualified persons to conduct hearings on behalf of the Committee.
- The Chair of the Infrastructure & Regulatory Committee, in conjunction with the Chief Executive, is authorised to appoint a Hearings Subcommittee of suitably qualified persons to conduct resource consent and related hearings on behalf of the Committee.
- The Chair of the Infrastructure & Regulatory Committee is authorised to appoint three people from the list prepared under the Sale and Supply of Alcohol Act 2012 to specific meetings (Chair and two members).

**NOTE:**

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

<sup>1</sup> When acting in this capacity the committee has a quasi-judicial role.

**HUTT CITY COUNCIL**

**KOMITI HANGANGA | INFRASTRUCTURE AND REGULATORY COMMITTEE**

Meeting to be held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt

on

Tuesday 12 July 2022 commencing at 2.00pm.

**ORDER PAPER**

**PUBLIC BUSINESS**

**1. APOLOGIES**

No apologies have been received.

**2. 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.

**3. CONFLICT OF INTEREST DECLARATIONS**

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

**4. THREE WATERS REFORM - SUBMISSION ON THE WATER SERVICES ENTITIES BILL (22/1499)**

Report No. IARCC2022/3/148 by the Strategic Advisor 8

**CHAIR'S RECOMMENDATION:**

"That the matter be discussed at the meeting"

**5. THREE WATERS INFRASTRUCTURE UPDATE (22/1575)**

Report No. IARCC2022/3/143 by the Strategic Advisor 24

**CHAIR'S RECOMMENDATION:**

"That the recommendations contained in the report be endorsed "

**6 REGULATORY MATTERS REPORT (22/1585)**

Report No. IARCC2022/3/144 by the Head of Regulatory Services 30

**CHAIR'S RECOMMENDATION:**

"That the recommendations contained in the report be endorsed "

6. **INFORMATION ITEM**

a) **Infrastructure and Regulatory Forward Programme 2022** (22/1549)

Report No. IARCC2022/3/114 by the Senior Democracy Advisor 41

**CHAIR'S RECOMMENDATION:**

"That the recommendation contained in the report be endorsed "

7. **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.

Katherine Davey  
Democracy Advisor

29 June 2022

File: (22/1499)

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Report no: IARCC2022/3/148

## Three Waters Reform - Submission on the Water Services Entities Bill

### Purpose of Report

1. This report considers a submission to Government's Water Services Entities Bill as part of Three Waters Reform.

### Recommendations

That the Committee:

- (1) notes the intent of the Water Services Entities Bill and the key matters as outlined in the report;
- (2) approves the submission, as attached as Appendix 1 to the report on the Water Services Entities Bill; and
- (3) agrees to delegate authority to the Chair of the Infrastructure and Regulatory Committee, and the Chief Executive to finalise the submission, consistent with discussions and any amendments made by the Committee.

For the reason that the Finance and Expenditure Select Committee submission deadline on the Water Services Entity Bill closes at 11.59pm on Friday 22 July 2022.



## Background

**The Water Services Entities Bill is the first in a suite of legislation to enact the governments Three Waters Reforms.**

2. Government has introduced to Parliament the first piece of legislation to enact its reform of the way New Zealand manages storm water, wastewater and drinking water – the Water Services Entities Bill.
3. Government has introduced the Water Services Entities Bill to implement its decisions to establish four public entities to take on the delivery of drinking water, wastewater and stormwater services across New Zealand from July 2024.
4. This reform is intended to ensure all New Zealanders have safe, clean and affordable water services.
5. The Water Services Entities Bill (the Bill) is part of a suite of legislation to enact the three waters reforms. It sets out the ownership, governance, accountability arrangements relating to these entities and includes essential provisions for ongoing public ownership and engagement, and safeguards against future privatisation.
6. The Bill also sets out the geographical boundaries of the service delivery area for each of the four entities and provides for transitional arrangements to enable the transition and establishment activities needed to ensure these four new entities are in place to deliver services from 1 July 2024.

**A second bill is expected to be introduced before the end of this year.**

7. Further legislation is to be introduced in the second half of 2022 to transfer assets and liabilities from local authorities to water services entities and establish the powers and functions for the entities in relation to managing the provision of water services. This further legislation will integrate the entities into other regulatory systems, such as the resource management and economic regulatory regimes.
8. There will also be detailed changes to Treaty settlement legislation, the Local Government Act 2002, the Water Services Act 2021, and other legislation to transfer service delivery arrangements to the new water services entities (WSE).
9. The Bill establishes four publicly owned water services entities (WSE) that are to provide safe, reliable, and efficient water services in place of local authorities. The Bill contains the ownership, governance, and accountability arrangements relating to those entities, and provides for transitional arrangements during an establishment period. The entities will commence delivery of services on 1 July 2024.

10. The Bill has aligned with key recommendations made by the *Working Group on Representation, Governance and Accountability of new Water Services Entities* several which were to ensure a stronger community voice in the new entities. For example, the Bill:
- Entrenches co-ownership of the entities by councils, with shares being allocated on a population basis.
  - Protects from privatisation, with any divestment proposal requiring unanimous support by the co-owning local authorities, and support from at least 75% of both the regional representative group and electors in the entity's service area.
  - Requires the WSEs to have Regional Representative Groups (RRGs) to provide strategic governance. Each RRG will consist of between 12 and 14 members, with half of its members from mana whenua within its region, and half from local government.
  - Establishes strong accountabilities to communities and consumers on the performance and strategy of a WSE. The RRGs will approve the entity's strategic direction, set strategic and performance expectations, and can establish sub-regional advisory groups to help ensure alignment with local priorities.
  - Requires the WSEs to appoint independent, skills based, professional boards.
  - Acknowledges Te Mana o te Wai should guide delivery of three waters and requires transparent accountability relating to Te Mana o te Wai statements through WSE strategic planning and reporting documents.
  - Contains provisions to give effect to Te Tiriti o Waitangi in the three waters system.
11. The Wellington region councils will be part of the Eastern-Central Water Services Entity (previously referred to as Entity C). This entity's service area is the same as previously indicated and covers the districts of 21 territorial authorities from Tasman, Nelson and Marlborough in the south (with the exception of parts which are in the Ngai Tahu takiwā boundary) through to Wairoa at the northern boundary. There remain some logistical challenges for servicing arrangements at the top of the South Island between Entity C and Entity D that are yet to be resolved.
12. Each entity will be a body corporate and will be co-owned by the territorial authorities in its service area in shares to provide a tangible expression of ownership that is recognisable by communities and territorial authorities.
13. The Bill defines the service area for each entity through reference to territorial authority districts, or parts of districts.

