



greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

If calling, please ask for Democratic Services

Council

Thursday 27 February 2020, 9.30am

Kadima Lounge 2, Fraser Park Sportsville,
237 Taita Drive, Avalon, Lower Hutt

Members

Cr Ponter (Chair)

Cr Staples (Deputy Chair)

Cr Blakeley

Cr Brash

Cr Connelly

Cr Gaylor

Cr Hughes

Cr Kirk-Burnnand

Cr Laban

Cr Lamason

Cr Lee

Cr Nash

Cr van Lier

Recommendations in reports are not to be construed as Council policy until adopted by Council

Council

Thursday 27 February 2020, 9.30am
Kadima Lounge 2, Fraser Park Sportsville,
237 Taita Drive, Avalon, Lower Hutt

Public Business

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greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

Please note these minutes remain unconfirmed until the Council meeting on 27 February 2020.

Report 19.538

Public minutes of the Council meeting on Thursday 12 December 2019

Council Chamber, Greater Wellington Regional Council
Level 2, 15 Walter Street, Te Aro, Wellington at 8.31am.

Members Present

Councillor Ponter (Chair)
Councillor Blakeley
Councillor Brash (from 9.23am)
Councillor Connelly
Councillor Gaylor (from 8.36am)
Councillor Hughes
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lamason
Councillor Lee
Councillor Nash
Councillor Staples
Councillor van Lier

Public Business

1. Minute of silence for Whakaari/White Island event

The Chair acknowledged the events at Whakaari/White Island and a minute of silence was observed.

2. Apologies

Moved: Cr Staples / Cr Hughes

That the Council accepts the apologies for lateness from Cr Brash and Cr Gaylor.

The motion was **carried**.

3. Declarations of conflicts of interest

There were no declarations of conflict of interest.

4. Public participation

Marian Horan spoke to item 7 - Bus Network Review findings – Wellington City.

Chris Horne spoke to item 7- Bus Network Review Findings – Wellington City, and tabled a document in support of his presentation

Mike Mellor spoke to item 6 - Joint programme to improve the reliability of travel times for buses and Bus; and item 7 - Bus Network Review Findings – Wellington City. Mr Mellor made a personal presentation and also spoke on behalf of Living Street Aotearoa. A document was tabled in support of each presentation.

Noted: Cr Gaylor arrived at 8.36am, during public participation.

5. Confirmation of the public minutes of 30 October 2019 and reconvened 20 November 2019 – report 19.480

Moved: Cr Lamason / Cr Blakeley

That the Council confirms the Public minutes of the Council meeting of 30 October 2019 and reconvened 20 November 2019 – Report 19.480.

The motion was **carried**.

Strategy/ Policy/ Major Issues

6. Funding and partnering for the next phase of Let's Get Wellington Moving – Report 19.485

Updated report recommendations were tabled.

Harriet Shelton, Manager, Regional Transport Planning, spoke to the report.

Moved: Cr Blakeley / Cr Gaylor

That the Council:

- 1 Notes progress to date on the Let's Get Wellington Moving (LGWM) programme.
- 2 Notes that the existing LGWM work programme includes further business case investigations that, when complete, will allow LGWM to review and recommend to the LGWM partners the optimal sequencing and options for the future LGWM components.
- 3 Agrees that the LGWM City Streets work package will deliver the joint Wellington City Council/Greater Wellington Regional Council bus priority action plan to expedite improvements and maximise funding

opportunities, noting that this approach has been endorsed by the LGWM Board.

- 4 Notes the interim funding splits agreed by Council in June 2019.
- 5 Approves the LGWM Relationship and Funding Agreement (Attachment 1), which provides the basis of the next phase of the programme (business cases and quick-win capital works).
- 6 Agrees to the additional funding for the LGWM programme in 2019/20 as outlined in paragraphs 64 and 65 of this report.
- 7 Agrees to include additional funding, outlined in paragraphs 64 and 65 of this report, as part of the 2020/21 Annual Plan process.
- 8 Agrees to debt fund Greater Wellington's contribution to the LGWM programme over a 10 year period.
- 9 Agrees that Councillor Daran Ponter and Councillor Roger Blakeley will be Council's representatives, and that Councillor Josh van Lier will be Council observer, on the LGWM Governance Reference Group for the 2019-2022 triennium.
- 10 Notes that the final Terms of Reference for the LGWM Governance Reference Group, including how the interface between the reference group and the board will be managed, will be provided to Council in early 2020.
- 11 Requests that LGWM engage with mana whenua to understand how they would like to be involved as partners for the next phase of LGWM and agree this includes (but is not limited to) offering mana whenua seats on the LGWM Governance Reference Group.
- 12 Notes that key decisions in relation to the packages of work within the LGWM programme will come back to Council for approval and that regular sessions will be held to provide Council with updates on the programme progress.
- 13 Delegates to the Chair and Chief Executive the authority to approve any minor amendments, including the addition of a Council observer on the LGWM Governance Reference Group and any change required to later enable mana whenua representation, and sign the LGWM Relationship and Funding Agreement (Attachment 1), on behalf of Council.

The motion was **carried**.

7. Joint programme to improve the reliability of travel times for buses – Report19.486

Harrier Shelton, Manager, Regional Transport Planning, spoke to the report.

Moved: Cr Blakeley / Cr Staples

That the Council:

- 1 Notes the collaborative approach and process between the Wellington City Council, Greater Wellington Regional Council and the NZ Transport Agency to develop the draft Bus Priority Action Plan.
- 2 Endorses the direction of the draft Bus Priority Action Plan)Attachment 1) provided that
 - a. The following parts of the Seatoun to City corridor are reconsidered in the Indicative Business Case to be re-prioritised as Category A: Miramar to Kilbirnie and Kilbirnie to Hataitai; and
 - b. Early consideration is given to dedicated bus lanes with T3 multi-user opportunities, where possible.
- 3 Notes that in order to access government funding, the Let's Get Wellington Moving City Streets package will deliver the bus priority works.
- 4 Notes that the Council will receive an update and consider the full Let's Get Wellington Moving City Streets package, including bus prioritisation, following the engagement planned for early 2020 and that this will form the basis of future reporting.
- 5 Notes that the findings and recommendations from the Bus Network Review (Wellington city) will be considered as part of the detailed investigation, engagement and development of the Let's Get Wellington Moving City Streets package.
- 6 Notes that approval for the infrastructure changes proposed as a result of detailed investigation and engagement will be considered by the Wellington City Council through the standard traffic resolution process.
- 7 Requests officers to urgently consider opportunities to speed up the delivery of the bus priority programme, and in particular the delivery of bus lanes.

The motion was **carried**.

8. Bus Network Review Findings – Wellington City – Report 19.501

Wayne Hastie, General Manager. Strategic Programmes, introduced the report.

Moved: Cr Blakeley / Cr Hughes

That the Council:

- 1 Acknowledges that some of the 2018 bus network changes have had a significant and adverse impact on many Metlink customers; notwithstanding the benefits for other customers.
- 2 Agrees that the changes proposed to the network design in this report can remove transfers and improve access to key destinations; improve network operation and reliability; meet specific community and customer needs; provide for current and future demand; and improve customer experience and engagement.
- 3 Notes that some changes proposed will require trade-offs such as reduced frequency for a direct service.

- 4 Notes that the actions have been developed taking into account the resources expected to be available over the next 3 years, such as bus drivers and vehicles.
- 5 Notes that funding required in the 2019/20 financial year to implement the identified short-term actions will be met from the public transport budget.
- 6 Endorses the recommendations from the review and the associated actions set out in Attachment 1 to this report.
- 7 Agrees to budget for the funding necessary to implement the actions identified for future years as part of the Annual Plan/Long-term Plan development.
- 8 Notes that approval will be required from the NZ Transport Agency.
- 9 Notes that the medium and long term actions will be incorporated into the future work plan for public transport.
- 10 Notes that a number of bus operational issues will not be solved by network changes alone. Changes proposed in the draft Bus Priority Action Plan will help restore trust in bus transport, particularly amongst bus commuters, by helping to make routes more reliable.

The motion was **carried**.

Governance

9. Committee and advisory body terms of reference and delegations for the 2019-22 triennium – Report 19.504

Cr Ponter spoke to the report.

Moved: Cr Connelly / Cr Nash

That the Council adopts the committee and advisory body terms of reference for the 2019-22 triennium, as detailed in Attachment 1 to this report.

The motion was **carried**.

Noted: Cr Brash arrived at 9.23am during the introduction of the report.

10. Proposed meeting schedule for the 2020 calendar year – Report 19.498

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

Moved: Cr Gaylor / Cr Brash

That the Council:

- 1 Adopts the meeting schedule for Council and committees for the 2020 calendar year as outlined in Attachment 1 - Proposed meeting schedule for 2020 calendar year.

- 2 Notes that the schedule does not include meetings of advisory bodies or external organisations to which Councillors have been appointed.
- 3 Authorises the Kaiwhakahaere Matua/Manager, Democratic Services to circulate the adopted meeting schedule to key stakeholders and to modify the meeting schedule as, and when, required.

The motion was **carried**.

11. Further appointments to committees and advisory groups – Report 19.499

Francis Ryan, Manager, Democratic Services, spoke to the report. Mr Ryan presented Council with an updated recommendation for the appointment to the Ruamāhanga Whaitua Committee.

