

Date: Tuesday, 15 April 2025
Time: 10.00am
Meeting Room: Room 1, Level 26
Venue: Te Wharau o Tāmaki - Auckland House
135 Albert Street
Auckland

Komiti mō te Moni Whiwhi, mō te Whakapaunga me te Uara / Revenue, Expenditure and Value Committee

OPEN ATTACHMENTS

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Marinas

Section 17A Value for Money Review

Value for Money Team

April 8th, 2025

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Executive Summary

Reason for Review

This review looks to understand the cost effectiveness of the current arrangements in delivering marina services as required under Section 17A of the Local Government Act 2002.

Scope of Review

It covers the six marinas where the adjoining land is owned by council:

- three operated by council at Westhaven, Viaduct and Silo (“Auckland Central marinas”);
- three operated by a third party at Hobsonville, Gulf Harbour and Half Moon Bay (“ground lease marinas”).

Rationale for Holding Marinas

Marinas have evolved over time from a simple place to “park” a boat to a waterfront-based facility often supported with commercial and recreational facilities.

Complex Environment

The marina environment is a very complex one with multiple layers of issues to be considered including empowering legislation, planning rules, leases, policies, agreements, and other initiatives currently underway. While land can be owned, the foreshore and seabed areas cannot and so occupancy consents must be held to enable access.

Options

Options considered within this review include ownership (retaining or selling), leasing and management (council run or contracting out).

With the complexities of long-term and perpetual leases, along with covenants and other agreement conditions, future options have been limited.

Recommendations

With the limits noted above the recommendations for the six marinas are generally the status quo:

- Retain ownership and continue to operate the marinas at Westhaven, Viaduct and Silo (“Auckland Central marinas”).
- Retain land ownership and continue to lease to existing third parties the marinas at Hobsonville, Gulf Harbour and Half Moon Bay (“ground lease marinas”).

An option is also included to explore the potential sale of Hobsonville Marina to the current leasee to enable appropriate development and unlock capital.





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Introduction

Council is required under Section 17A of the Local Government Act 2002 to review its services at least every six years unless there is an identified reason not to.

In undertaking this review council is seeking to understand the cost effectiveness of the current arrangements in meeting the needs of its communities.

This review covers the six marinas where the adjoining land is owned by the Council Group. It does not include any privately owned marinas where council may have an arrangement to access or otherwise utilise.

Indicative locations of the six marinas are shown on the map to the right. The six are separated into two types based on how they are operated

- **Auckland Central Marinas** – these three marinas are owned and operated by council in the downtown waterfront of the Auckland CBD (Westhaven, Silo and Viaduct).
- **Ground Lease Marinas** – the land associated with these three marinas are owned by council and then long-term leased out to a third party to operate (Gulf Harbour, Hobsonville and Half Moon Bay).





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Scope

In Scope:

The scope of this review is the services provided by council owned marinas, namely the Westhaven, Viaduct, Silo, Gulf Harbour, Half Moon Bay, and Hobsonville marinas.

Out of Scope:

Excluded from this review are non-council-owned marinas, any decisions around building new marinas, and the consideration of specific pricing mechanisms.

Scope Exploration:

To be covered as part of this review is the nature and conditions of the lease terms for the Gulf Harbour, Half Moon Bay, and Hobsonville marinas, as well as considering the specific implications of the Crown covenants over Westhaven marina.

The assessment of how effectively services are being delivered will include the options of ownership (retaining or selling), leasing and management (council or contracting out).

Specific Initiatives that are Out of Scope:

There are also specific initiatives currently underway within the Auckland Central marinas that are deemed to be out of scope and will proceed independent of this review. These include:

- Negotiations with Viaduct Harbour Holdings Ltd (VHHL) over occupation consents across the wider viaduct area.
- Continuing proposed capital investment to convert pile moorings in the Westhaven Marina to pontoon marina berths.
- Reversion of licensing arrangements in the Westhaven Marina back to council and the consideration of future licensing options.





The Rationale for Council having Marinas

Many marinas started as a safe location to moor boats, consisting of swing or pile moorings. They often then progressed to providing other commercial and recreational amenities on top of the core “parking” facility.

The provision of marina berths is not deemed to be a service required to be provided by council. However, it is recognised that marinas do support and align with strategic outcomes in council’s Auckland Plan 2050. This is council’s long-term spatial plan to ensure Auckland grows in a way that will meet the opportunities and challenges of the future.

In addition to this role of provider, council as a regulator, has objectives outlined within its Unitary Plan for the Marina Zones across the region. These include:

- Access to the waterfront for berth holders and the public is maintained or enhanced
- Limited expansion of existing marinas in the coastal marine area is enabled, provided there is adequate infrastructure to support it and any adverse environmental effects are avoided, remedied or mitigated.

The potential public sale of Westhaven Marina in 2004 was a good case study, as it sparked substantial local and international interest. Ultimately the government stepped in to purchase the marina, with a back-to-back deal to sell to council at a discounted rate, with covenants put in place to protect perpetual public ownership and access. This clearly indicates the importance that the marina precinct played beyond the provision of berths.