14. The WSE will have a two-tier governance structure:
- Strategic level - **regional representative groups** (with regional 'advisory panels') will provide regional and local level direction and oversight, including joint monitoring of the water services entities. The regional representative groups will be based on a representative model. They are to consist of no fewer than 12, and no more than 14, regional representatives, and an equal number of territorial authority representatives and mana whenua representatives.
  - Operational level - the water services entities will appoint independent, skills based, **professional boards**. These independent boards will run the day-to-day management of the entities and oversee the maintenance and renewal of water infrastructure. The boards are to consist of no fewer than six, and no more than ten, members and are appointed by and accountable to the RRG.

### ***Ownership and safeguards against privatisation***

15. Under this legislation local councils within an entity boundary will collectively own the water service entity on behalf of the communities they serve.
16. Council ownership will be through a shareholding structure. Each local council will be given one share in the water services entities per 50,000 people in its district (rounded up). On this basis Hutt City Council will have three shares.
17. Local councils will be the only shareholders in these entities. (Not regional Councils). These shares cannot be sold or otherwise transferred; and do not come with a financial benefit or liability.
18. This shareholding is designed as a protection against privatisation as all local councils will hold shares. While larger councils will have a greater number of shares (based on population), this does not come with additional influence over the entities. For example, each shareholder would only have one vote in any privatisation proposal, regardless of the numbers of shares they hold.
19. The WSEs will own and operate three waters infrastructure and services.
20. There will be no transfer of privately-owned water supplies to the new water services entities.
21. Safeguards against future privatisation have been written into this legislation to maintain ongoing public ownership of the new water services entities.

***Objectives of the Water Service Entities***

22. The Bill sets out the objectives and functions of the water services entities and establishes the boundaries of the four entities will:
- a. deliver water services and infrastructure in an efficient and financially sustainable manner;
  - b. protect and promote public health and the environment;
  - c. support and enable housing and urban development;
  - d. operate in accordance with best commercial and business practices;
  - e. act in the best interests of present and future consumers and communities; and
  - f. deliver water services in a sustainable and resilient manner that seeks to mitigate the effects of climate change and natural hazards.
23. In delivering these services, the entities will have operating principles which include:
- a) developing and sharing capability and technical expertise throughout the water services sector;
  - b) being innovative in the design and delivery of water services and water services infrastructure;
  - c) being open and transparent in the calculation and setting of prices and levels of service delivery to communities and consumers;
  - d) partnering and engaging early and meaningfully with Māori/iwi, including to inform how to give effect to Te Mana o te Wai and Treaty settlement obligations;
  - e) partnering and engaging early and meaningfully with councils and their communities; and
  - f) co-operating with, and supporting, other water services entities, infrastructure providers, local authorities, and the transport sector.

### ***Accountabilities***

24. The Bill specifies that WSEs will prepare the following planning and accountability documents:
  - statement of strategic and performance expectations
  - statement of intent
  - responses to Te Mana o te Wai statements for water services
  - asset management plan
  - funding and pricing plan
  - infrastructure strategy proposals
  - annual report.
25. A water services entity must give effect to any Government policy statement when performing its functions.
26. The RRGs will be required to issue a statement of strategic and performance expectations, which sets the objectives and priorities for services within the entity area. Mana whenua may also provide the entity with a Te Mana o te Wai statement for water services.
27. The board of a WSE must give effect to the statement of strategic and performance expectations. It must also issue a plan on how it will take action on any Te Mana o Te Wai statements it receives within 2 years.
28. The WSEs will be required to undertake direct engagement with Councils and consumers on its asset management plans, funding and pricing plans, and infrastructure strategies.
29. WSEs will be required to establish a consumer forum(s) to assist with effective and meaningful consumer and community engagement, and understand consumer needs, expectations and service requirements.
30. The chief executive of each WSE must undertake an annual consumer engagement stocktake that captures consumer and community feedback on satisfaction with how the entity is performing. The consumer stocktake must set out how the WSE will respond to consumer and community needs and address concerns.

### ***Te Tiriti o Waitangi and Te Mana o te Wai***

31. The Bill recognises Te Tiriti o Waitangi and Te Mana o te Wai. WSEs must give effect to Te Mana o te Wai and the principles Te Tiriti o Waitangi.
32. Mana whenua whose rohe or takiwā includes a freshwater body in the service area of an entity can make a Te Mana o te Wai statement for water services. The board must respond to the statement within two years, and the response must include a plan for how the entity intends to perform its duty to give effect to Te Mana o te Wai.

33. Government agrees in principle that, for the purposes of three waters service delivery reform, Te Mana o te Wai encompasses the interconnection with, and the health and wellbeing of, all water bodies that are affected by the three waters system. However, before this can be incorporated into legislation further work is required to ensure alignment with other Government frameworks and legislation that relates to Te Mana o te Wai. The Government will undertake this further work and consider changes in legislation to implement this recommendation as part of the second bill that will implement the three waters service delivery reforms.

**The Bill provides for transitional arrangements for the new Water Service Entities over an establishment period.**

34. Schedule 1 of the Bill contains the transition and establishment arrangements, including the establishment entities that will make preparatory arrangements, the statutory powers of the national transition unit within the Department of Internal Affairs, and the transitional provisions relating to the water services workforce.
35. The transitional provisions relating to employment include:
- a review of existing employment positions by establishment chief executives;
  - the transfer of employment positions; and
  - collective bargaining arrangements.
36. The Bill provides the Department of Internal Affairs with oversight powers during the establishment period which enable it to review – and, where applicable, confirm – local government decisions.
37. These powers will be used if territorial authority decisions appear to significantly restrict the success of the reforms or have a significant negative impact on the assets or liabilities that are transferred to the water services entities as a result of the reforms.

**Discussion**

38. There are a range of issues and implications of the Bill that Council may wish to respond to via a submission through the select committee process. Following the briefing with elected members on Thursday 23 June 2022 officers have prepared a draft submission, attached as Appendix 1, incorporating many of the comments and views that were raised.

**Options**

39. Local authorities are encouraged to respond to this bill by making a submission via the select committee process. Our options for response include:
- a. No response
  - b. We submit our own Council response, and/or
  - c. We are a party to a joint submission from Wellington Water owner councils; and/or
  - d. We are party to a joint submission from Wellington region councils.

