

Confirmed Public minutes of the Council meeting on 29 June 2021

All members participating remotely via Microsoft Teams at 9.30am.

Members Present

Councillor Ponter (Chair)
Councillor Staples (Deputy Chair)
Councillor Blakeley
Councillor Brash
Councillor Connelly
Councillor Gaylor
Councillor Hughes
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lamason
Councillor Lee
Councillor Nash
Councillor van Lier

All members participated at this meeting remotely via Microsoft Teams, and counted for the purpose of quorum, as per clause 25B of Schedule 7 to the Local Government Act 2002.

Public Business

1 Apologies

There were no apologies.

2 Declarations of conflicts of interest

There were no declarations of conflicts of interest.

3 Public participation

There was no public participation.

4 Confirmation of the Public minutes of the Council meeting of 10 June 2021- Report 21.256

Moved: Cr Hughes / Cr Kirk-Burnnand

That the Council confirms the Public minutes of the Council meeting of 10 June 2021 - Report 21.256.

The motion was **carried**.

Strategy, policy or major issues

5 Adoption of the 2021-31 Long Term Plan – Report 21.169

Greg Campbell, Chief Executive, introduced the report. Zofia Miliszewska, Team Leader, Corporate Planning and Reporting, spoke to the report. An updated version of Attachment 1 – Greater Wellington 2021-31 Long Term Plan and two additional documents – Greater Wellington Long Term Plan Audit Report and the Carbon Emissions reduction infographic – were tabled.

Clint Ramoo, Audit Director, Audit New Zealand, advised that Audit New Zealand has issued an unqualified opinion on the Long Term Plan, with the Long Term Plan being an appropriate document for Council decision making.

Moved: Cr Ponter / Cr Blakeley

That the Council:

- 1 Adopts the 2021-31 Long Term Plan (Attachment 1).
- 2 Delegates to the Chief Executive the ability to make minor editorial changes to the 2021-31 Long Term Plan prior to publication to correct errors and improve public understanding.
- 3 Notes that Audit New Zealand has provided their Audit opinion on the 2021-31 Long Term Plan at the meeting and the opinion will be included in the document.
- 4 Authorises the Chief Financial Officer to enter into any debt facilities, or borrowing that are required to implement the 2021-31 Long Term Plan for the 2021/22 year that are in accordance with the Council's Treasury Management Policy.
- 5 Notes that the Resource Management Charging Policy is also being considered by Council for adoption (Report 21.283).
- 6 Notes that separate reports are being considered at this Council meeting to set the:
 - a Wellington Regional Council rates for 2021/22 (Setting the Wellington Regional Council Rates 2021/22 – Report 21.210)
 - b Wholesale water levy for 2021/22 (Wholesale water levy for 2021/22 – Report 21.282).

The motion was **carried**.

Noted: Council thanked officers for their work in bringing the Long Term Plan to a completion.

6 Adoption of the Resource Management Charging Policy 2021-2024 – Report 21.283

Moved: Cr Kirk-Burnnand / Cr Brash

That the Council adopts the Resource Management Charging Policy 2021-24 (Attachment 1).

The motion was **carried**.

7 Setting of the Wellington Regional Council rates 2021/22 – Report 21.210

Alison Trustrum-Rainey, Chief Financial Officer, spoke to the report.

Moved: Cr Brash / Cr Staples

That the Council:

- 1 Sets, pursuant to sections 23 and 24 of the Local Government (Rating) Act 2002, the rates as set out in Attachment 1 for the period commencing 1 July 2021 and concluding 30 June 2022, with all dollar amounts being exclusive of Goods and Services Tax (GST) and with GST to be added to these amounts at the prevailing rate at the time of supply.
- 2 Sets the instalment due dates as set out in Attachment 2.
- 3 Resolves, pursuant to sections 57 and 58 of the Local Government (Rating) Act 2002, to add penalties to unpaid rates as outlined in Attachment 2.
- 4 Requests officers to send a copy of these resolutions to all territorial authorities acting as Wellington Regional Council's agents for rates collection.
- 5 Requests officers to place these resolutions on Greater Wellington's website.