Moved: Cr Brash/ Cr Kirk-Burnnand

That the Council:

- 1 Appoints to the Wellington Regional Strategy Committee:
 - a Mayor Campbell Barry to represent Hutt City Council, and Councillor Deborah Hislop as alternate
 - b Mayor K Gurunathan to represent Kāpiti Coast District Council, and Deputy Mayor Janet Holborow as alternate
 - c Mayor Anita Baker to represent Porirua City Council, and Councillor Euon Murrell as alternate
 - d Mayor Wayne Guppy to represent Upper Hutt City Council, and Deputy Mayor Hellen Swales as alternate
 - e Mayor Lyn Patterson to represent the three Wairarapa district councils, and Mayor Greg Lang as alternate
 - f Mayor Andy Foster, Deputy Mayor Sarah Free, Councillor Diane Calvert and Councillor Jenny Condie to represent Wellington City Council.
- 2 Appoints to the Regional Transport Committee David Gordon as an advisory member to represent KiwiRail, and Helen Rogers as alternate.
- 3 Appoints to the Hutt Valley Flood Management Subcommittee:
 - a Deputy Mayor Tui Lewis and Councillor Simon Edwards to represent Hutt City Council.
 - b Mayor Wayne Guppy and Councillor Dave Wheeler to represent Upper Hutt City Council.
- 4 Notes that Hutt City Council's appointments to the Hutt Valley Flood Management Subcommittee are subject to confirmation by Hutt City Council at its meeting on 10 December 2019.
- 5 Notes that Upper Hutt City Council's nominees to the Hutt Valley Flood Management Subcommittee are subject to confirmation by Upper Hutt City Council at its meeting on 18 December 2019.
- 6 Appoints Deputy Mayor Garrick Emms to the Lower Ruamahanga Valley Floodplain Management Advisory Committee to represent South Wairarapa District Council.

- 7 Appoints Councillor Roger Blakeley to the Wellington Regional Healthy Housing Steering Group to represent Greater Wellington Regional Council.
- 8 Replaces Deputy Mayor Tui Lewis with Councillor Brady Dyer as the alternate member for Hutt City Council on the Regional Transport Committee.
- 9 Replaces Deputy Mayor Janet Holborow with Councillor James Cootes as alternate for Kāpiti Coast District Council on the Regional Transport Committee.
- 10 Replaces Councillor Tamatha Paul with Councillor Sean Rush as the representative for Wellington City Council on the Whaitua-Te-Whanganui-a-Tara Committee.
- 11 Appoints Councillor Brian Deller to the Ruamāhanga Whaitua Committee to represent Carterton District Council, and notes that this is subject to confirmation by Carterton District Council at its meeting on 18 December 2019.

The motion was **carried**.

12. Establishment of Upper Ruamāhanga River Management Advisory Committee – Report 19.519

Wayne O’Donnell, General Manager, Catchment Management, introduced the report. Graeme Campbell – Manager, Flood Protection, spoke to the report.

Moved: Cr Staples / Cr Lamason

That the Council:

- 1 Establishes the Upper Ruamahanga River Management Advisory Committee.
- 2 Adopts the Terms of Reference for the Upper Ruamahanga River Management Advisory Committee as set out in Attachment 1.

The motion was **carried**.

13. WRC Holdings Limited – Statement of Expectations for 2020/21 – Report 19.526

Samantha Gain, General Manager, Corporate Services, spoke to the report.

Moved: Cr Brash / Cr Blakeley

That the Council:

- 1 Provides feedback on the draft statement of expectations (Attachment 1), noting that the relationship with mana whenua is a matter of priority for Greater Wellington Regional Council.
- 2 Authorises the Council Chair to make changes to finalise the statement of expectations and send it to WRC Holdings Limited.

The motion was **carried**.

14. Wellington Regional Stadium Trust – Statement of Expectations for 2020/21 – Report 19.525

Samantha Gain, General Manager, Corporate Services, spoke to the report.

Moved: Cr Hughes / Cr Lamason

That the Council:

- 1 Provides feedback on the draft statement of expectations (Attachment 1), noting that the relationship with mana whenua is a matter of priority for Greater Wellington Regional Council.
- 2 Authorises the Council Chair to make changes to finalise the statement of expectations and send it to the Wellington Regional Stadium Trust.

The motion was **carried**.

Corporate

15. Health, Safety and Wellbeing update – Report 19.522 [For Information]

Nigel Corry, General Manager, People and Customer, introduced the report.

Julie Barber, Manager, Health and Safety, spoke to the report.

The meeting adjourned at 10.06am and resumed at 10.24am.

Resolution to exclude the public

16. Resolution to exclude the public – Report 19.511

Moved: Cr Blakeley / Cr Staples

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 reconvened Council meeting on 20 November 2019

Appointment of directors to the Wellington Regional Economic Development Agency

Variation to property agreement - Belmont

Future fleet.

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 grounds

under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Confirmation of the public excluded minutes of the reconvened Council meeting on 20 November 2019	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
Information contained in these minutes relates to payments to Snapper Services Limited. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington to carry on negotiations with Snapper Services Limited. 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.	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 holding the information to carry on, without prejudice or disadvantage, negotiations).
Appointment of directors to the Wellington Regional Economic Development Agency	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
Information contained in this report includes personal and identifying information about proposed candidates. Release of this information prior to the respective councils' decisions is likely to prejudice the privacy of natural persons. 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.	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).

Variation to property agreement - Belmont	
<i>Reason 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 a proposed contractual arrangement regarding land owned by Greater Wellington. The report outlines the terms of a proposed agreement, including details of the commercial terms. Having this part of the meeting open to the public would disadvantage Greater Wellington in that it would reveal Greater Wellington's expectations as to the final terms and conditions that would be acceptable to Greater Wellington. 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 this prejudice.</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 holding the information to carry on, without prejudice or disadvantage, negotiations).</p>
Future fleet	
<i>Reason 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 negotiations with NZ Bus and Tranzurban. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington to carry on negotiations with NZ Bus and Tranzurban. 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 holding the information to carry on, without prejudice or disadvantage, negotiations).</p>

The motion was **carried**.

Noted: After the conclusion of the adjournment Councillors Brash, Connelly, Gaylor, Kirk-Burnnand and Lee did not return to the meeting until the public excluded part of the meeting and were not present for the vote of the above item.

The public part of the meeting closed at 10.24am.

Cr D Ponter
(Chair)

Date:



greater WELLINGTON
REGIONAL COUNCIL
Te Pane Matua Taiao

Please note these minutes remain unconfirmed until the Council meeting on 27 February 2020.

Report 20.23

Public minutes of the Council meeting on Tuesday 4 February 2020

Council Chamber, Greater Wellington Regional Council
Level 2, 15 Walter Street, Te Aro, Wellington at 8.30am.

Members Present

Councillor Ponter (Chair)
Councillor Blakeley
Councillor Brash (from 8.48am)
Councillor Connelly
Councillor Gaylor (from 9.10am)
Councillor Hughes
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lamason
Councillor Lee
Councillor Nash
Councillor van Lier

Public Business

1. Apologies

Moved: Cr Blakeley / Cr Connelly

That the Council accepts the apology for absence from Cr Staples and the apologies for lateness from Cr Brash and Cr Gaylor.

The motion was **carried**.

2. Declarations of conflicts of interest

There were no declarations of conflicts of interest.

Cr Connelly, Cr van Lier and Cr Ponter advised the meeting of their employment or contract relationship with the Ministry of Primary Industries and advised that they had no role with regard to the development of the Government's freshwater proposals, which are the subject of agenda item five.

3. Public participation

There was no public participation.

Strategy/ Policy/ Major Issues

4. Earlybird off-peak bus fares trial – Report 20.22

Paul Kos, Manager, Public Transport Planning, spoke to the report.

Moved: Cr Blakeley / Cr Kirk-Burnnand

That the Council:

- 1 Agrees to proceed with an Earlybird off-peak bus fares trial to provide off-peak Snapper fares for Metlink bus services prior to 7am on working days.
- 2 Notes the trial is proposed to begin on Monday 10 February, for a period of four months.
- 3 Notes that the trial will be monitored continually against success criteria to determine whether the trial has been effective in spreading peak demand on the bus network in Wellington City.
- 4 Notes that initial findings will be reported back to Council after three months to determine whether the trial should be extended.
- 5 Notes that the estimated revenue loss for the four month trial period will be funded from Greater Wellington's reserves.
- 6 Notes that bus operators and the NZ Transport Agency are supportive of the trial.
- 7 Notes that the trial will apply to adult Snapper customers only, and will not be available for cash, Super Gold, or rail passengers.
- 8 Notes that the trial will be supported and promoted with a targeted marketing campaign to ensure bus commuters are aware of the trial.

The motion was **carried**.

5. Government Freshwater reforms – letter to Minister for the Environment – Report 20.16

Matt Hickman, Manager, Environmental Policy, spoke to the report.

Moved: Cr Brash / Cr Kirk-Burnnand

That the Council:

- 1 Notes the Greater Wellington submission on the Government's freshwater reforms (Attachment 1).
- 2 Notes a summary of key themes from the LGNZ regional sector submission in (Attachment 2).
- 3 Notes a summary of national and regional costs of the freshwater proposals as presented by the LGNZ regional sector (Attachment 3).
- 4 Directs officers to prepare a letter from the Chair to Environment and Agriculture Ministers subject to consultation with the chair of Environment Committee and co-chair of Te Upoko Taiao – Natural Resources Plan Committee.
- 5 Notes that the Council Chair will meet with the Environment Minister on Tuesday 11 February 2020.