**Climate Change Impact and Considerations**

40. There are no specific climate change considerations in responding to this Bill.

**Engagement**

41. Council undertook engagement with the community on Three Waters reform generally in April 2022. The information gathered from the engagement has helped inform this submission.
42. There is insufficient time to conduct further engagement on the specifics of this Bill, with Council encouraging interested groups and individuals to consider making their own submission.

**Statutory Requirements.**

43. The progression of this legislation will include a full select committee process. Members of the public, Māori/iwi, industry and local government are encouraged to read the Bill and have their say when the select committee calls for submissions.
44. The Bill received its first reading on 9 June 2022 and the call for public submissions followed shortly afterward.
45. The Finance and Expenditure Select Committee have opened a call for submissions on this Bill. Submissions close at 11.59pm on Friday 22 July 2022.
46. The select committee's report is due to be completed by 11 November 2022.

**Financial Considerations**

47. The financial implications of reforms have previously been reported. There continues to be uncertainty as to how the "no worse off" funding will be allocated to councils.

## Appendices

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**Author:** Bruce Hodgins  
Strategic Advisor

**Author:** Kiri Waldegrave  
Acting Head of Strategy and Planning

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**Reviewed By:** Jenny Livschitz  
Group Chief Financial Officer

**Reviewed By:** Jarred Griffiths  
Director Strategy and Engagement

**Approved By:** Jo Miller  
Chief Executive





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Tēnā koutou,

### **Water Services Entities Bill submission**

Thank you for the opportunity to provide comment on the Water Services Entities Bill.

Our submission outlines Hutt City Council's response to the Bill, which includes the views of our Elected Members, and community insights following our engagement with them.

#### **1. Our experience as part of Wellington Water Ltd and its predecessor**

We are one of the six councils in the Wellington Region that is a shareholder in Wellington Water Limited (WWL), the council-controlled organisation specifically established to deliver three waters services for the majority of the Wellington region.

Before Wellington Water was setup, we were a founding shareholder (alongside Wellington City Council) in Wellington Water's predecessor 'Capacity' established in 2004.

From our involvement with Wellington Water and Capacity, we have a history of working collaboratively in the three waters sector to improve the efficient and effective delivery of services and ensuring we have access to a trusted body of expertise with a critical mass to provide the best possible advice and oversight of these essential assets.

#### **2. We understand the need for change**

We support underlying intent of the Three Waters Reform Programme and this Bill, which is about making sure New Zealanders have safe, clean, and affordable water services.

We want to enable better outcomes for our people and have recognised for many years that a collaborative way of working is more likely to achieve this than continuing to provide services as an individual local authority.

We also endorse the areas of alignment with the key recommendations made by the Working Group on Representation, Governance and Accountability of new Water Services Entities - particularly those which were to ensure a stronger community voice in the new entities, and further protections against privatisation

### **3. We have significant challenges with our three-water infrastructure**

Our city faces significant challenges with the condition and age of the three waters assets, with a significant proportion of the infrastructure reaching or nearing the end of its life.

We have a growing population which is adding pressure on the ageing three waters infrastructure.

The Government's housing policy means that Council is not able to target three water infrastructure upgrades as per its previous growth plan (around community centres and transport nodes). Instead, we are now needing to cater for growth anywhere in the city.

We have taken meaningful steps to address these challenges, including by increasing funding almost three-fold in our most recent Long-Term Plan (LTP). The recent LTP funded \$587 million for three waters infrastructure, while the previous LTP funded \$214 million. Despite a significant increase in funding, there are still significant risks to three water services.

Very broadly, these risks and challenges are:

- Ageing infrastructure costs more to maintain
- Request for service have doubled in the past two to three years
- We estimate a backlog of renewal work (representing underinvestment) of:
  - 190kms of water pipe (27% of network)
  - 100km of wastewater pipe (14% of network)
- We estimate 55% of pipe infrastructure will be required to be replaced in next 30 years

### **4. There are also wider challenges which support the case for change**

#### **Growth and Residential Intensification.**

Hutt City is experiencing unprecedented growth which is impacting on the ageing 3 waters infrastructure. Much of this growth is in-fill housing for which the capacity of existing services is being stretched and requiring on-site solutions such as attenuation, which add considerable costs on development and may have longer term maintenance and renewal implications.

#### **Climate change will exacerbate infrastructure challenges**

Climate change will require considerable investment in the future to protect or relocate critical wastewater infrastructure. Locally this includes our Seaview Wastewater Treatment Plant and the outfall pipeline around the Eastern Bays.

The effects of an expected higher water table will also have significant impacts on lower areas of the city, requiring major infrastructural investment or possible planned retreat.

#### **There are demands on water supply regionally**

Regional bulk water supply looms as a growing challenge. Whilst the regions' four City Councils (that share the water resource) agree it is desirable to limit usage and defer the need for a new bulk water reservoir, there is a lack of cohesion as to how that should occur.

#### **Councils are struggling to deliver capital programmes**

Availability of a trained three waters workforce is creating a major constraint in our region to deliver our capital programmes.

For the past two years only 70% of the Council's intended capital programme was achieved due to a lack of people resource in the planning, design and delivery of the programme.

#### **Inflationary costs**

Partly as a consequence of a shortage in a trained workforce but also due to supply constraints and product shortages, project costs and budgets have been significantly impacted. For instance, the cost of pipes and components has increased by as much as 70% over the past two years. Budget estimates for the Long-Term Plan adopted 12 months ago are likely to be underestimated.

#### **5. We have engaged and worked closely with our Mana Whenua**

During the course of reform process, we have been engaging regularly and working with our mana whenua partners. We do not speak, or represent the views of mana whenua, however we are able to provide some background on these engagements for the Committee's benefit.

Mana Whenua representatives participated in meetings and provided our Elected Members with a better understanding of some of their particular issues, aspirations and concerns, including:

- Beneficial environmental outcomes resulting from reform
- Consideration of the outcomes and decision-making power of the public
- The importance of high standards for the regulation of water
- The benefits of safer drinking water for all people.

It became clear from the conversation that Government's engagement with Mana Whenua to date has been somewhat mixed, with some groups experiencing regular opportunities to engage and others none at all.

We would like to better understand from Government its plan to seek further involvement with Mana Whenua, noting that it is Council's expectation that there will be continued engagement with Mana Whenua partners at no lesser level than Council has had.

At a local level we will continue to involve Mana Whenua representatives in further briefings and meetings as we work through the Three Waters Reform process. We have experienced a positive relationship with Mana Whenua, as have others, and believe that this is possible throughout this process at all levels.