The motion was **carried**.

8 Wholesale water levy and end of year adjustment for levy 2020/21 – Report 21.282

Alison Trustrum-Rainey, Chief Financial Officer, spoke to the report.

Moved: Cr Kirk-Burnnand / Cr Brash

That the Council:

- 1 Approves, pursuant to section 91 of the Wellington Regional Water Board Act 1972, the wholesale water contributions payable by constituent authorities for 2021/22 as follows:

Council	2021/22 Levy \$ (GST exclusive)
Hutt City Council	\$10,305,753
Porirua City Council	\$4,635,174
Upper Hutt City Council	\$4,283,529
Wellington City Council	\$20,094,672
Total	\$39,319,128

- 2 Approves the end of year adjustment levies for 2020/21 as follows:

Council	2021/21 adjustments \$ (GST exclusive)
Hutt City Council	\$25,893 debit
Porirua City Council	\$8,036 debit
Upper Hutt City Council	\$109,606 debit
Wellington City Council	(\$143,535) credit

The motion was **carried**.

9 Approval of the Wellington Regional Land Transport Plan – Report 21.257

Amy Helm, Senior Strategic Advisor, spoke to the report.

Moved: Cr Staples / Cr Ponter

That the Council:

- 1 Approves the Wellington Regional Land Transport Plan 2021, as set out in Attachment 1.
- 2 Agrees to the Wellington Regional Land Transport Plan 2021 being forwarded to Waka Kotahi (New Zealand Transport Agency).
- 3 Delegates to the Chief Executive authority to approve any minor editorial amendments to the Wellington Regional Land Transport Plan 2021 prior to it being published.

The motion was **carried**.

Noted: Council thanked officers for their work on the Wellington Regional Land Transport Plan.

10 Report on the Regional Public Transport Plan Hearing – Report 21.167

Emmet McElhatton and Councillor Blakeley spoke to the report.

Moved: Cr Blakeley / Cr Lee

That the Council:

- 1 Notes that the Transport Committee heard submissions on the Wellington Regional Public Transport Plan from 20 to 22 April 2021.
- 2 Notes the recommendations from Transport Committee deliberations, as minuted in Attachment 1.
- 3 Notes that the Transport Committee delegated to the Transport Committee Chair the authority to approve minor editorial changes to the Wellington Regional Public Transport Plan prior to submission to Council.
- 4 Notes that Transport Committee recommendations are addressed in Report 21.168.
- 5 Notes that all submitters who supplied a contact email address have been sent a letter from Greater Wellington Chair and Transport Committee Chair on the outcomes of the consultation process.

The motion was **carried**.

11 Adoption of Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-2031– Report 21.168

Emmet McElhatton, spoke to the report.

Moved: Cr Blakeley / Cr Lee

That the Council:

- 1 Adopts Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-2031.
- 2 Notes that a regional public transport plan takes effect 20 working days after the date on which the regional council adopts the plan.
- 3 Notes that adoption of Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-2031 formally establishes the new Unit 20, Airport Service.
- 4 Notes that officers will be providing notification of adoption of the plan to stakeholders and the public as per the requirements of section 121 of the Land Transport Management Act 2003.
- 5 Notes that accessible versions of the Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-2031 will be created and made public following Council adoption.
- 6 Notes that the transition towards the National Ticketing Solution, and potential amendments to central government public transport policy from the Ministry of Transport review of the Public Transport Operating Model will likely require variation or renewal of the Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-2031 earlier than the standard triennium review cycle.
- 7 Delegates to the Chief Executive the ability to make minor editorial changes to the Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington

Regional Public Transport Plan 2021-2031 prior to publication to correct errors and improve public understanding.

The motion was carried.

Noted: Council thanked officers for their work on the Wellington Regional Public Transport Plan.

12 Report of the Environment Committee on Hearing submissions and feedback – Proposed Wellington Regional Navigation and Safety Bylaws 2021 – Report 21.245

Grant Nalder, Manager Harbours, spoke to the report.