- Benefits attached to marinas can be identified as falling into the six outcomes identified in the Auckland Plan 2050:
- **Belonging and participation** – act as community hubs, fostering social interaction and hosting events, while enhancing public access to waterfront areas and promoting local culture and heritage
 - **Māori identity and wellbeing** – taking opportunities to celebrate Auckland’s Māori identity and vibrant culture, and integrating Māori values into planning and decision-making around the waterfront
 - **Homes and places** – create an attractive, vibrant, safe, and accessible place that becomes an integral part of the CBD waterfront experience, enhancing community well-being through outdoor recreation and engagement with the marine environment
 - **Transport and access** – provide vital transport links for recreational boating and marine trade, improving connectivity and access for users and enhancing the overall transport network
 - **Environmental and cultural heritage** – Modern marinas are designed with sustainability in mind, incorporating features to minimize ecological impact and manage waste, in line with the Resource Management Act
 - **Opportunity and prosperity** – support the marine industry by creating jobs, attracting tourism, and stimulating local economies through recreational boating and related services

As marinas are not a service required to be provided by council, it is noted that they should earn an appropriate commercial return to justify the investment being made.





Dependencies & Assumptions

Dependencies

There are a range of initiatives underway that may have implications for this review or also that this review may have implications for. These initiatives include:

1. **Wider CCO Reform** – the transition of activities currently undertaken by Council Controlled Organisations (CCOs) into council includes the marina functions undertaken by Eke Panuku.
2. **Westhaven Marina Berth Licences Expiring** – need a decision at to future options at least one year prior to expiry in 2026 and 2029.
3. **Proposed Capital Expenditure on Westhaven Marina** – the intended investment on the second stage of conversion of pile moorings into marina berths is proposed for next year.
4. **Occupancy Consents under RMA Expiring** – there are a range of occupancy consents granted under the Resource Management Act that are expiring at different times, which permit the occupation and management of water space for marina purposes.

Assumptions

Throughout this review including the assessment of options the following assumptions have been made:

1. Marinas will not be closed.
2. Service levels that are currently being delivered by marinas will not change.
3. There would be a material cost and time involved to establish a new marina in the Auckland region.
4. Two of the Auckland Central marinas are deemed to be strategic assets under the significance and engagement policy due to their public interest and connection to waterfront land.





Acknowledgements

The following people have provided useful input to the review through interviews and documents:

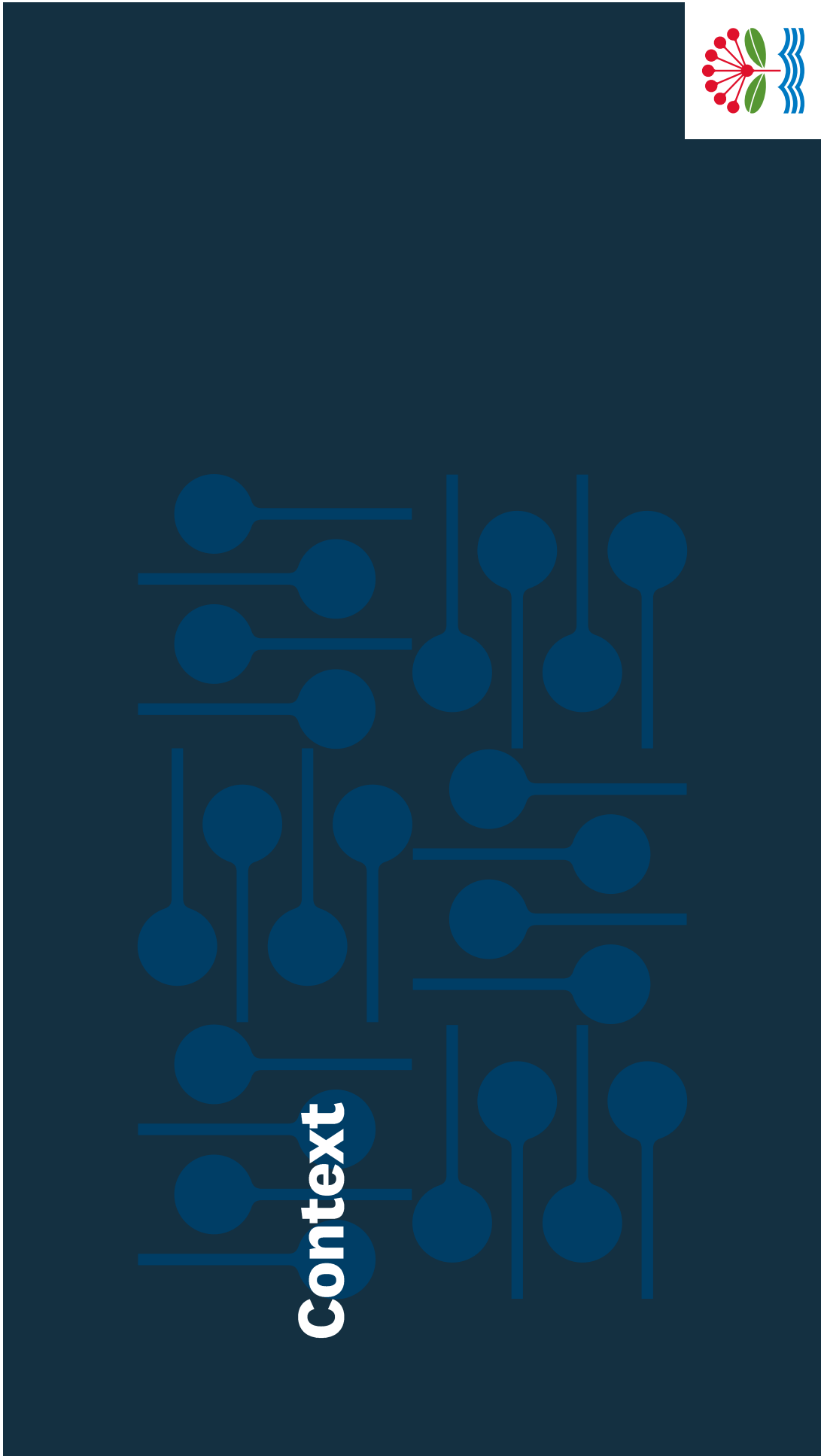
Eke Panuku

- Marian Webb (*General Manager Assets and Delivery*)
- Kevin Lidgard (*Head of Marinas*)
- Dawson Mutu (*Development Manager*)
- Connor O’Sullivan (*Reporting Accountant – Marinas*)
- Vrinda Moghe (*Head of Planning & Consents*)
- Sharleen Deveraux (*Property Portfolio Manager*)
- Joanne Scott (*Third Party Lease Specialist*)
- Gareth Wilson (*Marinas’ Manager*)
- Richard Ward (*Precinct Portfolio Manager*)
- Letitia Edwards (*Head of Strategic Property Optimisation*)
- Laren Adams (*Reporting Accountant – Property Portfolio*)

Auckland Council

- Max Hardy (*Director Group Strategy & Chief Executive’s Office*)
- Daniel Haines (*Executive Officer*)
- Kathryn Hickling (*Associate General Counsel – Property*)
- Katy Bextley (*Principal Legal Counsel – Public Law*)
- John Bishop (*Group Treasurer*)
- Eryn Shields (*Team Leader – Planning*)
- Kath Coombes (*Team Leader – Planning*)





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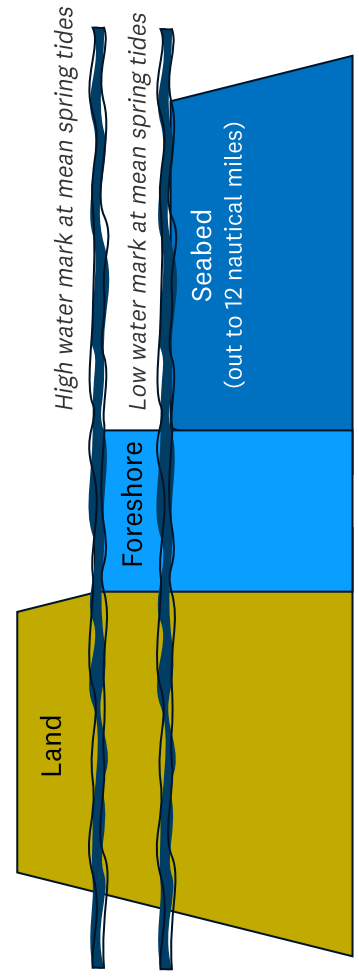
Exec Summary	Introduction	Context	Current State	Options	Recommendations	Appendices
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Ownership/Access to Land, Foreshore & Seabed

Marinas by their nature occupy water space over the foreshore and seabed. They are also intrinsically linked to the adjoining land. The ability to own/access the land versus access the foreshore and seabed is achieved through different mechanisms, as under the Marine and Coastal Area (Takutai Moana) Act 2011, no one can own the foreshore or seabed.

Land can be owned through a land title and then may be leased or made accessible to a third party in a variety of ways.

Foreshore and seabed cannot be owned by anybody. Instead, consent to occupy and then use that area can be granted by the Crown, through an application under the Resource Management Act.



Ownership through land title

Land can be owned through freehold title (or other form) or leased from another party. Land can in turn then be leased to another party.

Right to occupy through consent

Consent can be issued through RMA s.12 (normally for around 35 years), issued for Port Company under RMA s.384A (for 35 years), or recognised through existing use/permissions under RMA s.384 (never expires). Consent can then be “leased” to another to enable them to operate, or short-term access provided through a water licence.





Multiple Layers affecting Marinas

There are a multitude of layers to consider when it comes to what may be undertaken within a marina area, starting with legislation and consenting, through to policies and licensing arrangements. Each layer will have implications for each marina and for the individual options being considered. The diagram to the right shows the eight layers that will be considered when looking at the rights, obligations, and uses of space to be used for marina activities.





Marina Investment & Control Objectives

Objectives

Without an adopted marina position, there are no articulated outcomes that are sought to be achieved against which future options for marinas can be assessed.

However, we can look at the nature and scale of the provisions of services based on current practice. When combined with the outcomes sought within the council's current Auckland Plan 2050 as a guide, the following control and ownership objectives for council owned marinas have been developed.

These can be used when assessing options, as a proxy for the strategy-based outcomes sought.

Marina Investment & Control Objectives

- **Maintain** the provision of well-run **marina services*** to the public on **reasonable commercial terms.**
* Berthage/mooring and related boating services such as fuelling, cleaning and maintenance.
- **Maintain public access** to significant sections of waterfront, including access for **public ferry services** and boat ramps.
- **Provide for broader public amenity* at the waterfront.**
* Includes commercial and recreational amenities for the general and boating public, such as shops, restaurants, car parks, club premises, events, and water-based services.
- **Honour** relevant **Te Tiriti obligations**, including treaty settlements.
- **Receive a reasonable commercial return** from operation of **marina services** and **other commercial activities.**

Potential Additional Objectives for Political Considerations

In addition to the control and ownership objectives above that apply to all council-owned marinas there are also some potential objectives that may apply on a case-by-case basis.