#### **6. Our community has a varied view and understanding of three water reform process**

In April 2022 we engaged with our local community to understand what issues were top of mind, and what potential information was missing from their understanding. We asked if they supported the Government's proposed reforms, what their top three priorities were on the impacts of the reform in Lower Hutt and finally what they considered were the most important water services. See Appendix 1 for our insights report.

When asked whether our community supported the Government's proposed reforms: 46% were opposed, 38% were in support and 16% were neutral.

Key insights from our local engagement include:

- Safe drinking and recreational water is a strong expectation from our community,
- Some perceive a lack of clarity regarding the explanation of the co-governance model,
- There is also little understanding that this change might help mitigate privatisation in the future,

- People expect high-quality water service wherever they visit in Aotearoa.

Below we have identified areas where more information and better communication is required from Government to help with community understanding:

- The costs and benefits of the reforms for ratepayers,
- Clarification of the new entities' boundaries and evidence that there is equity between them,
- Clarity about how local voice will be represented in the new governance arrangements,
- The transition to the new Water Services Entity (WSE) specifically around governance and debt transfer.

#### 7. We have concerns the local voice will be lost in a large entity structure

Our community share this concern: local ownership and control of assets came through as a strong theme in our public engagement on these reforms. Both those who support and oppose the reforms want equity to be a priority within the new entity structure, as well as the ability for locals to participate meaningfully in decision-making. This means, ensuring appropriate mechanisms for input from Council and community into asset management plans, funding and pricing plans and infrastructure strategies.

Clarity on how the WSE's will integrate with council planning roles and functions in managing growth would allay some of these concerns.

It isn't clear how local issues will be prioritised or considered equitably amongst other competing priorities in the new entity structure. We are seeking assurance that day-to-day operation of water services is responsive to local needs – unnecessary process can't get in the way of delivery for our communities.

#### 8. Other issues for consideration

We have worked closely with our neighbouring Councils to discuss the changes coming. There are some areas we agree need to be addressed. These are listed below:

- **Community outcomes** and overall wellbeing needs to be stressed in the statutory purpose of the Bill
- **Workforce:** The availability of qualified three waters workforce is already strained, with more people required. There is also the potential risk of retaining workers in the transition period that the Asset Management Plan (AMP) will need to address.
- **Board appointments:** further clarification is needed as to how competency-based selection is guaranteed.
- **Privatisation:** The Government, in its response to the recommendations, stated that it would seek cross-party support to entrench provisions requiring 75% of Parliament to vote in favour of amending or repealing provisions of the Bill where repeal or amendment of that provision would be necessary to allow the privatisation of the WSE. However, the Bill as introduced does not include provision of this nature, we are seeking confirmation that 75% is still required.
- **Consultation:** While there is an obligation of the new WSE to support and enable housing and urban development, there is no requirement to support the development in areas that Council identify. The new WSE is required to consult the community and Council about its infrastructure strategy and AMP, but there is no obligation to incorporate that consultation into the decision-making, only report on it.
- **Reporting:** we recommend central government issue a Statement of Strategic Expectations every 3 years where local government can have input.







**20 June 2022**

File: (22/1575)

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**Report no: IARCC2022/3/143**

## **Three Waters Infrastructure Update**

### **Purpose of Report**

1. This report explains the Three Waters activities including: (a) the capital works programme and (b) specific operating work programmes of interest.

### **Recommendations**

That the Committee receives the report and notes its contents.

### **Background**

2. Wellington Water Limited (WWL) provides Council with regular updates on capital and operating projects and programmes currently funded. These are summarised in the following paragraphs.

### **2021/2022 Capex Programme**

3. The total programmed budget for 2021/22 for the three waters is \$39.3M including carry-overs. At the Council briefing on 18 August 2021, WWL indicated that it would be aiming to deliver the capital works programme across the region on a stepped-up basis over the next three years, noting that investment in three waters infrastructure by Councils across the region had increased significantly.
4. The actual year to date result (to 31 May 2022), is one-third below budget with a total actual spend of \$22.1M against a budget of \$33.0M. The main reasons for the under delivery of the programme are resource constraints and supply chain delays largely resulting from the impacts of the COVID pandemic.
5. Expenditure for 30 June 2022 is forecast to be \$27.2M, which represents 69% of the total capital budget and falls below the \$28M to \$34M capital range that was being targeted. While below target, the forecast result will be an uplift on the previous financial year of \$24M.



### **2022/2023 Capex Programme**

6. WWL has been working over the past few months to have contracts in place for several Capex projects for the start of the new financial year. The budget of \$42M which has been approved by Council, is based on contracts that have been let. These include catchment-based renewal contracts which are a more efficient way of delivering renewal works. These will be in Wainuiomata, Naenae, Avalon and Epuni.

### **Critical Assets Assessments**

7. WWL advise that it intends to provide a wrap-up report to Council later in July on the very high critical assets condition assessment programme. All field work has been completed and consultants are currently updating information in the asset management system. The assessments did not reveal any asset in a condition such that it required immediate attention.
8. Physical assessments of pressurised wastewater pipes proved to be difficult, such that there was a greater reliance on desktop pipe condition assessment. WWL will be giving a lot of thought to how it can get more condition assessment data in the next 2 years forward works programme, leveraging off what it has learnt from the current programme.