Moved: Cr Gaylor / Cr Lamason

That Council agrees to the Environment Committee's proposed changes to the proposed amendments to the Wellington Regional Navigation and Safety Bylaws 2009, namely that:

- a 'Wing' is added to the definition of 'Sailboard'
- b The following stand-alone provision be included:

No person who is permitted by any provision of this bylaw or any Maritime Rule to navigate a vessel at a speed exceeding 5 knots shall do in any manner that is likely to endanger or unduly interfere with the reasonable enjoyment of any person who is in, on, or using the waters, or fishing, or undertaking any activity in the vicinity of the vessel.
- c Clause 2.6 be amended by adding:

No vessel may use a mooring without the mooring owner's permission. If they do so, the Harbourmaster may direct the owner of the vessel to remove it from that mooring. If they do not comply or the owner cannot be located then the vessel may be removed by the Harbourmaster (or their agent) at the vessel owner's expense.
- d Clause 3 be amended by adding:

Swimmers more than 200 metres from shore must tow a float or other means of increasing visibility, unless accompanied by a support craft.
- e Clauses 2.3.1 and 2.8.1 be amended by adding 'Designated launching area'
- f The following be added to the definitions:

Dive flag – see Flag A

Free diving – breath hold diving that relies on breath holding until resurfacing

Shore SCUBA diver – a diver using breather apparatus that enters and exits the water from shore and not a vessel

Diver's marker float – any float that can be deployed on or before surfacing by a SCUBA diver, can include a safety sausage or Surface Marker Buoy

Underway – as defined in Maritime Rules Part 22

- g Clause 3.4.5 be modified to read:
- Any shore SCUBA diver that intends to surface, or is likely to surface more than 200 metres from shore must display a diver's marker float similar that marks their position when surfacing.
- h The following be added to the definitions:
- Restricted visibility – as defined in the Maritime Rules Part 22
- i New clause 5.5.4 be added as follows:
- A commercial operation that displays a MNZ or MSA number satisfies the identification requirements in clauses 5.3 or 5.4.
- j Clause 5.4.1 be replaced with the following:
- Every personal water craft being used on the waters of the Wellington Region must display a distinctive individual numbers; this may be the trailer's registration or a PWC registration number.
- k New clause 5.4.2 be added as follows:
- If not using the trailer registration number then the personal water craft must be registered with:
- The Council; or
 - An authorised agent of the Council; or
 - Another regional council.
- l New clause 5.4.3 be added as follows:
- If using a PWC registration number, this must be displayed on the trailer drawbar.
- m Clause 5.5.4 be replaced with the following "The vessel name or identifying letters and number must be displayed prominently on the trailer"
- n Clause 2.8.1 be amended by replacing "by waters" with "from seaward"
- o The definition of 'Explosive' be amended to have the same meaning as in the Hazardous Substances and New Organisms Act 1996
- p Subclause 4.1.1(c) be amended by inserting the following words "This declaration must include Net Explosive Quantity and gross weight"
- q New clauses 5.4.3 (the second reference) and 5.5.1 be amended by inserting the words "In a contrasting colour"
- r Schedule 2 be amended by including "bunker barges"
- s The definition of 'Paddle craft' be amended by inserting the words "includes waka ama"
- t The following be added to the definitions:
- In writing – includes 'communication by email'
- u The definitions of the lakes be revised to:

Lake Wairarapa – the more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in south Wairarapa and extends as far downstream as the barrage gates.

Lake Onoke (Lake Ferry) – the more or less continuous area of water commonly known as Lake Onoke or Lake Ferry located in the south Wairarapa and extending through to Palliser Bay (when the entrance is open).