Potential Objectives

- **Control of water-space** including pool and te wero bridge
- Manage **appropriate development**





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Summary of Marinas

The following is an overall summary of the current situation for each marina. More background information is provided in Appendix A.

	Westhaven	Viaduct¹	Silo	Hobsonville	Gulf Harbour	Half Moon Bay
Owned by	Council	Council	Council	Council	Council	Council
Operated by	Council	Council	Council	West Harbour Marine Ltd	Gulf Harbour Management Ltd / Gulf Harbour Investments Ltd	Auckland Maritime Foundation
# Berths	1,800	58	10	592	1,052	580
Max Size	30m	55m	116m	34m	30m	30m

1. Viaduct Marina only includes the portion of the viaduct area owned by council (“outer harbour”) not the portion owned by Viaduct Harbour Holdings Ltd (“inner harbour”)





Financials

The following table shows the overall financial performance of the two sets of marinas for the year ended 30 June 2024.

Marina	Revenue	Cost	Surplus
<i>Auckland Central (Council owned and operated)</i>			
Sub-Total	\$24.59m	\$14.01m	\$10.58m
<i>Ground Lease (Council owned/operated by third parties)</i>			
Sub-Total	\$2.21m	\$0.22m	\$1.99m
Total	\$26.80m	\$14.23m	\$12.57m

Westhaven: revenues include berth fees and lease income (as just under half of the berths in Westhaven were previously prepaid in a lump sum and recognised at the time, no revenue is being realised on an annual basis for those berths, reducing the revenue amount that might otherwise have been expected)

Viaduct: revenues include berth fees plus release of sinking fund being used for maintenance work

Silo: revenues consists of berth fees

Hobsonville: revenues consists of annual lease income

Gulf Harbour: revenues consist of lease payments (the lease was prepaid in a lump sum and held in a reserve to be released as income on an annual basis)

Half Moon Bay: revenues consists of annual lease income



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Consented Areas to Occupy

As already noted, critical to the ability to use the water space associated with each marina is the consent for occupancy issued under the Resource Management Act. While the three ground-lease marinas are more straightforward there are some additional complexities attached to two of the Auckland Central marinas.

This map shows the location of occupancy permit areas of the three city centre marinas, with further elaboration provided when there are separate parts based on legal arrangements.

Westhaven is broken into four parts as two have been placed into trusts, and the other two are at different stages of development.

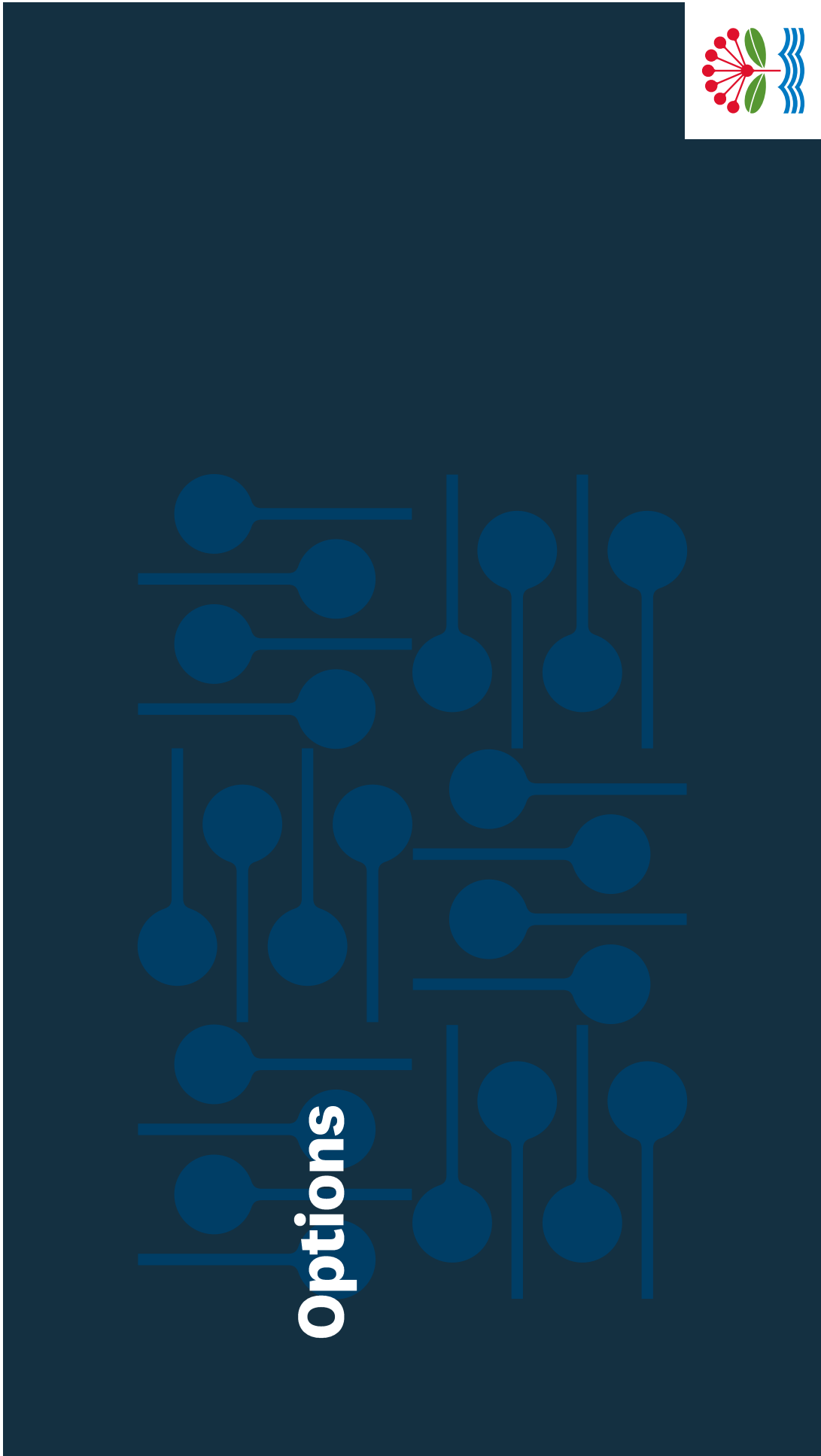
Viaduct has two distinct parts with “Viaduct Marina” being the council owned and operated outer part and “Viaduct Harbour Marina” being the inner part owned and operated by a separate entity.