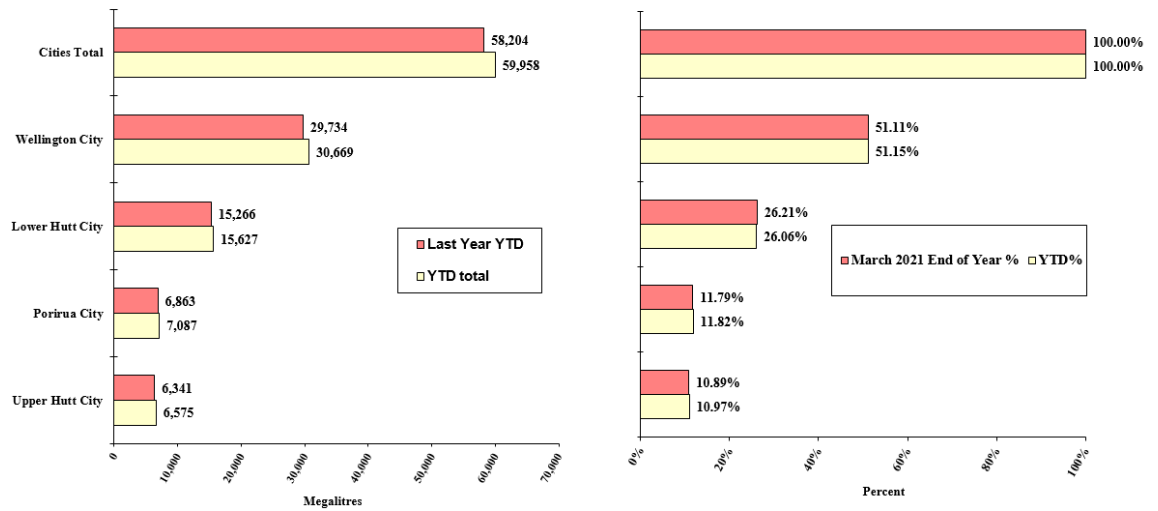
### **Fluoridation Enquiry**

9. WWL will report the findings of the independent Fluoridation Enquiry, conducted by Doug Martin, to the Wellington Water Committee at its meeting on 8 July 2022. WWL will also provide an update on progress on its response to the report's recommendations to address the findings. An oral update summarising this information will be provided at the Infrastructure & Regulatory Committee meeting.

### **Bulk Water Consumption**

10. Bulk water consumption is measured and billed each year by Greater Wellington Regional Council on a 1 April to 31 March basis.
11. For the year ending 31 March 2022, Hutt City usage was 15,627 megalitres which was a 2.4% increase in usage over the previous year. As a percentage of total use across the four-Council region there was a slight decrease (from 26.21% to 26.06%) in usage, resulting in a reduction in the levy. These results are outlined in the following table.

Water consumed - 2020/2021 billing year (April-March) compared to 2021/2022 year to date. Share and levy implications



12. For the three-month period 1 April 2022 to 29 June 2022, Hutt City water usage was up by 8% over the same period last year, with 4,101 megalitres consumed. This represents an increase in percentage of use across the region with Wellington City Council experiencing a 2% decrease in use.

**Human Health Mitigation Programme (HHMP), including Knowing Your Pipes**

13. The following table provides a high-level overview of the different activities occurring around the city to identify and resolve water quality issues in the City’s waterways.

Project	Objectives	Commentary
Human Health Mitigation Project - Black Creek	We are working to identify the pollution sources that were unable to be found during a sanitary survey. These plans are a requirement of our Global Stormwater Consent	The Black Creek catchment in Wainuiomata is a HHMP. One of the activities within this plan is: knowing your pipes (private drainage investigation). The completion report will be pushed out past June 2022 as the private fault inspections have not yet been closed out.
Knowing your pipes - Black Creek	Investigate the condition of the private wastewater and stormwater network and work with the property owner to repair faults.	Lateral CCTV inspection are complete. 1 private repair completed. 5 faults issued in Feb. More faults to be issued once CCTV has gone through QA. No public network inspections planned
Human Health Mitigation Project - Waiwhetu Stream, Tilbury Street	We are working to identify the pollution sources that were unable to be found during a sanitary survey. These plans are a requirement of our Global Stormwater Consent	A HHMP plan is developed for the Waiwhetu Stream upstream of the Tilbury Street GSC monitoring site. The draft plan is under review
Knowing your pipes - Waiwhetu Stream, Tilbury Street	Investigate the condition of the private wastewater and stormwater network and work with the property owner to repair faults.	Sampling will continue further upstream
Human Health Mitigation Project - Harcourt Werry Drive upstream of Kennedy-Good Bridge	We are working to identify the pollution sources that were unable to be found during a sanitary survey. These plans are a requirement of our Global Stormwater Consent	A HHMP may be required for this catchment if the ongoing sanitary survey is unable to locate the pollution source(s). Further samples will be taken
Human Health Mitigation Project - Harcourt Werry Drive at Percy Cameron St	We are working to identify the pollution sources that were unable to be found during a sanitary survey. These plans are a requirement of our Global Stormwater Consent	Further testing planned before confirming if a HHMP should proceed.
Human Health Mitigation Project - Normandale Road	We are working to identify the pollution sources that were unable to be found during a sanitary survey. These plans are a requirement of our Global Stormwater Consent	Further testing planned before confirming if a HHMP should proceed.

## Explanation of Sanitary Survey

A dedicated Drainage Investigation Team targets **faults** on private drainage to improve urban water quality. A sanitary survey will commence when triggered by a breach in the conditions outlined in the Stormwater Discharge Consent, i.e. water sample collected from storm water outfall above threshold limits.

Three fault types that will initially be targeted by the drainage investigation crews are:

- **Inflow and Infiltration (I&I):** direct or indirect connection of stormwater to wastewater i.e: drainage faults contributing to overloading wastewater network
- **Exfiltration:** leakage of wastewater into stormwater or directly into waterways
- **Cross connections:** misconnection of wastewater to storm water causing dry weather discharges.

A sanitary survey is usually short in duration, and starts as an initial visual inspection, can involve further sampling, using visual, smoke, dye, CCTV for further investigation. It will finish if routine water quality samples return below thresholds limits, or it can be escalated to a Human Health Mitigation project if the sample results don't drop below threshold limits and no obvious cause has been identified.

## Climate Change Impact and Considerations

14. This report focuses on the current WWL capital work programme for which council has previously made decisions as part of consideration of the Long Term Plan on Climate Change considerations. These programmes focus on ensuring the efficiency of our critical resources, which aids in community resilience and reduces waste of resources.

## Consultation

15. There are no consultation matters to consider.

## Legal Considerations

16. There are no legal matters to consider.

## Financial Considerations

17. The Capex budget will be underspent at year end in line with WWL advice.

**Appendices**

There are no appendices for this report.

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Strategic Advisor

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**Approved By:** Helen Oram  
Director Environment and Sustainability

20 June 2022

File: (22/1585)

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Report no: IARCC2022/3/144

## Regulatory Matters Report

### Purpose of Report

1. To provide the Committee with an update of regulatory matters arising from the work of the Environment and Sustainability Group, and Land Information Memoranda and Development Engineering work undertaken by the Economy and Development Group.

### Recommendation

That the Committee receives and notes the information.

### Background

2. The report covers the regulatory activities associated with the teams in the Environment and Sustainability Group. In particular, the Regulatory Services and Resource Consents teams. Additionally, the work of the LIMs team and the Development Engineering Team from the Economy and Development Group are included.
3. Council continues to receive reasonable numbers of consent applications. However, it is noticeable that the number of resource consent applications received has decreased in the third and fourth quarters of this financial year (compared to the first and second quarters); whereas the numbers of building consent applications continue to be more static throughout the year. LIM applications are also slowing down this quarter.