- v In clause 2.15 the word “one” be replaced with the word “two”
- w The following new paragraph be added to clause 2.15:
 - (d) a non-motorised vessel within a harbour or less than 1000 metres of the coast only requires one waterproof form of communication.
- x In clause 3.2.7 “Director of Maritime Safety” be replaced with ‘Harbourmaster’
- y New clause 6.2.2 be added to include:
 - Before any vessel on a commercial berth that clause 6.2.1 applies to starts an engine that may result in their propulsion system operating that vessel must contact Wellington Harbour Radio to ensure it is safe to start their engine,’ and:
- z Subsequent subclauses and any cross-references are renumbered
- aa Clause 6.1.2 be replaced with:
 - Pleasure craft are exempt from clause 6.1.1 except during the hours of darkness and in restricted visibility.
- bb New clause 6.2.4 be amended by replacing the words ‘This does not apply to Pleasure Craft during daylight and good visibility’ with ‘Pleasure craft are exempt from clause 6.2.4 except during the hours of darkness and in restricted visibility’
- cc Each clause that refers to knots is amended to incorporate references to speed in both knots and kilometres per hour.

The motion was **carried**.

13 Making the Wellington Regional Navigation and Safety Bylaws 2021 – Report 21.243

Grant Nalder, Manager Harbours, spoke to the report.

Moved: Cr Gaylor / Cr Brash

That Council:

Refinements to the Council’s agreed changes

- 1 Notes the expert maritime lawyers’ identification of further refinements and changes.

- 2 Adopts the further refinements and changes to the Wellington Regional Navigation and Safety Bylaws 2009, proposed after consideration of expert legal advice (as set out in Attachment 1)
- 3 Notes that, to assist Council's consideration, its agreement to these proposed refinements and changes was assumed:
 - a In preparing the proposed Wellington Regional Navigation Safety Bylaws 2021 (Attachment 2)
 - b By the external lawyers in advising whether there are any implications for the proposed Wellington Regional Navigation Safety Bylaws 2021 under the New Zealand Bill of Rights Act 1990 (see recommendation 8).

Identification of additional issues

- 4 Notes the expert maritime lawyers' identification of additional issues with some of the clauses in the Wellington Regional Navigation and Safety Bylaws 2009 that continue in the proposed Wellington Regional Navigation Safety Bylaws 2021.
- 5 Agrees that there is insufficient time to address these additional issues before the Wellington Regional Navigation and Safety Bylaws 2009 expire on 1 July 2021.
- 6 Agrees that these additional issues should be addressed once the current external risk assessment of the management of shipping in the main harbour channel is completed.

Legislative determinations and making the 2021 Bylaws

- 7 Determines, in accordance with section 155(2)(a) of the Local Government Act 2002, that the proposed Wellington Regional Navigation Safety Bylaws 2021 (Attachment 2) are the most appropriate form of bylaw.
- 8 Notes the external lawyers' advice that there are no implications of the proposed Wellington Regional Navigation Safety Bylaws 2021 under the New Zealand Bill of Rights Act 1990.
- 9 Determines, in accordance with sections 155(2)(b) and 155(3) of the Local Government Act 2002, that whilst the proposed Wellington Regional Navigation Safety Bylaws 2021 do give rise to any implications under the New Zealand Bill of Rights Act 1990, those bylaws are not inconsistent with that Act.
- 10 Makes the Wellington Regional Navigation Safety Bylaws 2021 (Attachment 2).
- 11 Delegates to the Chief Executive the ability to make minor editorial layout and graphical changes prior to publication to correct errors and improve the presentation of the Wellington Regional Navigation Safety Bylaws 2021.

The motion was **carried**.

Noted: Council thanked officers for their work on the bylaws.

The meeting adjourned at 10.51am and resumed at 11.05am.

14 Let's Get Wellington Moving: Confirming Programme Objectives– Report 21.228

Luke Troy, General Manager, Strategy, spoke to the report.