Silo stands as a single component.



Legend

- Silo Marina
- Viaduct Harbour Marina
- Viaduct Marina
- Westhaven Existing Trust
- Westhaven Extension Trust
- Westhaven Non-Trust (Pile Moorings)
- Westhaven Non-Trust (Z Pier)



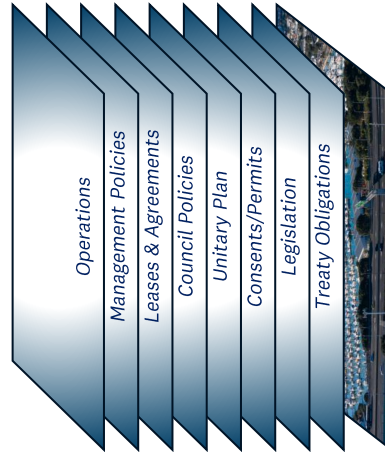
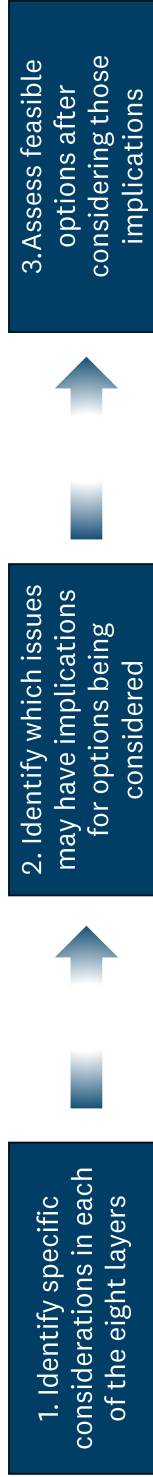
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Assessing Options – Three Step Process

Each marina will be assessed in a three-step process:



The focus here is on any issues which differ in their implications for different options. Where the implications remain the same, then this will not affect the choices.

Also some issues may affect the choices to be made, while others will have more of an affect on the implementation of the choice ultimately selected.

Options being considered include:

Ownership	<ul style="list-style-type: none"> • Council retains full ownership • Full ownership transferred to Auckland Future Fund* • Partial sale • Full sale
Leasing	<ul style="list-style-type: none"> • Ground lease to third party
Operating	<ul style="list-style-type: none"> • Council or Auckland Future Fund* managed • Third party managed • Hybrid managed

* See further details on next slide





Assessing Options – Auckland Future Fund

Within the options to be considered are two that relate to the Auckland Future Fund (AFF), namely transferring ownership to AFF or AFF taking over operational responsibility of a marina.

The Auckland Future Fund (AFF) was established by Auckland Council in 2024 with the purposes of the associated trust to ensure the protection of the real value over time of the intergenerational assets put into the Fund and provide an enhanced return to Auckland Council to fund services and infrastructure.

The AFF was initially capitalised with the council's shareholding in Auckland International Airport Limited (AIAL), which were then subsequently sold. It was also agreed that work would be undertaken to explore other opportunities to make further capital contributions to the fund.

To this end the option of ownership of marinas being transferred to AFF has been included, as has AFF managing the marinas.

Potential benefits of AFF taking over ownership or management responsibilities of marinas are the “depoliticising” of the analysis and implementation, as well as utilising the commercial focus that the Board of the AFF has been tasked with.

The AFF currently has no staff, instead holding a service agreement with council to provide the majority of its required services. Therefore, it would have to source resources should it be given the responsibilities, potentially using the same council resources.

Any potential legal and taxation issues would have to be confirmed should assets be transferred to the AFF Trust.