4. The numbers of consent applications (both resource and building) issued outside of the 20 working day statutory timeframe continues to be high. This will likely continue until all areas are resourced at full capacity with fully trained staff. The Resource Consents and LIMs Teams are now fully staffed, and the Building Team now has only one vacancy, with the management positions now filled. The Development Engineering Team, which contributes significantly to the processing of subdivision resource consent applications, has three new team members joining early July and a further Development Engineer in four weeks' time. This will leave just two vacancies to fill to have the team at full capacity. While the teams are training recently recruited staff; this will continue to have an impact on their ability to meet statutory timeframes.
5. Progress has been made to implement recommendations from the Developers Hui. To improve Council's internal resource consent processes, and in so doing, improve statutory timeframes, a three-month pilot has been completed with some live resource consent applications. Data and insights are being analysed and a case study developed to inform how officers will monitor ongoing performance. This new process will be used by the resource consents team.
6. Work has begun on methods to improve the quality of building consent applications, by requiring higher quality documentation for processing. This will be delivered through a pilot to streamline the vetting and acceptance processes.
7. In response to the current plasterboard crisis in the marketplace, the Ministry of Business Innovation and Employment (MBIE) have formed a ministerial taskforce with key construction and supply chain experts to focus on industry wide solutions. There has also been guidance released to Building Consent Authorities on pathways to considering and accepting product substitutions and a workshop held on 1 July 2022.
8. The Building Team is following the guidance provided by MBIE and taking a pragmatic approach where product substitutions are needed. A minor variation may be approved without requiring a new building consent or amendment where compliance with the building code is clearly demonstrated. This is applicable in instances where a building consent has been granted with plasterboard as a component to the build, and it is no longer readily available. Any new building consent applications must continue to detail specific building components as part of the application.

### **Resource Consents Team**

9. The 2021 calendar year was a record one for resource consent applications, with 650 resource consent applications received.
10. In 2022, Council has received 196 resource consent applications at the date of writing (20 June 2022).

11. In April 2022, Council issued 18 resource consents and received 29 resource consent applications. In May 2022, Council issued 34 resource consents and received 35 resource consent applications.
12. Resource consent applications are now allocated to a resource consent planner for processing within five working days of receipt (including deposit paid). There are 25 resource consent applications awaiting the payment of the deposit. The payment of the deposit starts the statutory processing clock, and this is when resource consent applications are allocated to a planner for processing.
13. In totality, the team is actively managing around 283 resource consent applications. These resource consent applications are in different stages of their lifecycle, with some on hold awaiting further information, some on hold at the customer's request, and the balance are being processed and likely in the backlog for development engineering review.
14. There is the ability under the Resource Management Act to "stop the statutory clock" where an application does not contain all the information necessary to process it. Whilst Council is waiting to receive the information, the application goes "on hold". The time whilst the application is "on hold" does not count towards the 20 working day total timeframe.
15. The Resource Consents Team had three new resource consent planners and a planning technician start in May. These new team members are in various stages of training to get up to full capacity. The team is relying heavily on consultants to process resource consent applications and has boosted the administration and technician resources to free up our in-house planners and manager to focus on the technical work. The Development Engineering Team, which is a significant part of the processing for subdivision resource consent applications, has three new team members joining in the first week of July, and a further Development Engineer in 4 weeks' time. This will leave just two vacancies to fill to have the team at full capacity.
16. **Resource consents over statutory timeframes:** of the resource consents that were granted in April 2022, 78% were issued outside the statutory 20 working days. In May 2022, 73% were issued outside the statutory 20 working days. Across this financial year 2021/22, 50% of non-notified consents have been issued over statutory timeframe.
17. The Resource Management Act requires fee discounts, under certain circumstances (where an applicant agrees to an extension under s37 of the Resource Management Act (RMA), these days are excluded from any discounting). When a resource consent application is submitted, a deposit is paid, with the remainder of the fee (or a refund) invoiced after the decision is made. With additional administrators on board the team have now caught up to the end of May with invoicing and applying the required discounting. Work undertaken in June 2022 will be invoiced with any discounts in early July 2022.



18. Information on the RMA discounting regulations has been posted on Council's website [here](#).

**Resource consents of note:**

- a) **RiverLink:** The RiverLink resource consent applications were heard in the Environment Court in the week beginning 26 April 2022. Council is still awaiting a decision from the court.
- b) **Silverstream Pipeline Bridge:** The Silverstream Pipeline Replacement project resource consent has been granted. Wellington Water Limited worked with submitters during the process, and as such a hearing was not required as the submitters did not wish to be heard. This consent was granted within the statutory timeframes
- c) **Waiu Street Cleanfill:** An application has been made for the Waiu Street cleanfill (14A Waiu Street) following the lapse of the previous consent. This is a resource consent application for a privately run cleanfill. Council's involvement is in the consenting and monitoring of the cleanfill only.

**Significant resource consents lodged:**

- **349 Cambridge Terrace** - 12 dwellings
- **758 High Street** - construction of a retirement village containing 48 residential units, associated services, communal living spaces and a private cafe
- **8 Pito-One Road** - construction of 19 business units and 20 lot subdivision
- **154-156 Wellington Road** - 13 lot subdivision and 12 dwellings
- **1278A High Street** - 17 lot subdivision and construction of 16 dwellings
- **9-12 Barbar Grove** - 10 lot subdivision and 10 dwellings
- **41 Porutu Street** - 17 lot subdivision
- **198-200 Knights Road** - 20 residential apartments
- **1274 High Street** - 24 lot subdivision
- **3 Raukawa Street** - 21 residential units
- **105-117 Reynolds Street, Taita** - Comprehensive residential development for 21 units.

**Recently granted resource consents:**

- **15 Puriri Street** - nine residential units
- **773 High Street** - 13 dwellings
- **1 Rainey Grove** - 14 dwellings
- **62 Queens Grove** - nine dwellings

- **33 Bush Street** – 15 dwellings
- **100 High Street** – mixed-use building containing two retail tenancies and 16 apartments
- **41 Bouverie Street** – 86 lot subdivision around an approved land use consent for a commercial park
- **1 Bledisloe Crescent** – 13 lot subdivision, six dwellings
- **124 Waterloo Road** – dance school
- **70 Maungaraki Road** - 13 lot subdivision and dwellings.