Moved: Cr Blakeley / Cr van Lier

That the Council:

- 1 Notes the outcomes of the review of the Let's Get Wellington Moving programme objectives.
- 2 Endorses the revised objectives and the proposed objectives weightings for the Let's Get Wellington Moving programme set out in Table 1. below:

OBJECTIVE HEADING:	Liveability	Access	Carbon emissions and mode shift	Safety	Resilience
OBJECTIVE DESCRIPTOR: A transport system that...	Enhances urban amenity and enables urban development outcomes	Provides more efficient and reliable access for users	Reduces carbon emissions and increases mode shift by reducing reliance on private vehicles	Improves safety for all users	Is adaptable to disruptions and future uncertainty
WEIGHTING:	20%	15%	40%	15%	10%

Table 1: Revised LGWM objectives and proposed weightings – June 2021

- 3 Notes the Let's Get Wellington Moving programme team will review the associated key performance indicators to ensure they are fit for purpose and appropriately reflect the revised objectives.
- 4 Notes that safety is an important component of the programme and will be a key consideration in all elements of the programme.

The motion was carried.

Governance

15 Changes to Council's delegation of powers, functions and responsibilities – June 2021 – Report 21.276

Francis Ryan, Manager, Democratic Services, spoke to the report.

Moved: Cr Brash / Cr Connelly

That the Council:

- 1 Revokes, with effect from 30 June 2021, the delegation made by Council on 10 December 2020 to specified officers under the Resource Management Act 1991.

- 2 Delegates its powers, duties and responsibilities under the Resource Management Act 1991 to specified officers, except those powers retained explicitly by Council, with effect from 30 June 2021, as set out in Attachment 1.

The motion was **carried**.

- 16 **Wellington Water Committee meeting – 17 May 2021** [For Information]
Samantha Gain, General Manager, Corporate Services, spoke to the report.
- 17 **Regional Transport Committee meeting – 8 June 2021** [For Information]
Councillor Staples spoke to the report.

Corporate

- 18 **WRC Holdings Statement of Intent 2021/22 – Report 21.290**
Samantha Gain, General Manager, Corporate Services, spoke to the report.

Moved: Cr Lamason / Cr Blakeley

That the Council receives the WRC Holdings Statement of Intent 2021/22.

The motion was **carried**.

Resolution to exclude the public

- 19 **Resolution to exclude the public – Report <number>**

Moved: Cr Connelly / Cr Brash

That the Council excludes the public from the following parts of the proceedings of this meeting, namely:

Confirmation of the Public Excluded minutes of the Council meeting on 10 June 2021 – Report PE21.261

Airport Service tender – Report PE21.274

Snapper – change in corporate ownership – Report PE21.194

Confirmation of the Restricted Public Excluded minutes of the Council meeting on 10 June 2021 – Report RPE21.252

Draft Chief Executive performance indicators for 2021/22 – Report RPE21.196

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

Confirmation of the Public Excluded minutes of the Council meeting on 10 June 2021 – Report PE21.261	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Information contained in the minutes relates to the proposed purchase of private properties. Having this part of the meeting open to the public would prejudice Greater Wellington's negotiating position when engaging with owners and lessees of the subject properties.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations)).</p>
Airport Service tender – Report PE21.274	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Information contained in this report relates to potential future bus service contracting in the Wellington Region. Release of this information would prejudice Greater Wellington's negotiating position when engaging with tenderers, and would compromise probity of the Request for Proposal process.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations)).</p>

Snapper – change in corporate ownership – Report PE21.194	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Certain information contained in this report relates to information which has been supplied under an obligation of confidence. Release of this information would likely prejudice the supply of similar information, or further from the same source.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(c)(i) of the Act (to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied).</p>
Confirmation of the Restricted Public Excluded minutes of the Council meeting on 10 June 2021 – Report RPE21.252	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Information contained in the minutes includes the details on the negotiation parameters with the preferred candidate for appointment as Chief Executive. Release of this information would disadvantage the Council in its negotiations with the preferred candidate.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations)).</p>

Chief Executive performance indicators for 2021/22 – Report RPE21.196	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>The information contained in this report relates to the Chief Executive's performance agreement for 2021/22. Release of this information would prejudice the Chief Executive's privacy by disclosing his performance agreement with Council.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting would override his privacy.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons).</p>

This resolution is made in reliance on section 48(1)(a) of the Act and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

The motion was carried

The public part of the meeting closed at 11.34am.



Councillor D Ponter

Chair

Date:

28/10/21