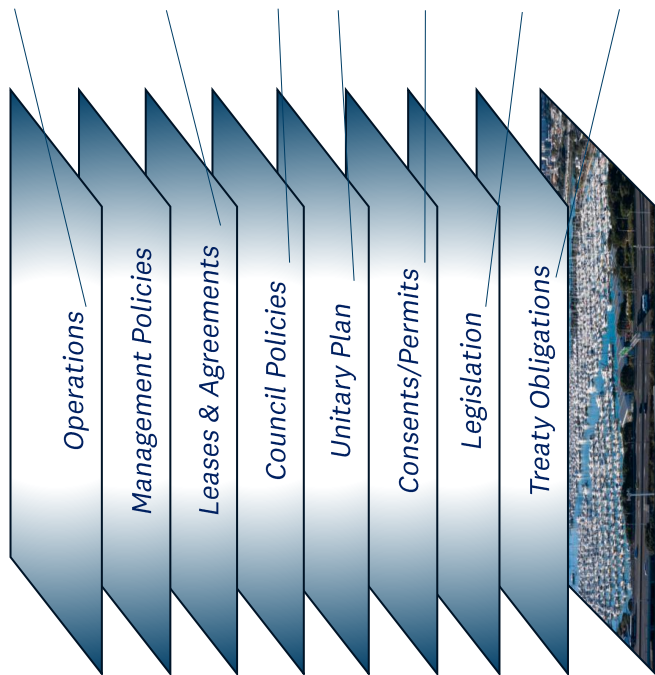


Specific Considerations – Westhaven Marina

Specific issues to be taken into consideration when considering options for Westhaven Marina:

Working relationship with other marinas and providers; Proposal to convert pile moorings to pontoon moorings; High use for associated activities such as boat clubs, water safety, walking, etc; Private road for public access; Material GDP creation (beyond berth and mooring fees) arising from marina and other associated activities; Some public access including carparks and some secured areas (primarily access to moorings); Potential location of second harbour crossing

Majority of Westhaven berths placed into two Trusts for 31 or 37 years, reverting to council in 2026 and 2029 respectively; Westhaven Crown Agreement has strict covenants around perpetual public ownership and public access; Multiple land titles and agreements including full leases and ground leases



Deemed strategic asset under Significance & Engagement Policy; Coastal Management Framework

Zoned Coastal-Marina and has multiple Precincts attached; Is also, an overlay of view corridors, as well as various controls around coastal inundation, arterial roads, cable protection, and macroinvertebrate community index

Occupation consent (s.384A expiring 2026) for POAL over Westhaven; Occupation consent for AC over Westhaven (s.12 expiring 2047)

Empowering Act for Westhaven; Resource Management Act; Marine & Coastal Area (Takutai Moana) Act; Hauraki Gulf Marine Park Act; NZ Coastal Policy Statement

Engagement on changes to ownership, occupation rights or developments, and specific requirements for Kaitiaki Plan for reclaimed land



Exec Summary	Introduction	Context	Current State	Options	Recommendations	Appendices
<h2>Considerations affecting Options – Westhaven Marina</h2> <p><i>Each of the specific considerations can be assessed whether they will impact on the possible options identified for Westhaven Marina</i></p>						
<h3>Specific Considerations</h3>			<h3>Impact on Options</h3>			
Empowering Act for Westhaven				To be used only for Boat Harbour and associated activities		
Occupation consent (s.384A expiring 2026) for POAL over Westhaven; Occupation consent for AC over Westhaven (s.12 expiring 2047)				To be applied for again if retaining		
Westhaven Crown Agreement has strict covenants around perpetual public ownership and public access				Limits ability to sell, and placed strict conditions on all options		
Majority of Westhaven berths placed into two Trusts for 31 or 37 years, reverting to council in 2026 and 2029 respectively; Multiple land titles and agreements including full leases and ground leases				Careful consideration of obligations under various arrangements which may have to be incorporated into sale or lease agreement		
High public use for associated activities, and some public access including private road/ carparks and some secured areas (primarily access to moorings); Material GDP creation (beyond berth and mooring fees) arising from marina and other associated activities				Conditions may have to be incorporated into sale or lease agreement		
Engagement with iwi including specific requirements for Kaitiaki Plan for reclaimed land				Steps to be included in exercising options		
Deemed strategic asset under Significance & Engagement Policy; Coastal Management Framework				Extra consultation and considerations required if transferring ownership		
Zoned Coastal-Marina and has multiple Precincts attached				Sets expectations around what may be developed on site for all options		
Working relationship with Orams Marine				Wider benefits to industry through relationships		
Potential location of second harbour crossing				Nothing certain and likely to impact on all options		

