

Absolutely Positively
Wellington City Council

Me Heke Ki Pōneke

Ordinary Meeting of Te Kaunihera o Pōneke | Council

Ngā Meneti | Minutes

9:30am Rāpare, 18 Paenga-whāwhā 2024

9:30am Thursday, 18 April 2024

Ngake (16.09), Level 16, Tahiwī

113 The Terrace

Pōneke | Wellington



PRESENT

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

IN ATTENDANCE

Pouiwi Kelly (via audiovisual link)

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1 Meeting Conduct

1.1 Karakia

The Chairperson opened the meeting (hui) at 9:30am with the following karakia.

Whakataka te hau ki te uru,	Cease oh winds of the west
Whakataka te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

1.2 Apologies

Moved Mayor Whanau, seconded Councillor Free

Resolved

That the Te Kaunihera o Pōneke | Council:

1. Accept the apologies received from Councillor Young for lateness.

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers

Against:

Nil

Majority Vote: 14:0

Carried

1.3 Announcements by the Mayor

There were no announcements by the Mayor.

1.4 Conflict of Interest Declarations

No conflicts of interest were declared.

1.5 Confirmation of Minutes

Moved Mayor Whanau, seconded Deputy Mayor Foon

Resolved

That the Te Kaunihera o Pōneke | Council:

1. Approves the minutes of the Ordinary Te Kaunihera o Pōneke | Council Meeting held on 29 February 2024, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers

Against:

Nil

Majority Vote: 14:0

Carried

1.6 Items not on the Agenda

There were no items not on the agenda.

1.7 Public Participation

There was no public participation.

(Councillor Young joined the hui at 9:49am)

2. General Business

2.1 Wellington Water Additional Capex Request Financial Year 2023/24

Moved Mayor Whanau, seconded Deputy Mayor Foon the following motion

That the Te Kaunihera o Pōneke | Council:

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

Moved Councillor Brown, seconded Councillor Pannett the following amendment

Resolved

- 4) Request that WWL, in line with Letter of Expectations agreed by shareholding Councils, provide WCC with ongoing reporting on the capex work programme to better monitor project timeframes and costs, including:
 - a) Reporting on the three year programme (detailed first year AWP and rolling 2 years) with the information to be used to provide assurance that projects are tracking to delivery targets and budget.
 - b) The information will include the following on individually named projects: project stage, baseline % complete, actual % complete, WOL project budget, WOL project forecast, actuals YTD, forecast YTD, budget YTD.

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Calvert, Councillor Young

Majority Vote: 14:2

Carried

Moved Mayor Whanau, seconded Deputy Mayor Foon the following substantive motion

Resolved

That the Te Kaunihera o Pōneke | Council:

- 1) Receives the information
- 2) Agrees to additional capex spend of \$8.3M in FY2023/2024
- 3) Notes the risks associated with key projects as a result of the potential funding shortfall.
- 4) Request that WWL, in line with Letter of Expectations agreed by shareholding Councils, provide WCC with ongoing reporting on the capex work programme to better monitor project timeframes and costs, including:
 - a) Reporting on the three year programme (detailed first year AWP and rolling 2 years) with the information to be used to provide assurance that projects are tracking to delivery targets and budget.
 - b) The information will include the following on individually named projects: project stage, baseline % complete, actual % complete, WOL project budget, WOL project forecast, actuals YTD, forecast YTD, budget YTD.

Carried

Voting was taken in parts with clause 4, and all other clauses taken separately.

A division was required under Standing Order 27.6(d), voting on which was as follows:

Clause 4

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Calvert, Councillor Young

Majority Vote: 14:2

Carried

All other clauses

For:

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

Against:

Councillor Brown

Majority Vote: 15:1

Carried

The hui adjourned at 9:59am and resumed at 10:05am with the following members present: Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor Pannett, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera and Nicola Young.

(Councillor Wi Neera joined the hui during the adjournment)

(Councillor O'Neill returned to the hui at 10:06am)

The hui adjourned at 10:29am and resumed at 10:42am with the following members present: Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Mayor Whanau, Councillor Wi Neera and Nicola Young.