### **RMA compliance updates**

#### **Wainuiomata Cleanfill**

19. This is the last update on the cleanfill as it is now closed to the public and final landscaping is programmed to be undertaken this season. The last community liaison group meeting was held on 26 May 2022.
20. All the compliance related information is available online here and will continue to be updated as required.  
<http://www.huttcity.govt.nz/Services/Rubbish-and-recycling/cleanfill/>

### **Building Consents**

21. Council has received 623 building consent applications for processing from January to the end of May 2022, with a combined value of work of \$267M (this is an average of 124 building consent applications per month, with an average of \$53M value of work per month).
22. **Building consents over statutory timeframes:** during the month of May 2022, Council granted 157 building consents; 42% of which were issued within the 20 working day statutory timeframe. This compares to 102 building consents granted in April 2022, of which 48% were issued within statutory timeframes.
23. Part of the reason for the slight dip in the statutory timeframe compliance is that building officers have been diverted from their substantive roles to train new officers, it is expected that officers will see an increase in the percentage issued within statutory timeframes in the next six months, as new officers become more productive.
24. 133 Code Compliance Certificates (CCCs) were issued in May 2022, of which 65% were issued within statutory timeframes. This compares to 86 CCCs issued in February, of which 88% were issued within 20 working days, 90 CCC's issued in March, of which 93% were issued within 20 days. 68 CCC's issued in April 2022, at a statutory compliance rate of 70%.

25. There has been a reduction in the number of CCCs issued within statutory timeframes as a result of additional checks being carried out to ensure the Council is issuing CCCs in line with our quality management system. As the team learns the new procedures, the percentage processed within statutory timeframes is expected to rise.

#### **Notable Building Consents Received**

- **Sunshine Bay and Windy Point** – An application for a discretionary exemption has been received to build two separate sea wall structures - \$15M
  - **Summerset Village, 1a Boulcott Street** – Block B will have multi-unit retirement apartments facilities, 10x 1 bedroom, 47x 2 bedroom, 5x 3 bedroom (62 units total) - \$12M
  - **1274 High Street, Taita** - Demolish/remove existing dwellings to enable construction of 24 two storey units in 5 blocks comprising 13 two bedroom units and 11 one bedroom units - \$4.9M
  - **1278A High Street, Taita** – construct 16 x multi-residential dwellings (Lot 2 & 3) - \$2.9M
  - **43 Porutu Street, Fairfield** - Construct 3 x blocks of multi-residential dwellings - 17 townhouses - \$3.5M
  - **124 Richmond Street, Petone** – Stage 4 multi-unit dwellings, roading and services, total of 13 units - 1x 3-storey 3 bedroom, 12 x 3-storey, 3 bedroom dwellings with garage - \$3.25M
  - **71 Raukawa Street, Stokes Valley**– Stage 2 – 3 x multi-unit dwellings, 2 storey blocks with 2 and 3 bedrooms units - \$2.6M
  - **1 Rimu Street, Naenae** – construction of 3 blocks of 4 x 2 bedroom units and 1 block of 1 x 2 bedroom units and 1 x 3 bedroom unit - 15 units in total - \$2.5M
  - **11 The Strand, Wainuiomata** –Stage 2, zone 1 - Slabs, foundation walls, earthworks and drainage for future townhouses - \$2.4M.
26. The building team is liaising with stakeholders and communicating messages about timeframes on Council's website. The team has engaged consultants to take on the overflow of work. The consultants are also experiencing high demand from local authorities across the country. The team is checking for additional consultant capacity on a weekly basis and referring applications to consultants to process, as capacity allows.
27. A new computer system, GoGet is being introduced post August to streamline consent processing and the delivery and recording of inspections. This system is used by other local authorities in the Wellington region and will be of assistance where officers are facing business continuity issues and for processing of overflow building consent applications for, or by, neighbouring local authorities.

28. In addition to the developer hui mentioned in the last Regulatory Matters report, the building team has set up a Customer Advisory Group (CAG) for regular meetings to keep stakeholders informed and to provide a forum for feedback in the consenting space.
29. The first CAG meeting was a success and was well attended by building industry representatives, including architects, designers, group house builders, structural and fire engineers, as well as representatives from Master and Certified Builders.
30. The intention of the CAG is to allow Council to gain a better understanding of the trends, drivers and priorities shaping our industry. Officers intend to explore how a collaborative approach can influence the relationship with some of our key stakeholders and help to develop a working partnership in light of the challenges facing the building consenting team and the wider building sector.
31. Officers have successfully filled two key vacancies within the Building Team. The Building Manager and Residential Consents Lead both started in June 2022 and bring with them strong leadership and building industry experience. There remains one vacancy for a building officer that is currently being advertised.
32. Officers continue to explore alternative means to deliver training for new staff to free up internal resource. A newly recruited building officer recently completed an eight week online training school operated by Auckland Council. The course was attended by officers across the country, and we are reviewing the benefits for future new recruits.
33. The building team has provided information to International Audit New Zealand (IANZ) demonstrating compliance with the Building Accreditation Regulations. This included the action plans and evidence to demonstrate the necessary changes have been made to clear all non-compliances raised by IANZ in the last audit.
34. The action plans and evidence have been accepted by IANZ with monthly reporting to continue until the next IANZ assessment scheduled for 24 to 26 August 2022. This is being reported through Council's risk register and was reported as a risk to the Audit and Risk Subcommittee on 19 April 2022 and will be included in the meeting on 28 June 2022. This reporting will continue until the risk is removed.

## **Building Quality Assurance Team**

### **Inspections of residential pools**

35. The team is continuing to work with the non-compliant pool owners to resolve these before starting our next three year cycle, using an educational approach, rather than a punitive one. The officer has undertaken 13 first inspections of residential pools this quarter and 40 to date this year.

### Earthquake Prone Building work

36. Officers have continued to issue letters advising building owners where their buildings meet the Ministry of Business Innovation and Employment (MBIE) profile categories for potentially earthquake prone buildings.
37. Officers have issued letters regarding 14 further buildings as part of this work (a total of 60 buildings) and have had a good response from owners. Further letters will be issued to complete this part of the work by 30 June 2022.
38. The owners of these properties will have 12 months to provide information to Council for consideration regarding this matter before officers will make decisions on the earthquake prone status of their building.
39. **Hutt Hospital update:** Officers have been liaising with the Hutt Valley District Health Board regarding the final Detailed Seismic Assessment (DSA) for the Heretaunga Block at Hutt Hospital. Officers have reviewed the DSA to ensure it has all the information required to meet the engineering assessment guidelines that are referenced as part of the earthquake prone building framework. On 30 June 2022, officers notified the Hutt Valley DHB that we have determined that the Heretaunga Block at Hutt Hospital is earthquake prone under section 133AK of the Building Act 2004. Officers have also written to Te Whatu Ora Health NZ regarding this also.
40. Officers are in discussion with the DHB to ensure notices are on all entrances to the building, so that people using the building are aware of its status and are in the process of updating the MBIE register of earthquake prone buildings. Heretaunga Block is a priority building under the legislation. This means the DHB (and from 1 July 2022 Te Whatu Ora Health NZ) will have 7.5 years (until 30 December 2029) to carry out building work to ensure that the building is no longer earthquake prone or to demolish the building. Officers will be staying in regular contact with Te Whatu Ora Health NZ to monitor progress on this.