The motion was **carried**.

Noted: Cr Brash arrived at 8.48am, during the officer presentation on the above item.

Noted: Cr Gaylor arrived at 9.10am, during questions on the above item.

The public part of the meeting closed at 9.33am.

Cr D Ponter
(Chair)

Date:

Council
27 February 2020
2020.70



For Decision

SUBMISSION ON PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY

Te take mō te pūrongo **Purpose**

For Council to adopt the Greater Wellington submission on the Government's proposed National Policy Statement for Indigenous Biodiversity (NPSIB), and approve the writing of an accompanying letter to the Minister for the Environment.

He tūtohu **Recommendations**

That the Council:

- 1 **Adopts** the submission, subject to any minor editorial amendments to be approved by the Council Chair.
- 2 **Approves** the proposal to write an accompanying letter to the Minister for the Environment.

Te tāhū kōrero **Background**

1. The proposed NPSIB sets out objectives, policies and implementation requirements to manage natural and physical resources to maintain indigenous biodiversity under the Resource Management Act 1991 (RMA). On 26 November 2019 the Government released the NPSIB for public consultation. Consultation closes on 13 March with gazettal scheduled for mid-2020.
2. The NPSIB is the most significant statutory direction on the conservation of indigenous biodiversity since the RMA, and before that the Conservation Act 1987. It directs the maintenance of indigenous biodiversity on land (the terrestrial environment), principally through the identification and protection of Significant Natural Areas (SNAs) by territorial authorities. These SNAs must be identified and protected in district plans by 2026.
3. Protection of indigenous biodiversity in the coastal marine area is directed by the New Zealand Coastal Policy Statement while protection of indigenous biodiversity in freshwater ecosystems is directed by the NPS for Freshwater Management (and proposed National Environmental Standards for Freshwater). Therefore, the NPSIB does not affect, or necessitate amendments to, the proposed Natural Resources Plan

which contains the SNAs under the jurisdiction of Greater Wellington (i.e., those associated with wetlands, lakes, rivers and the coastal marine area).

4. Nevertheless, a range of other actions are to be implemented by local authorities more broadly. These actions, summarised below, represent a considerable resourcing challenge for regional councils. They must be implemented in full by 2028.
5. Regional councils must:
 - a. Make changes to their regional policy statements
 - b. Work with territorial authorities and tangata whenua to identify, describe and map the locations of taonga species and ecosystems
 - c. Work with territorial authorities to survey and record where highly mobile fauna may be, and provide information and best practice advice on how to manage effects on them
 - d. Consider providing further incentives to landowners to restore and enhance indigenous biodiversity
 - e. Prepare a regional biodiversity strategy in collaboration with territorial authorities, tangata whenua, communities and other identified stakeholders
 - f. Work with territorial authorities, relevant agencies and tangata whenua to develop a monitoring plan for indigenous biodiversity in their region and each of their districts
6. Greater Wellington's draft submission on the NPSIB responds to the 62 questions posed in the Government discussion document on it. A high-level summary at the start of the submission presents our key points. We asked for the Environment Committee's feedback on a draft of this section of the submission at the workshop on 13 February. This section has been refined following this feedback.
7. A separate, short 'road testing' submission responds to 12 questions Government has posed to a selection of 16 councils, including Greater Wellington. Road testing questions are designed to help determine the implementation requirements of the NPSIB for councils. Government has instructed that input into this submission come from officers only as it is intended to survey requirements at that level.
8. At the 13 February meeting of the Environment Committee an option of accompanying our submission with a letter to the Minister was suggested. This suggestion met with support from Committee members. The advantage of an accompanying letter is that it gives Councillors an opportunity to communicate directly with the Minister (the submission itself will be directed to officials and is unlikely to be viewed by the Minister).

Te tātaritanga Analysis

9. A draft submission on the NPSIB is attached ([see Attachment 1](#)). The draft emphasises Greater Wellington's support for the NPSIB and commitment to maintaining indigenous biodiversity under the RMA. Seven high-level points are presented. These points are

intended to help strengthen the direction of the NPS and ensure it achieves its objectives.

10. Briefly, these are that:

1. We need guidance to accompany the NPS and a lot of direct support to implement it
2. Government should consider partnering with councils wherever possible to prioritise, plan and execute the work
3. We strongly support the requirement to identify and protect Significant Natural Areas (SNAs) but are wary of the effect of new identification requirements on our relationship with landowners
4. We believe that the direction to manage effects on SNAs may be too restrictive, making most applications to develop or use this land impossible
5. We support the intention of Hutia Te Rito but suggest that it does not provide enough real world direction to councils or facilitate a genuine leadership role for mana whenua
6. We do not support the requirement for councils to survey for and protect highly mobile fauna
7. We support the direction for councils to maintain indigenous biodiversity, suggesting that this should be prioritised over restoration.

11. We note that these points are in line with the draft Local Government New Zealand sector submission ([see Attachment 2](#)).

Ngā hua ahumoni Financial implications

12. There are no direct financial implications of our submission.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

13. There are no direct implications on climate change.

Ngā tikanga whakatau Decision-making process

16. The process for submitting on the NPSIB is set out in the Background section of this report.

Significance

17. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of this matter, taking into account Council's *Significance and Engagement Policy*

and Greater Wellington’s *Decision-making Guidelines*. Officers recommend that this matter is of low significance as Greater Wellington is not the decision maker on the NPSIB.

18. If gazetted the NPSIB will have a high level of impact in our region and will likely generate a high level of community interest. However, our submission on it is consistent with existing Council policy and strategy and the submission itself does not directly impact on Council capability and capacity. Ultimately, decisions on the NPSIB are those of Government. We hope simply to influence *their* decision making.

Te whakatūtakitaki

Engagement

19. No public engagement was undertaken in developing our submission. This is consistent with all Council submissions on Government policy proposals that are open for public submissions.

Ngā tūāoma e whai ake nei

Next steps

20. If the draft submission is adopted, officers will finalise the submission and email it to Government by 13 March.
21. If the suggestion to write an accompanying letter is approved, officers will draft a letter for the approval of the Council Chair. A draft letter will be provided to the Council Chair on 2 March.

Ngā āpitihanga

Attachments

Number	Title
1	Submission on proposed NPS for Indigenous Biodiversity
2	Local Government New Zealand draft submission on the proposed NPS for Indigenous Biodiversity

Ngā kaiwaitohu

Signatories

Writer	Jamie Steer – Senior Biodiversity Advisor
Approvers	Tim Porteous – Manager, Biodiversity Alistair Cross – General Manager, Environment Management

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> The suggestions in our draft submission fit with Council's roles and with Council Committees' purpose and responsibilities. The primary information in it has been workshopped with the Environment Committee.
<i>Implications for Māori</i> The NPSIB has been issued for public submissions. Mana whenua partners are encouraged to submit independently on the document. Te Hunga Whiriwhiri have advised on aspects of relevance to Māori in our region more generally.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> This submission has no direct implications for Greater Wellington plans or strategies. Any implications for Greater Wellington will be assessed and presented to Council if and when the NPSIB is gazetted.
<i>Internal consultation</i> Internal contributions have been sought and received from multiple Greater Wellington departments. These include Biodiversity, Environmental Science, Environmental Policy, Environmental Regulation, Te Hunga Whiriwhiri, Flood Protection, Parks, Biosecurity, Land Management, and Strategic and Corporate Planning.
<i>Risks and impacts: legal / health and safety etc.</i> Our submission will be read by Government officials and potentially used as justification to amend the provisions in the NPSIB. The responsibility for amendments ultimately sit with Government though. A risk is that some members of the public may disagree with some aspects of our submission. We note however that our submission is in line with the draft Local Government New Zealand sector submission. It also reflects officer-level conversations we have recently had on the NPSIB with territorial authorities in our region. We consequently believe that the risk of public dispute over this submission is low.



13 March 2020

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Submission on proposed NPS for Indigenous Biodiversity

Please find enclosed Greater Wellington Regional Council's submission on the proposed National Policy Statement for Indigenous Biodiversity

Feel free to contact me on **phone** or **email** if you have any questions or concerns.

Yours sincerely

XXX
Title, department
Greater Wellington Regional Council



Greater Wellington Regional Council: Submission

To:	Ministry for the Environment
Submission on:	Proposed National Policy Statement for Indigenous Biodiversity

1. Reason for submission

- 1.1 The Greater Wellington Regional Council (Greater Wellington) wishes to make a submission on the proposed National Policy Statement for Indigenous Biodiversity (NPS).
- 1.2 Greater Wellington strongly supports the direction of the proposed NPS. Statutory direction on the protection of indigenous biodiversity under the RMA is long overdue. We see this NPS as a critical step forward for biodiversity conservation in New Zealand.
- 1.3 The maintenance of indigenous biodiversity – alongside freshwater – is one of our council’s top priorities. We invest over \$40 million each year into initiatives that support biodiversity.¹ This work includes our Key Native Ecosystem programme which works across both public and private land to protect and restore high value sites for biodiversity across over 48,000 hectares of our region.
- 1.4 Collectively, the regional government sector is the second largest investor in biodiversity conservation in New Zealand behind central government.² This emphasises both the commitment of councils and the need to ensure that investments are well coordinated.
- 1.5 All levels of government must work together to ensure this coordination, with clear direction from central government. This NPS, alongside the developing New Zealand Biodiversity Strategy, is an important step towards a clearer and more effective strategic and policy context for our work.