(Councillor Abdurahman returned to the hui at 10:43am)

2.2 Civic Administration Building and Municipal Office Building Redevelopment

Moved Mayor Whanau, seconded Councillor Rogers the following motion

That the Te Kaunihera o Pōneke | Council:

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

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

Moved Councillor Wi Neera, seconded Deputy Mayor Foon the following amendment

Resolved

- 9) Delegate to the Chief Executive the ability to:
 - a) prepare a development agreement with Precinct Properties in line with Council resolutions and the Te Ngākau Civic Precinct Framework
 - b) agree all terms of the development agreement that do not specifically require Council decision under the delegations framework.
 - c) explore the provision of space for civic and mana whenua purposes, taking into account civic spaces and their purposes provided for in other buildings in Te Ngākau, and bring back a recommendation to the Council for consideration.

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Calvert, Councillor Chung, Councillor Randle, Councillor Young

Majority Vote: 12:4

Carried

Moved Mayor Whanau, seconded Councillor Rogers the following substantive motion Resolved

That the Te Kaunihera o Pōneke | Council:

- 1) Receive the information
- 2) Note officers have completed the procurement process for the redevelopment of the CAB and MOB sites in line with the direction provided by the Council in October 2023
- 3) Note there were four compliant responses to the tender, which were assessed by an evaluation panel of internal and external members
- 4) Note the procurement process was overseen by an independent probity auditor whose report confirms the procurement process met public sector best practice
- 5) Note the proposal from Precinct Properties Limited is preferred on the basis that it:
 - a) Demonstrated strong activation and placemaking outcomes in line with the vision for Te Ngākau as a cultural and civic centre
 - b) Delivered a commercial proposal which minimised development and funding risk to Council
 - c) Demonstrated a flexible approach to ground/first floor spaces that will deliver Town Hall requirements while managing Council's long-term lease costs via multiple uses of spaces
 - d) Demonstrated a strong proven development and construction team with directly relevant case studies/previous experience
- 6) Note the Precinct Properties Limited proposal comprises the following:
 - a) Demolition of both CAB and MOB (to be undertaken by Council), replaced with a new development
 - b) Ground and first level space delivering:
 - i) integration with the Town Hall and Town Hall front-of-house requirements
 - ii) coworking space with a focus on creative sector start-ups and SMEs
 - iii) hospitality and retail activation
 - c) Commercial leasing and/or residential accommodation on upper levels
- 7) Agree that the Council enters negotiation with Precinct Properties Limited to prepare a development agreement by December 2024
- 8) Note that key terms of the development agreement will be brought back to the Council for agreement in late 2024/early 2025, in line with the delegations framework, including a recommendation for freehold or leasehold title
- 9) Delegate to the Chief Executive the ability to:
 - a) prepare a development agreement with Precinct Properties in line with Council resolutions and the Te Ngākau Civic Precinct Framework
 - b) agree all terms of the development agreement that do not specifically require Council decision under the delegations framework.
 - c) explore the provision of space for civic and mana whenua purposes, taking into account civic spaces and their purposes provided for in other buildings in Te Ngākau, and bring back a recommendation to the Council for consideration.

- 10) Note the development of the CAB/MOB sites will not be completed by the time the Town Hall is expected to open and officers are exploring options to provide front-of-house facilities for the Town Hall for a transitional period.

Carried

Voting was taken in parts with clause 7, clauses 9, 9a, and 9b, clause 9c, and all other clauses taken separately.

A division was required under Standing Order 27.6(d), voting on which was as follows:

Clause 7

For:

Mayor Whanau, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Randle, Councillor Rogers, Councillor Wi Neera, Councillor Young

Against:

Councillor Abdurahman, Councillor Pannett

Majority Vote: 14:2

Carried

Clause 9, 9a, and 9b

For:

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

Against:

Councillor Pannett

Majority Vote: 15:1

Carried

Clause 9c

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Calvert, Councillor Chung, Councillor Randle, Councillor Young

Majority Vote: 12:4

Carried

All other clauses

For:

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

Against:

Nil

Majority Vote: 16:0

Carried

The hui adjourned at 11:31am and resumed at 11:38am with all members present.