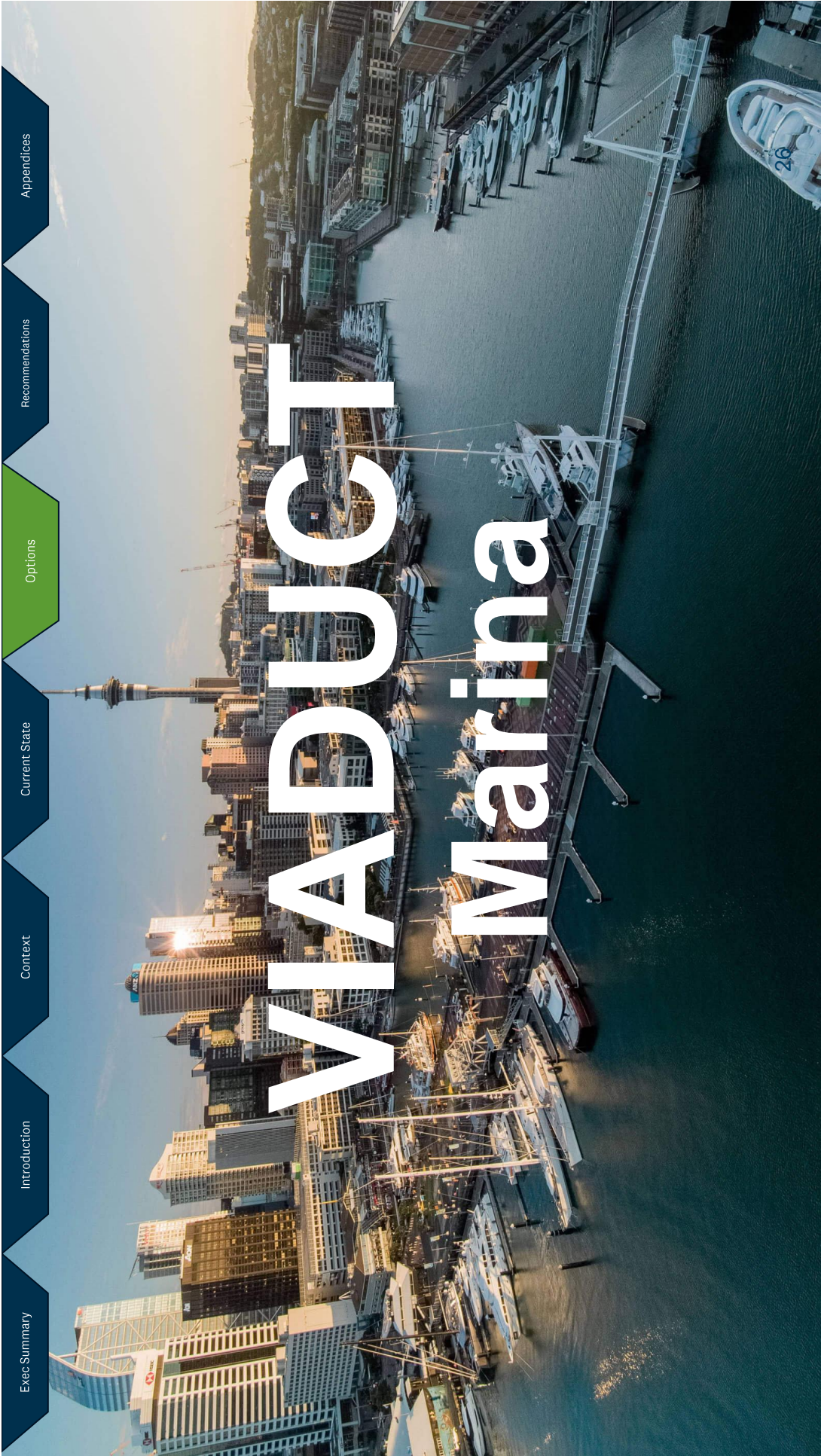


Westhaven Marina – Feasible Options

Marina	Ownership Choices				Lease Choices			Operator Choices			
	Council Retains Full Ownership	Full Ownership transferred to AFF	Partial Sale	Full Sale	Ground Lease to Third Party	Council/AFF Managed	Third Party Managed	Hybrid Managed			
Westhaven	<ul style="list-style-type: none"> Continuation of current model 	<ul style="list-style-type: none"> Basically continuation of current model with transfer to AFF, who can then explore other options 	<ul style="list-style-type: none"> Significant covenants in place around public ownership and access exclude this as a viable option 	<ul style="list-style-type: none"> Significant covenants in place around public ownership and access exclude this as a viable option 	<ul style="list-style-type: none"> Concerns around balancing of public outcomes (including covenants) with commercial returns through lease exclude this as a viable option 	<ul style="list-style-type: none"> Continuation of current model with possible transfer to AFF 	<ul style="list-style-type: none"> Concerns around balancing of public outcomes (including covenants) with commercial returns through contract exclude this as a viable option 	<ul style="list-style-type: none"> May be able to address balancing concerns if hybrid arrangement so could explore this option 			
Short List	✓	✓	✗	✗	✗	✓	✗	✓			✓

Significant covenants within an agreement with the Crown, along with material public goods currently being achieved, limit what can be undertaken or will place restrictions on any arrangements and so exclude many options.