¹ Estimated from our 2018/19 spend. Includes initiatives that directly or indirectly support indigenous biodiversity conservation.

² Government figures estimate that regional councils and unitary authorities collectively spent over \$1 billion on biodiversity conservation in 2017/18. Central government spent over \$1.2 billion during the same period. See <https://www.cbd.int/doc/nr/nr-06/nz-nr-06-en.pdf>, p. 123.

2. Key points of our submission

2.1 This submission responds to all 62 questions posed in the NPS discussion document with detailed track changes provided in an appendix. The key points of our submission are identified below. These points are intended to help strengthen the direction of the NPS and ensure it achieves its objectives.

In summary these are:

1. We need effective guidance to accompany the NPS and a lot of direct support – such as written technical guidance and official expertise – from central government to implement it.
2. One of the most significant challenges for councils today is responding to the raft of new, and sometimes conflicting, national direction. Government should consider partnering with councils wherever possible to prioritise, plan and execute this work.
3. We strongly support the requirement to identify and protect Significant Natural Areas (SNAs) but are wary of new identification requirements potentially souring existing relationships with landowners in districts that have already identified SNAs.
4. We also believe that the direction to manage effects on SNAs may be too restrictive, making most applications to develop or use this land impossible. We are concerned that the direction may *nominally* protect SNAs while sacrificing the relationships we rely on to *actually* protect and restore them, and surrounding areas, in future.
5. We support the intention of Hutia Te Rito but suggest that it does not provide enough real world direction to councils or facilitate a genuine leadership role for mana whenua.
6. We do not support the requirement for councils to survey for and protect highly mobile fauna. This is well beyond our capacity. Like some other aspects of the NPS, it may be more effectively implemented by central government under the direction of the New Zealand Biodiversity Strategy.
7. We support the direction for councils to maintain indigenous biodiversity. However, 'restoration' as an overarching objective is beyond the scope of this NPS or the capacity of councils. We need to prioritise our core role of 'maintain' in the first instance.

2.2 Councils will need effective guidance and support

The effective implementation of this NPS will require enormous levels of guidance and support from Government. It cannot be a 'dump and run' exercise. We are concerned therefore to find very little indication that support will be forthcoming. The main responsibility delegated to Government through the NPS is the monitoring of its effectiveness 10 years after gazettal (part 4.1) while total guidance and support costs from Government are estimated at only \$1.77-2.65 million.³ We think this level of support will not be up to the task.

While the NPS provides important direction on many aspects of indigenous biodiversity protection under the RMA, its direction does not extend to the level of rules. Councils will be in the familiar position therefore of justifying their interpretation of the NPS direction through hearings and Environment Court proceedings. These processes are costly and draw upon limited resources that might otherwise be directed to on-the-ground biodiversity conservation work. The most effective way of preventing this (or at least minimising it) would be to provide detailed non-statutory guidance at the time of gazettal. If this is not possible then guidance should appear as soon as possible after this.

The writing and production of such guidance would not be easy, requiring clarifications of a raft of complex terms and potentially contentious subtleties introduced through the NPS. To avoid lengthy delays in its production Government might consider partitioning and then staging the release of such guidance (e.g., through a series of guidance notes). This could allow for the most contentious areas to be addressed as a matter of priority with those of lower urgency addressed later in the schedule.

Guidance on its own will not be sufficient however. Government must also be prepared to get involved with the messy business of implementation. We would advise allocating a support team of RMA specialists to do this through a dedicated work programme – ideally using staff that have been involved in supporting the NPS's development to date. Those specialists could work closely with councils to ensure the effective implementation of the NPS, including through submissions and appearances at relevant plan hearings. In some cases it may also be necessary to second staff into individual councils for a period of time to assist directly.

2.3 Government will need to directly resource implementation

Whether the requirements of this NPS are realistic or not within the given timeframes is an open question. It is a question defined not only by the resourcing of individual councils but by the requirements to implement so much other related recent direction, including the proposed Freshwater Package and NPS for Urban Development. Timeframes may be further stretched by increasing requirements to update and improve aging infrastructure.

³ See NPSIB Section 32 evaluation and cost benefit analysis:
https://www.mfe.govt.nz/sites/default/files/media/Biodiversity/npsib-section-32-evaluation_0.pdf, pp. 7-8.

Rather than waiting for individual councils to determine this, we suggest that Government should instead take the lead on directing the timeframes for how this and other national direction is to be implemented. This will require detailed analysis – work that will likely reveal conflicts across the range of direction but that may be resolved through effective planning and resourcing. More consideration may need to be given to staging the implementation of this work across work streams.

Greater Wellington supports the general direction for regional councils to monitor the state and trends of indigenous biodiversity in their jurisdictions through the use of regional monitoring plans (part 3.20). Nevertheless, it must be recognised that councils have vastly disparate rating bases, making all requirements of this nature both manageable for some and wildly optimistic for others.

Regional councils have worked for years at a national-level to harmonise their research processes in this area but translating this into consistent processes ‘on the ground’ remains difficult, with Government support and assistance critical. National direction, in other words, will not succeed in achieving consistency without corresponding levels of direct involvement. This may necessitate dedicated staff and funding support.

2.4 Identifying Significant Natural Areas alone will be a big step forward

Greater Wellington supports the requirement for territorial authorities to identify Significant Natural Areas (SNAs) within their jurisdictions as soon as reasonably practicable (part 3.8). Most councils have either already achieved this or should be able to do so within the six year period anticipated. A minority of councils may struggle to do so due to financial constraints. Government should be proactive in identifying these councils and offering the necessary support.

We note that the identification of SNAs – and the regulations generally associated with them – have often proven contentious with landowners, placing a heavy resourcing burden on councils. A recent dispute in Hutt City centred on landowners’ perceptions that SNA identification was optional.⁴ We see statutory direction to make this process compulsory as one of the key directions of this NPS. It removes the need for councils to demonstrate that SNA identification and protection is the most effective mechanism for maintaining indigenous biodiversity.

We suggest that the Government should avoid labouring over the consistency of existing SNAs, focusing instead on simply getting them established in the first instance. This will be a significant achievement in and of itself – one that will have taken over 20 years to realise. Refinement can come later and is anticipated in the direction to update them within 10 years in any case (as per part 3.8(7)).

Greater Wellington generally supports the proposed principles and criteria for identifying SNAs. These are mostly consistent with those identified in the Regional

⁴ <https://www.stuff.co.nz/environment/108986095/hutt-city-abandons-controversial-sna-plan-to-protect-biodiversity>

Policy Statement for the Wellington Region⁵ and the approach councils have taken to identifying SNAs in our region to date. However, we do not support the ranking of SNAs into 'High' and 'Medium' areas. We believe that too much further resourcing will be required to undertake this exercise by councils that have already begun or concluded their SNA identification process. For these councils, re-assessment may negatively affect existing relationships with landowners. This inefficiency is compounded by the fact that the vast majority of development or use will be impossible within SNAs regardless of their ranking (see further below), making the exercise redundant for most landowners anyway.

We also suggest that part 3.14 (identified taonga) should be incorporated into part 3.8 (identifying significant natural areas). The existing approach rightly treats tangata whenua values for indigenous biodiversity as separate and distinct from the values identified by ecologists. Nevertheless, our experience is that treating this as a separate exercise is inefficient and not consistent with Hutia Te Rito.

Our regional policy statement includes a tangata whenua criterion for identifying significant indigenous biodiversity. This replicates the intention of parts 3.8, 3.14 and Appendix 1 (criteria for identifying SNAs). An advantage of this approach is that it avoids compartmentalising Māori values, placing the emphasis on commonalities rather than differences. In particular, it recognises the value-based dimensions inherent in the identification of significant indigenous biodiversity, whether assessed through a western scientific lens or a mātauranga Māori one.

2.5 The balance between protection and use needs refinement

Greater Wellington supports the general direction to manage effects both on SNAs (part 3.9) and outside of them (part 3.13) to ensure the maintenance of indigenous biodiversity. That said, we are not convinced on the way that effects are proposed to be managed under the NPS. The existing direction, in particular, may be too restrictive, likely requiring a non-complying status for most activities within SNAs. This may be difficult to accept for many landowners given the extent of land that is likely to meet the criteria for significance under part 3.8.

While we support the protection of the values of SNAs, regulators need to be careful that in protecting those values they do not alienate the community on which that protection relies. Much of the indigenous biodiversity on this land exists, after all, only because communities have worked to protect or restore it, or because the land has been 'neglected' – sometimes due to financial hardship. This may be especially so on Māori land. The contributions of people to maintaining and restoring indigenous biodiversity recognised under part 3.7(c-f) (social, cultural and economic wellbeing) thus appear under recognised here.

Our reading of the proposed NPS is that development or use in 'high' value SNAs would be close to impossible, meaning that these areas would essentially become de facto legal covenants. Here, councils may ultimately be challenged by landowners on

⁵ <https://www.gw.govt.nz/assets/Plans--Publications/Regional-Policy-Statement/Regional-Policy-Statement-full-document.pdf>, pp. 104-105.

the RMA s85 requirement to allow for reasonable use. Even in ‘medium’ value SNAs the inclusion of ‘ands’ at the end of each clause (3.9(2)a-c) would restrict most development to consent applications relating to nationally significant infrastructure, or for mineral or aggregate extraction.