### Land Information Memoranda

41. LIM applications received for May 2022 were noticeably quieter than the preceding three months. Officers are tracking just under the number of applications processed for the same time last year (end May 2021).
42. In terms of total volume of LIMs processed, officers are tracking above average from 1 July 2021 to 31 May 2022 averaging 97 LIMs a month.
43. On average from November 2021 to March 2022 applications were issued over the statutory timeframe (in 12.8 to 22.8 working days). On average from July to October 2021 and April to May 2022 applications were issued within the statutory timeframe (in 5.5 to 10.0 working days). On average from July 2021 to May 2022, LIMs were processed in 13 working days.

44. At the start of February 2022, officers had 167 LIMs in the queue (received and not yet processed). This has been reduced and is now being maintained at approximately 20 to 25 LIMs in the queue. The LIMs team is fully staffed with an additional staff member compared to a year ago and a permanent administration role working across LIMs and Urban Development has now been filled. We have a contractor assisting with processing peak work and training new staff until end July 2022.

### **Environmental Health Team**

#### **Alcohol Licensing**

45. The Epidemic Notice has again been renewed, meaning that police and the Ministry of Health are not required to report on applications until 30 days after the date the Notice expires. No on/off or club licences can be issued without reports from the agencies. This is so far not having any impact on the District Licensing Committee (DLC) being able to issue licences, as reports are continuing to be received thus far.
46. A hearing was held by the DLC in April 2022 for a new on-licence for Gear Street Hospitality, Petone. The application had received several public objections relating to parking and amenity and good order. The DLC reserved its decision, but subsequently granted the licence with several additional conditions.

#### **Food**

47. The Quality Management System (QMS) for food verification was audited (remotely) in February 2022 by IANZ. The audit was very successful with no non-conformances raised and 13 areas for improvement (AFI). The 13 AFIs have now been completed.
48. There are currently 169 verifications that are overdue in Lower Hutt, up from 103 as last reported. This is primarily due to the period during the covid lockdown, when verifications were unable to be carried out. This has been compounded by one of the team's verifiers leaving Council, and the position is yet to be filled.

#### **Litter**

49. The vacant Environmental Investigations Officer position was filled in May 2022.
50. Illegal dumping has continued to decrease slightly. In many cases there is no evidence of who the offender is, and therefore an infringement fine cannot be issued.

**Trade Waste**

51. The Inflow Project (stormwater entering sewer) in Maungaraki, is almost complete. 642 properties have been inspected, with 91% being compliant. Issues found related to improper gully trap surrounds, damaged pipework and fittings and underground issues. A number of sewer mains were found to have root intrusion also, and further investigation into those drains is recommended.

**Noise**

52. The steep increase in construction and development in the city recently has generated a corresponding increase in noise and vibration complaints. A number of developers and contractors have been found working outside of consented (or noise appropriate) hours.

**Appearance Industries Bylaw 2020**

53. 42 operators have had their premises and activities fully inspected under the Appearance Industries Bylaw 2020. 26 operators (62%) passed the inspection the first time around. Officers are working with operators with outstanding items to ensure they are being addressed accordingly.

**Parking Services**

55. During April and May 2022, the Parking Team issued a total of 5,137 infringements, at an average of 2,568 a month and \$109 per infringement.
56. Parking Services has recently recruited to fill existing vacancies allowing it to continue keeping on top of requests for service and parking complaints across the city.
57. Wardens are monitoring high risk areas where illegal parking affects traffic flow, typically around construction sites and outside schools where cars are parked illegally. Wardens take the opportunity to educate and manage the safety risks with the offenders, multiple infringements have been issued to offending vehicles at these locations.

**Animal Services**

58. Council has 10,446 dogs in Lower Hutt and is currently in the process of the registration renewal process. For the first time, Council was able to send invoices via email. 4,094 invoices were sent by email, with the remainder of the invoices being sent out before the end of June 2022.
59. The team is recruiting for an Animal Services Administrator to fill a vacancy from a recent staff departure. We also have a vacancy for an Animal Control Officer to cover weekend work.

### **Climate Change Impact and Considerations**

60. With development on the most densely populated floodplain in Australasia, which is subject to climate impacts, great care needs to be taken to ensure development is appropriate and this risk is mitigated. This is dealt with through thorough peer reviews and expert technical advice.
61. Dog registration letters and invoices are now being sent to owners via email rather than paper through the mail, which has traditionally been the case.
62. In the Environment and Sustainability Group officers have committed to review any vehicles that come up for renewal to check if still required, and prioritise a change to electric vehicles, where appropriate.

### **Consultation**

63. Not applicable.

### **Legal Considerations**

64. Not applicable.

### **Financial Considerations**

65. Financial results for all areas are reported through to the appropriate committee and in Council's Annual Report.

### **Appendices**

There are no appendices for this report.

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**Reviewed By:** Kara Puketapu-Dentice  
Director Economy and Development

**Approved By:** Helen Oram  
Director Environment and Sustainability



**16 June 2022**

File: (22/1549)

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**Report no: IARCC2022/3/114**

## **Infrastructure and Regulatory Forward Programme 2022**

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### **Recommendation**

That the Committee receives and notes the Forward Programme for 2022 attached as Appendix 1 to the memorandum.

### **Purpose of Memorandum**

1. To provide the Infrastructure and Regulatory Committee with a forward Programme of work planned for the Committee for 2022.

### **Background**

2. The Terms of Reference for the Committee requires the Committee to consider and make recommendations to Council on infrastructure matters and considering any infrastructure core matters referred to it by Council. This is an operationally focused committee, overseeing Council's above and below ground core infrastructure needs, and core regulatory functions.
3. The forward programme for 2022 provides a planning tool for both members and officers to co-ordinate programmes of work for the year. The forward programme is attached as Appendix 1 to the memorandum.

### **Forward Programme**

4. The forward programme is a working document and is subject to change on a regular basis.

**Appendices**

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