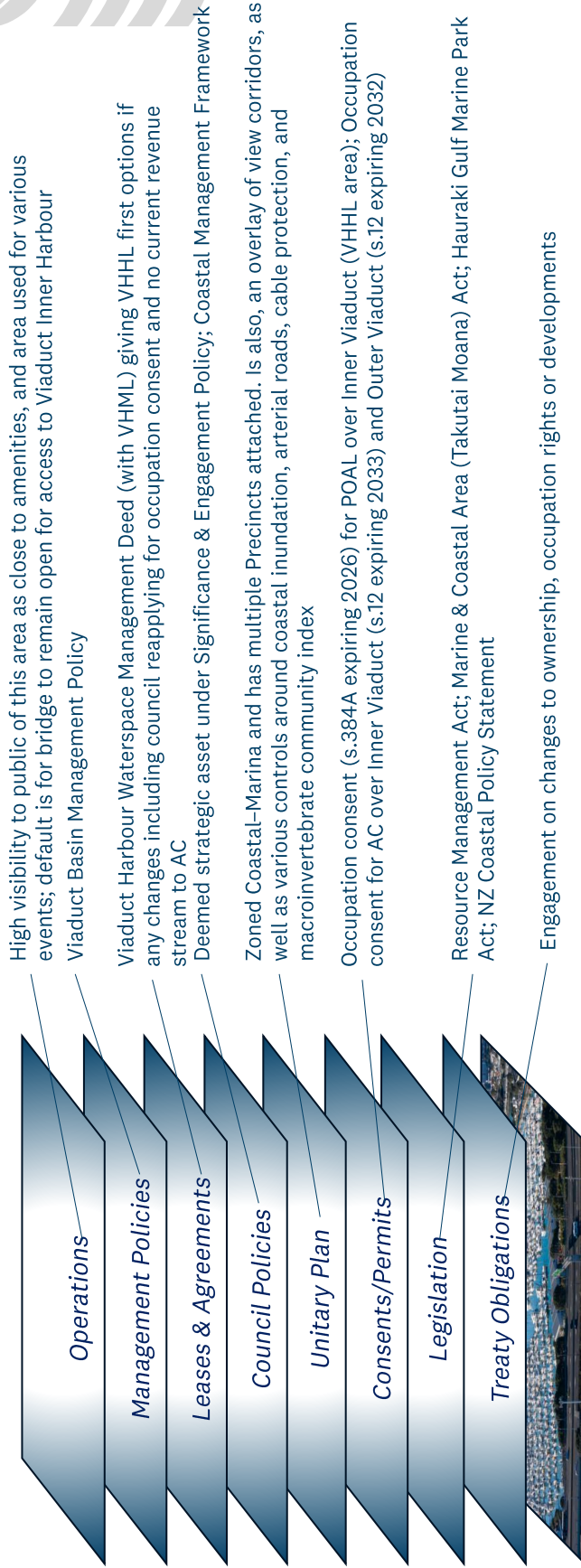






Specific Considerations – Viaduct Marina

Specific issues to be taken into consideration when considering options for Viaduct Marina:



Komiti mō te Moni Whiwhi, mō te Whakapaunga me te Uara / Revenue, Expenditure and Value Committee
Forward Work Programme 2025

This committee deals with assisting the council to be cost effective and make financial savings. The full terms of reference can be found here: [Auckland Council Governing Body Terms of Reference](#)

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Value for Money programme															
Section 17A reviews Value for Money	Council has a legal obligation under section 17A to review the cost-effectiveness of the delivery of our services	To receive updates and make decisions on the program of s17A reviews. <ul style="list-style-type: none"> Marina Ownership Framework review update (April 2025) Building Consents review update (May 2025) Progress to date: Update and approval of terms of reference - February 2025 link to decision													
Group Insurance															
Insurance Strategy and Placement Risk and Assurance	Approve insurance strategy and then note outcomes	Council Group Insurance Renewal (March) Council Group Post Insurance Renewal Update (July) Progress to date: CONFIDENTIAL: Insurance Renewal Update 2025-2026 – 18 March 2025 link to decision													
Service optimisation and reviews of value / effectiveness / performance															
Service and financial performance reviews	The committee has responsibility for reviewing outcomes and value obtained for spend as well as conducting reviews of the service and financial performance of individual council and CCO departments.	To undertake monthly service and financial performance reviews on service areas and departments, including: <ul style="list-style-type: none"> Building Consents Waste Solutions Environmental Services Licensing and Compliance Further reviews to be confirmed. Progress to date: CONFIDENTIAL: Building Consents Department Service and Financial Performance review – 18 March 2025 link to decision													
Group Shared Services		To receive an update on the Group Shared Services program Progress to date: Update received February 2025 link to decision													

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Attachment A

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Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025												
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Better Value Projects		To receive updates on implementation of the Better Value Projects improvement program Progress to date: Update received February 2025 Link to decision Better Value Projects update – 18 March 2025 link to decision													
Billing		Te receive an update on the work being done on streamlining Council’s billing systems Report on outcomes of billing systems work													
Savings updates															
Savings updates	Quarterly savings update	Quarter 3 – May Quarter 4 – August Progress to date: Quarter 2 – February Update received February 2025 link to decision													
Procurement															
Waste Solutions	Procurement plan for the supply of refuse and recycling bins and bin recall, retrofitting and distribution services	Decision: to approve the procurement plan Progress to date: Options for supply, maintenance and distribution of refuse and recycling bins contracts – 18 March 2025 link to decision Procurement plan for supply, maintenance and distribution of refuse and recycling bins – 18 March 2025 link to decision CONFIDENTIAL: Supply, maintenance and distribution of refuse and recycling bins contracts: Further options analysis pre-procurement – 18 March 2025 link to decision CONFIDENTIAL: Procurement plan for supply, maintenance and distribution of refuse and recycling bins – 18 March 2024 link to decision													
Healthy Waters	Healthy Waters Maintenance Contracts Variation – Making Space for Water	Decision: Approval of variation to add scope for Making Space for water and contingency for future years													

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2025											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Healthy Waters	Healthy Waters - Small Water and Wastewater maintenance Procurement Award	Decision: Approval of Supplier Recommendation report for regional SWWS contracts for 5+3 years Progress to date: Supplier recommendation for regional small waters and wastewater systems operations and maintenance contracts – 18 March 2025 link to decision CONFIDENTIAL: Supplier recommendation for regional small waters and waste water systems – 18 March 2025 link to decision												

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Completed

Area of work and Lead Department	Committee role	Whakatau / Decision
Pools and Leisure and Early Childhood Education - Savings update	Breakdown of savings and benefits expected to be achieved this financial year for both ECE and Pools and Leisure	Update received February 2025 link to decision

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