(Councillor Rogers left the hui at 11:53am)

(Councillor Rogers rejoined the hui at 11:54am)

2.3 WCC Submission to Environment Committee on the Fast-track Approvals Bill 2024

Moved Councillor Brown, seconded Councillor Matthews

Resolved

That the Te Kaunihera o Pōneke | Council:

- 1) Receive the information.
- 2) Approve the attached submission on the Fast-track Approvals Bill 2024 (Attachment 1) with the following changes:
 - a) Include reference to Te Tiriti o Waitangi in the Purpose of the bill;
 - b) Raise concerns about the infinite time-frame of the bill;
 - c) Raise concerns about the unprecedented level of power in the hands of a very small group of Ministers and that the Consenting Panel is not able to undertake public consultation;
 - d) Agree there should be public consultation on what projects are included in Schedule 2 for fast-tracking before they are adopted.
- 3) Authorise the Mayor to sign and make minor alterations to the submission.
- 4) Note that the closing date for receiving submissions is 19 of April 2024.

Carried

The motion was moved with changes from the recommendations in the officers report, marked in red.

A division was required under Standing Order 27.6(d), voting on which was as follows:

Clause 2a

For:

Mayor Whanau, Councillor Abdurahman, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Randle, Councillor Young

Majority Vote: 10:6

Carried

Clause 2b

For:

Mayor Whanau, Councillor Abdurahman, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Randle, Councillor Young

Majority Vote: 10:6

Carried

Clause 2c

For:

Mayor Whanau, Councillor Abdurahman, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Councillor Randle, Councillor Young

Majority Vote: 10:6

Carried

Clause 2d

For:

Mayor Whanau, Councillor Abdurahman, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor McNulty, Councillor O'Neill, Councillor Pannett, Councillor Rogers, Councillor Wi Neera

Against:

Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Randle, Councillor Young

Majority Vote: 11:5

Carried

All other clauses

For:

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

Against:

Nil

Majority Vote: 16:0

Carried

(Councillor Young left the hui at 12:11pm)

(Councillor McNulty left the hui at 12:11pm)

2.4 Actions Tracking and Forward Programme

Moved Mayor Whanau, seconded Deputy Mayor Foon

Resolved

That the Te Kaunihera o Pōneke | Council:

- 1) Receive the information.

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera

Against:

Nil

Majority Vote: 14:0

Carried

3. Committee Reports

3.1 Report of the Kōrau Tūāpapa | Environment and Infrastructure Committee Meeting of 30 November 2023

Moved Mayor Whanau, seconded Councillor Brown

Resolved

That the Te Kaunihera o Pōneke | Council:

- 1) Declares the property at 116 Johnsonville Road and 3-5 Broderick Road, Johnsonville being 1,840m² (subject to survey) described as Lots 3, 4 and 5 DP6130 surplus to requirements.
- 2) Authorises the Chief Executive Officer to dispose of the site for the purpose of achieving outcomes on the site.
- 3) Delegates authority to the Chief Executive Officer to carry out all necessary disposal actions.
- 4) Delegates authority to the Chief Executive Officer to enter into a development agreement for the development of the site.
- 5) Agree that a requirement of the agreement will be that the successful developer has a proven track record of working well with local communities.
- 6) Agree to investigate options for the proceeds of the sale to be used for the purchase of greenspace in the Johnsonville urban area.

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera

Against:

Nil

Majority Vote: 14:0

Carried

3.2 Report of the Kōrau Tōtōpū | Long-term Plan, Finance, and Performance Committee Meeting of 13 March 2024

Moved Councillor Matthews, seconded Councillor Apanowicz

Resolved

That the Te Kaunihera o Pōneke | Council:

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

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera

Against:

Nil

Majority Vote: 14:0

Carried

3.3 Report of the Kōrau Mātinitini | Social, Cultural, and Economic Committee Meeting of 11 April 2024

Moved Councillor O'Neill, seconded Councillor Abdurahman

Resolved

That the Te Kaunihera o Pōneke | Council:

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

Carried

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Whanau, Councillor Abdurahman, Councillor Apanowicz, Councillor Brown, Councillor Calvert, Councillor Chung, Deputy Mayor Foon, Councillor Free, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Randle, Councillor Rogers, Councillor Wi Neera

Against:

Nil

Majority Vote: 14:0

Carried

The hui concluded at 12:19pm with the reading of the following karakia:

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

Authenticated: _____

Chair