Both rankings involuntarily impart most of the restrictions of a QEII National Trust open space covenant on landowners, while offering none of the support that organisation provides. Again, the absence of any explicit recognition of the essential contributions of landowners to the maintenance and restoration of these areas is notable. Support relies on local authorities providing optional incentives (part 3.16(5)) – something they already do, but are often hard pressed to adequately fund. For this direction to work, Government could provide funds to complement or supplement those provided by local authorities.

Greater Wellington supports the direction to apply an effects management hierarchy approach to the management of effects on significant indigenous biodiversity. We also support the direction to use a principled approach to the use of biodiversity offsets and biodiversity compensation. Below we make detailed suggestions aimed at enhancing the effectiveness of these while allowing, in some circumstances, for the consideration of a greater range of effects within SNAs. These suggestions are directed at ensuring that an appropriate balance is struck between use and protection, noting that an approach aligning with either end of this spectrum would result in undesirable outcomes for indigenous biodiversity.

In short, our suggestions emphasise an adherence, in all circumstances, to the internationally-accepted effects management hierarchy, something the current hierarchy is not technically in alignment with. If a two-tier approach for SNAs is retained, we suggest refining this to a more pragmatic distinction between ‘outstanding’ and ‘significant’ rather than ‘high’ and ‘medium’ – and with outstanding limited to the best-of-the-best as per the direction of the NPS for Freshwater Management. We ask that a broader range of effects on SNAs be able to be anticipated, but that applications to offset effects on significant values require ‘net gain’ rather than ‘no net loss’ outcomes.⁶ This would help to reconcile the ‘appropriate’ subdivision, use and development anticipated under part 3.7(b) with the intention of objective 1 (maintain indigenous biodiversity).

2.6 More direction is required on how to incorporate the values of iwi/Māori

We support the recognition of tangata whenua as kaitiaki in the proposed NPS (part 3.3) but suggest that the direction does little to strengthen the existing RMA requirement to recognise and provide for the relationship of Māori with their culture and traditions. The general direction provided may be useful to councils that do not have established relationships with local iwi but otherwise offers nothing new,

⁶ This is consistent with the UK Government’s new Environment Bill which introduces a mandatory requirement for biodiversity net gain in their planning system to ensure that new developments enhance biodiversity. See <https://www.gov.uk/government/publications/environment-bill-2020/30-january-2020-environment-bill-2020-policy-statement>

especially to those with longstanding partnerships as we do with our six mana whenua in the Wellington region.

The central concept introduced in the NPS – Hutia Te Rito (part 3.2) – encompasses the idea that the health of people, indigenous biodiversity (including taonga species), and the wider environment are interlinked. Greater Wellington supports this but notes again that, on its own, the notion of interconnectivity is fairly time-worn. It is not clear how such a truism necessarily helps with the protection of indigenous biodiversity.

Compounding this issue is the sense that this NPS does not promote a genuine leadership role for mana whenua, or provide a mechanism to enable this. It instead relies on existing relationships with councils, even while these are identified in the discussion document as inadequate. Without amendment to, or guidance on, Hutia Te Rito it is doubtful that the NPS will improve these relational matters even for the one issue it seeks to address.

The discussion document description of Hutia Te Rito emphasises the role of iwi/Māori as kaitiaki in council activities that protect and manage indigenous biodiversity. We think that the concept should be re-framed and strengthened to give clearer direction on how local authorities must give effect to this aspect (e.g., through te ao Māori, mātauranga Māori, tikanga Māori). This would provide the sort of pragmatic direction for councils that is currently missing.

2.7 We do not support a council responsibility for highly mobile fauna

We do not support the proposed council roles for surveying and recording the presence of ‘highly mobile fauna’ (part 3.15). While well-intentioned, this direction is well beyond most councils’ resourcing or expertise. The identification and protection of the habitats of threatened and at risk species (i.e., the only ones meeting the definition of ‘highly mobile’ under this NPS) is, in any case, already provided for under parts 3.8-3.9.

Outside these areas, the provision of national-level guidance would be helpful for directing the types of habitats where highly mobile fauna may also be found, how their presence in these areas might be encouraged, and how effects on them should be considered through Assessments of Environmental Effects (AEEs). This guidance would best be provided by Government, with support from the regional sector and others. Such an initiative might sit well under the New Zealand Biodiversity Strategy.⁷

2.8 The focus should be on maintenance rather than restoration

Greater Wellington recognises the importance of restoration to the protection and maintenance of indigenous biodiversity. Protecting what is left will not in itself stem the decline. This reality is reinforced through parts 3.16 (restoration and

⁷ On a related note, the NPS seems to attempt to take on everything substantive that the Strategy is otherwise likely to direct. It should be the other way around with the Strategy providing the general framework and impetus and the NPS directed to achieving the most relevant parts of the puzzle under the RMA.

enhancement), 3.17 (increasing indigenous vegetation cover), and 3.18 (regional biodiversity strategies) in this NPS. In saying that, we reiterate earlier local government sector feedback on this NPS⁸ that maintenance should be the focus. This aligns with the role of regional councils under RMA section 30(1).

We believe that the best role for this NPS is in the regulatory arena – especially in the control of ongoing human impacts. The challenge there is enormous and the NPS will be, frankly, hard pressed to succeed in achieving the maintenance of indigenous biodiversity in that arena alone. Adding restoration, particularly beyond SNAs, to that mix is almost certainly beyond the resourcing of local authorities.

At worst, restoration may draw scarce funds away from the areas where they are most needed for maintenance. This is inefficient as restoration is an enormously more risky, resource intensive and drawn out process than maintenance. It is much easier to maintain the values of an existing forest, for example, than it is to grow a new one from scratch. Although there is a role for restoration in this NPS, especially within SNAs, we'd suggest that the main thrust of restoration work is best directed through the New Zealand Biodiversity Strategy.

We are generally supportive of the requirement for regional councils to prepare a regional biodiversity strategy (part 3.18). However, this is primarily because we feel that the likely alternative – direction under the New Zealand Biodiversity Strategy – is unlikely to produce results. We are also concerned that the requirements of Appendix 5 may be too prescriptive. The substantial list of pre-determined requirements may make it difficult to bring the community along with the process. We would suggest providing more flexibility in the makeup of regional strategies to ensure that they complement and build on the existing biodiversity protection work already occurring in each region.

3. Final statement

We reiterate our support for the intent of this NPS and look forward to working with central government agencies on its implementation. This direction is a critical component of our efforts to maintain indigenous biodiversity under the RMA. Our suggestions above and throughout this submission are all intended to ensure its success.

While almost all of the requirements of this NPS are directed at councils, we will not be able to do this alone. As noted above, we will need a huge amount of guidance and support from central government to achieve this, and we will rely enormously on the effort and goodwill of our communities. We think some further refinement to the NPS is needed to ensure that this community support is maintained throughout its implementation.

⁸ LGNZ letter to Minister Mahuta, May 2019.

Attachment 1 to Report 20.70

In several places we have noted the lack of clarity around the role of the New Zealand Biodiversity Strategy in relation to this NPS. We understand that this is the result of the two being developed in parallel. However, it is critical that this relationship is made plain prior to gazettal. The NPS naturally sits under the Strategy but with the latter's suspected 'lack of teeth' it presently seems to be the other way around. We need the two to work in concert, with the Strategy directing a whole of government approach that positions the NPS and the role of councils as one part of that whole.

Thank you for the opportunity to make a submission on the proposed policy statement. Please do not hesitate to contact Greater Wellington to discuss any of the points raised.

[Signature]

XXX XXX

XXX, Greater Wellington Regional Council

Date: 13 March 2020

Address for service:

Dr Jamie Steer

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Responses to questions from the discussion document

Q1: Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? Why/why not?

We agree that a NPS is needed to strengthen requirements for protecting indigenous biodiversity under the RMA. The primary benefit will be in ensuring consistency in approach across local authorities. However, it will also be useful in reinforcing central government support for biodiversity conservation – and the actions taken by councils in this area – under the Act. Generally, we think that there is a low level of public understanding of the role of local government in supporting indigenous biodiversity. There is an opportunity here to rectify that. This may increase public expectations of local authorities, but it will also help to embed and justify much of the work that has been ongoing for decades.

Q2: The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no, why/why not

Management of indigenous biodiversity under the RMA is proposed to be directed through three separate instruments, namely the NPSIB (land), NPSFM (freshwater), and NZCPS (coast). This break up is inherently inconsistent with an integrated approach (as per part 3.4). And there is an obvious tension here between the connected ecology ethos of Hutia Te Rito and the lack of alignment with water and coastal policy. The lack of integration of land, water and coastal regulation also does not support NPS implementation and collaboration with mana whenua and local communities, instead creating barriers to input through complexity and lack of alignment. The key matter to consider therefore is not whether this NPS has a *further* role to play, but whether the three policy statements *work together* as an integrated package.

Part 1.6 directs that where there is a conflict between provisions in the NZCPS and the NPSIB within the terrestrial coastal environment the direction of the former prevails. This clarity is useful but implies that there may well be inconsistencies. Rather than waiting for local authorities to discover these (and other potential inconsistencies between the three instruments) they should instead be clarified from the outset by Government through a full analysis of possible inconsistencies (and complementarities) and the provision of guidance where necessary.

Potential inconsistencies between the direction of the NPSIB and the NZCPS to give effect to the Treaty of Waitangi serves as a useful example. Objective 2 of the NPSIB seeks that the principles of the Treaty are 'taken into account' while Objective 3 of the NZCPS incorporates not only the Treaty principles but also a recognition of the role of tangata whenua, a provision for tangata whenua involvement in the management of the coastal environment, and suggestion of a number of ways in which this can be achieved. The NPSIB includes these latter components in Policy 1 instead. We are not clear as to why such differences in policy scaffolding exist. If the different approach taken in the NPSIB is significant enough to warrant

this then amendments to the NZCPS must be necessary. However, if they are not necessary then the formatting of the NPSIB would best simply align with the NZCPS. Local government planners will ideally be able to find the same basic direction in the same basic place across national policy instruments. To do otherwise is to unnecessarily complicate implementation and frustrate integrated management.

Q3: Do you agree with the objectives of the proposed NPSIB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPSIB)

We strongly support the intent of the objectives. We offer suggestions in the appendix to strengthen the effectiveness of them. In short, we propose merging objectives 1 and 5 to emphasise the interrelated nature of maintenance and restoration activities. A further change is suggested to ensure that maintenance is considered in preference to restoration. This recognises the inherent efficiency and effectiveness of looking after what you have (i.e., maintain) before considering making something new (i.e., restore). This approach is consistent with the international effects management hierarchy (recognising in parts 3.9 and 3.13) – especially the direction to avoid in the first instance – and the precautionary principle (part 3.6). Further suggestions are made aimed at strengthening the direction of objective 6.

Q4: Hutia Te Rito recognises that the health and wellbeing of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Yes/no? Why/why not?

The concept of Hutia Te Rito encompasses the notion that the health of people, indigenous biodiversity (including taonga), and the wider environment are interlinked. We agree with this truism, noting that a holistic approach to the environment is not a new concept in New Zealand or internationally.⁹ We suspect that most New Zealanders already agree similarly but wonder if that actually helps much with management. The discussion document description of this concept emphasises the role of iwi/Māori as kaitiaki in council activities that protect and manage indigenous biodiversity. We suggest that the concept should be re-framed to give clearer direction on how local authorities should give effect to this aspect instead (e.g., through te ao Māori, mātauranga Māori, tikanga Māori).

Q5: Does the proposed NPSIB provide enough information on Hutia Te Rito and how it should be implemented? Yes/no. Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity?

No. The use of the whakatauki Hutia Te Rito places the emphasis on enhancing human connection and relationships as the primary mechanism for improving indigenous biodiversity outcomes. However, the NPS does not promote a role for mana whenua in decision making or provide mechanisms that enable this, relying instead on existing relationships which are identified in the discussion document as inadequate. This is one of the parts of the NPS most

⁹ In contrast, the NPSFM's central concept of Te Mana o te Wai positions the health of water above human needs. This is a novel direction. While we are not suggesting this, the equivalent in this NPS would be to place the health of indigenous biodiversity *above* human needs, not as an interconnection with them.

in need of clear direction for councils. This direction would best be provided through detailed guidance at the time of gazettal, or as soon as possible following it.

Q6: Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Yes/no? Why/why not?

No. The direction does little to strengthen the existing RMA Section 6 provision to 'recognise and provide for the relationship of Māori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other taonga'. This already applies to the use of any natural and physical resources in a way that may affect indigenous biodiversity. Similarly, part 3.3 (tangata whenua as kaitiaki) may be useful to councils that do not have established relationships with mana whenua, but offers little new to our organisation. We note that the requirement to 'take into account' the principles of the Treaty (Objective 2) is one of the lowest levels in the hierarchy of legislative obligations. This reinforces the sense that this direction will not challenge the status quo which generally fails to provide for Treaty principles pertaining to taonga, notably with regards to the exercise of tino rangatiratanga.

Q7: What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain.

A lack of knowledge within councils of mana whenua values, and how to provide for them, significantly limits implementation. This, in turn, can result in costly collaborative planning processes with mana whenua. Investment in mātauranga Māori training, leadership and implementation within iwi and across council is fundamental to the achievement of all NPS objectives. This relates both to this NPS and others in development.

Q8: Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the proposed NPSIB appropriately provides for customary use? Yes/no, please explain.

No. The NPS needs to provide explicit guidance and regulatory support for Māori customary use, kaitiakitanga and tikanga taiao.

Q9: What specific information, support or resources would help you implement the provisions in this section (section A)?

Generally, there needs to be a lot more upskilling in this area, including on taken for granted aspects such as what mātauranga Māori actually is and how it contributes, or could contribute, to the management of indigenous biodiversity. However, the critical issue here is the legislative role for mana whenua as per protection of taonga prescribed in the Treaty and restated in RMA S6 and 7 and Wai262. Councils cannot provide for this through existing delegations.

Q10: Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?

Delineation of SNAs is a costly exercise requiring technical expertise and a lot of public engagement. A common logistical issue has been with getting access to landowner properties to groundtruth desktop analyses. The general reason for a lack of movement though has been the fact that it has been a risky proposition for local politicians. If you get it right people probably don't notice too much and you therefore gain little political capital. If you get it wrong they vote you out. Poorly resourced districts, and districts with resistant landowners, have thus generally chosen to delay and defer. National direction and support for some councils is critical to getting this work done.

Q11: Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why? a. territorial authorities b. regional councils c. a collaborative exercise between territorial authorities and regional councils.

We think a collaborative exercise between territorial authorities, regional councils and tangata whenua might prove most advantageous. This would ensure that the process is consistent with the delineation of SNAs in freshwater and coastal environments. Pulling regional councils and tangata whenua into this work, in some capacity, might also help to validate the importance of the work and the support for it across government. That said, we consider that responsibility should ultimately sit with territorial authorities as they will be scheduled and regulated through district plans. We suggest an amendment in the appendix to this effect.

Q12: Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Yes/no? Why/why not?

No. We suggest amending the criteria to include a tangata whenua values criterion for identification. This is the approach we have taken in our regional policy statement (Policy 23).¹⁰ This would ensure that the process of identifying sites of significance would incorporate the values of tangata whenua rather than undertaking it as a separate exercise. We think that an integrated approach to identification, incorporating both mātauranga Māori and western science lens, is more aligned to Hutia Te Rito.

We query whether the representativeness attributes in Appendix 2 would include non-indigenous habitat that includes at least one threatened or at risk species present (e.g., kiwi, bats)? Or does there need to be a 'suite' or 'range' of fauna present to classify? Questions like these speak to the need for clear, accompanying guidance for this and other aspects of this NPS.

Q13: Do you agree with the principles and approaches territorial authorities must consider

¹⁰ See <http://www.gw.govt.nz/assets/Plans--Publications/Regional-Policy-Statement/RPS-Full-Document.pdf>, pp. 104-105.

when identifying and mapping SNAs? (see Part 3.8(2) of the proposed NPSIB) Yes/no? Why/why not?

No. Although we are generally comfortable with the direction we consider a number of changes necessary to deliver on the intention of this policy. Our suggested changes are detailed in the appendix. In short, these suggest modifying the two-tiered approach from 'high' and 'medium' to 'outstanding' and 'significant', with the outstanding sites being restricted to the best-of-the-best. We suggest several minor changes to the principles. We ask that subclause 8 be folded into subclause 7. This would ensure that territorial authorities would not need to undertake a plan change every two years to incorporate any new areas identified as SNAs. Instead this work would be undertaken once every 10 years. We think the requirement to undertake a plan change every two years is onerous and unnecessary for protecting newly identified areas.

Q14: The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why? a. regional policy statement b. regional plan c. district plan d. combination.

The current approach is to schedule SNAs through district plans. An argument for the regional policy statement method could be that it might all be done at once and for every district in the region, and to include scheduled environments covered by this NPS (terrestrial), the NZCPS (CMA) and the NPSFM (freshwater). Consent applicants would then only have to go to one place to determine if their property includes an SNA. The regional policy statement option also could be more cost effective and lead to greater levels of consistency than doing this work through changes to each district plan. The regional plan option doesn't make sense as currently devised as regional councils do not regulate for the SNAs delineated by this NPS (i.e., terrestrial ones).

Whichever option is selected we think it is best for property owners to be able to refer to a 'one stop shop' for all SNAs on their land. The move to digital planning could make this question defunct in the sense that it may be easier to access all relevant information in one place in future.

Q15: We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? Yes/no. What do you think is a reasonable timeframe and why?

Yes it's reasonable. The RMA has required the protection of these areas since 1991. In the Wellington region, this work has also been required under our regional policy statement since 2013. And yet it still is not done. The NPS should help to remove the optional nature of the process, enhancing motivation to get it done. However 'reasonableness' also needs to be considered in light of the other things councils will need to do under the NPSFM, NPSUD and other recent national direction. These things need to be lined up together for comparison and assessed in that light.

Q16: Do you agree with the proposed approach to the identification and management of taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Yes/no? Why/why not?

No. Part 3.14 does not advance mana whenua rangatiratanga in providing for taonga. We suggest that allowing for mana whenua to not identify taonga (3.14(2)) is a patronising construct and should be deleted. The fact that tangata whenua may choose not to identify goes without saying. Emphasis should instead be placed on the provision of a legislative decision making and leadership role for mana whenua.

We also suggest that part 3.14 should be incorporated into part 3.8 (identifying significant natural areas). The existing approach rightly treats tangata whenua values for indigenous biodiversity as separate and distinct from the values identified by ecologists. Nevertheless, our experience is that treating this as a separate exercise is inefficient and not consistent with Hutia Te Rito.

Our regional policy statement includes a tangata whenua criterion for identifying significant indigenous biodiversity. This replicates the intention of parts 3.8, 3.14 and Appendix 1 (criteria for identifying SNAs). An advantage of this approach is that it avoids compartmentalising Māori values, placing the emphasis on commonalities rather than differences. In particular, it recognises the value-based dimensions inherent in the identification of significant indigenous biodiversity, whether assessed through a western scientific lens or a mātauranga Māori one.

Q17: Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? Why/why not?

No. This requirement may be unfeasible for councils due to the costs implicit in surveying for these species. Clause 3.15(1) requires regional councils to determine where highly mobile fauna 'have been, or a likely to be, sometimes present'. This reads as quite an unreasonable requirement. As noted in the discussion document, if an area provides habitat (of any sort) for a threatened or at risk species (and these are the only species that classify) then those areas must be identified as SNAs. Where the presence of highly mobile species is uncertain or where there is limited information then these areas may be classified and regulated in some way to protect them. However, if councils are being asked to survey for them to determine their presence then the areas they are found will be SNAs and the ones that aren't will not – and we will have an information base to determine why not.

Rather than identifying areas that likely contain highly mobile fauna (which would be classified as SNAs anyway) information could instead be provided on the types of habitats outside SNAs that might, either due to a lack of surveying or a change in species distribution, provide a home to highly mobile species. Protection provisions could be geared towards protecting those species where they could be found as part of AEEs for resource consent. We think that information to inform this work would best be provided by central government. This is because we believe that most of the nearly 4,000 threatened and at risk species in New

Zealand would be classified as ‘highly mobile’¹¹ and the requirements for surveying for these species in each region would be onerous and unnecessarily duplicative.

Q18: What specific information, support or resources would help you implement the provisions in this section (section B)?

Government could provide supporting written technical guidance to assist in the process of identifying SNAs, recognising and protecting taonga, and surveying and managing for highly mobile fauna. This support could be backed up by the provision of dedicated technical and policy staff to provide direct support and assistance where necessary. Ideally, the direction to survey and manage for highly mobile fauna would be taken on by government itself.

Q19: Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPSIB)

Clause 3.9(1) directs that ‘high’ value SNAs become de facto legal covenants. It is difficult to see how any noticeable effects on these SNAs would be allowed under this direction. The direction with regards to ‘medium’ value SNAs also precludes the vast majority of activities. Most landowners will be able to anticipate the use of these areas only for nationally significant infrastructure or for mineral and aggregate extraction. Under such direction a decision in future to plant or encourage native regrowth on land becomes a decision, in effect, to permanently retire that land from production or other purposes.

This would be less potentially contentious if the criteria for determining significance (under part 3.8) were more discriminating. But in many districts the broad brush criteria for significance mean that very large areas will be classified as SNAs. We estimate that in some districts in our region, for example, up to 90% of rural land and up to 20% of urban land would meet the criteria for SNAs under the proposed SNA criteria.¹² It is not difficult to foresee conflicts arising from such potential restrictions.

Already, we know of instances in which landowners deliberately choose not to revegetate, or where they choose to plant non-indigenous vegetation for fear of future regulation restricting their land use options. Part 3.9 provides for some exceptions, such as where native plantings are undertaken for purposes other than restoration. However, we are unclear on how intention will be proven in many situations, especially following changes in land ownership. We also wonder at whether some landowners may begin to make claims about the intention of their plantings simply to prevent future restrictions (e.g., by claiming that an area of native forest was established as a woodlot). And if an area planted for the purposes of something other than conservation becomes colonised, say 20 years from now, by a threatened species are we really comfortable with it being permanently excluded from the consideration of effects?

¹¹ Part b) of the definition for ‘highly mobile fauna’ includes any species ‘where some individuals move between different environments during their life cycle for reasons such as feeding, mating, nesting, moulting or in response to climatic conditions’. We can think of few species *that would not be included* by this.

¹² Though in some districts it may also be as little as 12% of rural land and less than 1% of urban land that will meet the criteria for SNA identification.

The current direction places a heavy emphasis on 'avoid' as the first step in the effects management hierarchy. This is sensible given the ongoing threats to biodiversity from development and use. Nevertheless, we wonder whether it has been taken a little too far. Objective 6 directs that this NPS provide for peoples' social, economic and cultural wellbeing. This is implemented through clause 3.7(b), which directs that the protection of indigenous biodiversity should not preclude use and development in 'appropriate places and forms, and within appropriate limits'.

We think that too heavy an emphasis on 'avoid', as we believe is currently directed through part 3.9, prevents consent applicants from demonstrating their proposal's adherence to the effects management hierarchy. Because, while there is no doubt that avoid is preferable as a first step, there are also circumstances in which avoid may not be possible, but where an applicant may be able to demonstrate a 'no-net-loss' biodiversity outcome. We believe that applicants should be empowered to do so.

To do otherwise is to perpetuate the same nature-culture divide that has caused so much environmental degradation in the past. This is the idea that nature can only exist in protected places where people cannot go (or where they can go only to assist). Living with and connecting with nature, as anticipated by objectives 3 and 6, inherently affects nature. We think that the best way of living with nature is finding out the 'appropriate' ways we can do so without excessive recourse to further strictly delineated and enforced 'no go' areas.

Q20: Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Yes/no? Why/why not?

We strongly support the use of the effects management hierarchy. However it should be modified to align with international best practice (i.e., avoid-minimise-remedy-offset-compensate). We suggested amendments to this effect in the appendix.

Q21: Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.

The introduction to this list states that it includes, but is not limited to, the items listed. It is therefore unnecessary to provide an exhaustive list. And it is close to exhaustive already.

Q22: Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/Unclear? Please explain. If no, do you have an alternative suggestion?

No. Clause 3.9 is so restrictive as to prevent almost all development in SNAs even when they are classified as 'medium'. Development will likely be prohibited in 'high' value SNAs. As noted above, this approach potentially perpetuates a nature-culture split in management of the environment whereby natural areas are 'no-gos'. This split may also require councils to re-do their SNA assessments to determine high or medium status. This could lead to frustration and confusion for landowners. We note that the distinction between high and medium, following

Appendix 2, can be highly subjective as well. For example, under Diversity and Pattern, the distinction between ‘presence of *important* ecotones’ in high value SNAs versus ‘presence of ecotones’ in medium value SNAs appears arbitrary and open to interpretation. Such ambiguity could prove highly contentious given the implications for development and use in these areas. For many Māori, this distinction could be the difference between being able to use this land or not. As detailed in the Appendix, we suggest reducing the limits on the use of land within SNAs, but that any use adheres to the effects management hierarchy and aligns with a ‘net gain’ biodiversity outcome.

Q23: Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPSIB) Yes/no? Why/why not?

Clause 3.9(4)(d) sits awkwardly here. It directs that SNAs that contain vegetation that was established for purposes other than conservation or restoration can be cleared without recourse to the effects management hierarchy. The rationale here is that the areas weren’t established for that purpose so shouldn’t be regulated. But that ignores the fact that many SNAs will contain vegetation that established without assistance (should landowners be penalised for ‘neglect’?) and that plantation forestry clearly was established for purposes other than conservation but effects within it have to be regulated under 3.10. Here there is a lack of consistency and also an element of unfairness. We think that the direction should, wherever possible, focus on managing effects, not on providing blanket exceptions.

Q24: Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not?

In our submission on the NPSFM, we sought a definition of ‘nationally significant infrastructure’, so it is very helpful to have a definition which will provide clarity and consistency for local authorities. Our regional policy statement defines ‘regionally significant infrastructure’¹³ and includes a number of types of infrastructure not provided for in this new definition. The infrastructure types that may warrant inclusion in the definition of nationally significant infrastructure include strategic telecommunications and radio communications facilities, and facilities for the generation and transmission of electricity, as these types of infrastructure may support the wider national network.

Q25: Do you agree with the proposed approach to managing significant indigenous biodiversity within plantations forests, including that the specific management responses are dealt with in the NESPF? (see Part 3.10 of the proposed NPSIB) Yes/no? Why/why not?

We support the intention to manage plantation forests in a way that ensures the maintenance of any threatened or at risk species residing within them. We think that it is appropriate for the direction to manage for effects rather than prevent harvest. This accords with the direction elsewhere in the NPS to account for the purpose of the land use (e.g., part 3.9(2)(d)(iii) and 3.9(4)(d)), not just the value of the habitat for indigenous biodiversity.

¹³ See <http://www.gw.govt.nz/assets/Plans--Publications/Regional-Policy-Statement/RPS-Full-Document.pdf>, p. 194.

The general direction is for councils to determine the most appropriate response to protecting indigenous biodiversity in plantation forests within their jurisdictions. This may prove advantageous given the unique set of biodiversity resources and constraints in each region. However, we believe that guidance will be required to assist councils in delimiting the options – and therefore the scope for costly and time consuming disputes over regulations. This is partly so because of part 3.10 being quite vague, especially the direction to ‘manage’ for the presence of indigenous biodiversity, which is ambiguous. Part 3.10(2) directs that threatened or at risk fauna will be managed essentially *to ensure long term persistence*. In contrast, part 3.10(3) directs that threatened and at risk flora will be simply managed with no direction as to whether ‘manage’ implies maintenance or something else. No justification is provided for this discrepancy leaving the reader with the impression that threatened or at risk flora is simply less important than fauna.

‘Plantation forest biodiversity areas’ will need to be surveyed and mapped as part of the wider SNA identification process directed through part 3.8. We’d suggest that most plantation forestry areas will not have been surveyed as part of previous SNA delineations (though they may have been assessed through a desktop exercise). This may mean the need for significant new areas to be surveyed, even for councils that have already completed their SNA identification work. Landowner access to some of these areas may prove difficult given the potential implications for forest owners. This could result in disputes between councils and landowners.

Q26: Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPSIB? Yes/no? Why/why not?

The policy wording for part 3.12 is confusing. The clause is to provide for certain activities ‘in SNAs’. But 3.12(4)(b) appears to apply only where it is *not an SNA*. The subclause is therefore perhaps better placed within part 3.13. Subclause 3.12(1) also refers to effects of activities ‘on SNAs’. Again, it is unclear whether this part deals with effects in SNAs (e.g., activities within the boundaries of an SNA), on SNAs (e.g., activities that affect an SNA either directly or indirectly), or both. Clarity is needed here.

Overall, we interpret the intent of this part to be to manage existing activities (such as periodic clearance to maintain improved pasture). This seems to be reasonable and practicable. There could potentially be issues with increasing the area of clearance beyond what was previously improved pasture and to counter this some transfer of information to landowners and, in particular, the aerial spraying contractors who would typically be brought in to do this work. As there aren’t a large number of these contractors in our region this wouldn’t be too onerous though.

We would like to see guidance to prescribe, for instance, different requirements for different colonising species. Guidance around the use of marginal land would also be useful. This could recognise that it is less desirable to use these areas. Amendments could also be made to part 4(c) to reflect this (e.g., where ongoing pastoral farming may have significant effects on soil erosion, sedimentation, or water quality). Further clarity is needed to define what ‘in an area’

means for 4(c)(iii). Does this 'area', for example, refer to the property, ecological district, region, or something else?

Q27: Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Yes/no? Why/why not?

It is not clear what the purpose of 3.13(1)(b) is. If an area contains significant biodiversity then that area must be treated as an SNA and effects managed as per clauses 3.9-3.12. 'Significant biodiversity' is so broad brush under this NPS that it appears to cover everything of value – at least at a population level. To then make people go through an effects management hierarchy outside those areas could come across as unnecessarily burdensome. Currently, the threshold for applying effects management is set at 'any effect'. We query whether a higher threshold (e.g., 'more than minor', or 'significant') should be set for the contemplation of effects outside of SNAs.

Q28: Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Yes/no? Why/why not?

The international effects management hierarchy positions offsetting and compensation as sequential steps. It makes no sense to place them as equivalent measures as offsets (requiring no net loss) are clearly preferable to compensation. If the effects are worth managing (i.e., it is considered necessary to maintain indigenous biodiversity) then it is worth sticking to the effects management hierarchy.

Q29: Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not?

Provision is made for some development in SNAs classified as 'medium' value. However, as noted in the discussion document, large tracts of Māori land will likely classify as 'high' value. Compensation for the loss of those areas essentially amounts to funds to further enhance their 'ecological integrity'. In some districts it is doubtful whether this would be considered an adequate recompense for landowners. While funds may be generated from having native forests or the like on private land (e.g., from honey production, private tours, enhanced value of surrounding infrastructure) it is difficult to see this coming close to the opportunity cost of other ways of using the land such as for housing or commercial development. We are aware that some iwi have expressed concerns¹⁴ and suggest that Government engage with them to ensure that protection through SNAs aligns with the direction of part 3.7 (social, economic and cultural wellbeing).

Q30: Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?

¹⁴ For example, see <https://www.odt.co.nz/regions/west-coast/iwi-concerned-about-potential-land-grab>

We support the general direction of this provision, including recognition of the relationship between climate change and biosecurity risks (part 3.5(b)(ii)). However, we suggest that the value of indigenous biodiversity for mitigating climate change (e.g. through carbon sequestration) should also be explicitly recognised. The general direction could be further emphasised by amending ‘must promote’ in the opening line to ‘must recognise’ (as per part 3.7). Guidance is needed to ensure that councils have mechanisms for implementing the ‘how’ of this direction as well.

Q31: Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? Why/why not?

Yes, this is in line with the approach taken in the NZCPS. A precautionary approach is fundamental to the consideration of all potential effects on indigenous biodiversity.

Q32: What is your preferred option for managing geothermal ecosystems? Please explain. a. Option 1 b. Option 2 c. Option 3 d. Or your alternative option – please provide detail.

We favour Option 3. We’re keen for national consistency and to have as many ecosystems folded into the same national direction as possible. This ensures integrated management of these ecosystems alongside others as directed by clause 3.4. We also believe that national direction needs to balance the ecological and cultural values of geothermal ecosystems with the economic and wider environmental values of geothermal energy generation. Continued operation of geothermal power facilities (and the potential expansion of these facilities) is an important contribution to New Zealand’s goal of achieving carbon neutrality, currently providing 20% of New Zealand’s electricity supply.

Q33: We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including micro-organisms), and associated indigenous biodiversity. Do you agree? Yes/no? Why/why not?

We do not have expertise on geothermal ecosystems to comment.

Q34: Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the NPSIB? Yes/no? Why/why not?

Yes, it is broadly in line with our proposed Natural Resources Plan (PNRP) biodiversity offsetting schedule.¹⁵

Q35: Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the NPSIB? Yes/no? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation set out in Environment Court decision: *Oceana Gold (New Zealand) Limited v Otago Regional Council* as a better alternative.

¹⁵ <https://www.gw.govt.nz/assets/Proposed-Natural-Resources-Plan/Web-update-docs/Proposed-Natural-Resources-Plan-Decisions-Version-Track-Changed-Part-2compressed.pdf>, pp. 489-491.

Yes, it is broadly consistent with the approach we would anticipate. The specificity of limits provided by the Oceana Gold decision are advantageous. The limits in Appendix 4 are ambiguous (e.g., 'irreplaceable or vulnerable' is subjective).

Q36: What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to? a. More than minor residual adverse effects b. All residual adverse effects c. Other. Please explain.

Our approach in the PNRP is to use the threshold of 'significant' for effects outside of SNAs and 'more than minor' inside. We think that this provides an appropriate balance between protecting significant values and allowing for necessary activities, especially outside of SNAs.

Q37: What specific information, support or resources would help you implement the provisions in this section (section C)?

More guidance would be desirable. This would include practical examples of how a consent application might adhere to the principles identified for offsetting or compensating for residual adverse effects.

Q38: The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? Why/why not?

We strongly support the notion of prioritising areas for restoration. That said, it is difficult to comment on whether the selected priorities are accurate without inspecting the underlying analysis that determined them. Other areas, for example, such as highly erodible hill country ecosystems, may be considered a higher priority for restoration in some regions. It is difficult to know if these have been excluded following a rigorous process as we are not provided with the background information. That background is needed as it will likely be questioned when it comes to implementation.

The direction in this part is also similar to many other sections of the NPS in that the success or failure of it will rest on the quality and timeliness of supporting guidance. There is enormous, potentially unhelpful, scope for interpretation of the current direction. The notion of 'SNAs whose ecological integrity is degraded' is a case in point. It may well be argued that the ecological integrity of *any* SNA will be degraded as it is likely to have species missing (extinct) compared to a historic baseline condition. Most SNAs will also have some degree of weed and pest management issues, regardless of how well those are currently managed. If the direction implies that only the *most* degraded are selected for restoration then this may divert resources from those SNAs that are currently in relatively good condition. This would be an inefficient use of funds as it is generally easier to restore sites that are in relatively good condition than those that are heavily modified. The provision similarly prioritises 'wetlands' alongside 'former wetlands'. These priorities should themselves be put in order. In this case it is generally more efficient to restore wetlands than it is to restore former wetlands. If this is not made clear then funds could be directed towards the restoration of former wetlands at the expense of existing ones.

Q39: Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs through the NPSIB? Please explain.

We understand that wetland restoration could have been incorporated into this NPS or the freshwater package. The discussion document states that this is because there is a large terrestrial vegetation component to wetlands (thus they could fall into either the terrestrial or freshwater direction). We do not see any significant issues with this work being directed through the NPSIB.

Q40: Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?

We agree in principle with the notion of setting restoration targets for urban and rural land. Our understanding is that this direction is directed at raising awareness of the scarcity (or not) of indigenous vegetation in some areas. And providing a mechanism to encourage councils and communities to undertake planting. The 10% figure for the target appears to be arbitrary however. It might be better if the figure used was based on an assessment of what was needed to maintain or restore indigenous biodiversity.

We undertook a brief desktop analysis to determine the likely consequences of this policy in our region. We found that the rural zones for territorial authorities in our region already all had over 10% in indigenous vegetation. However, only 3 out of 8 of our territorial authorities had over 10% indigenous vegetation in their urban zones. Of the five councils with urban zones measuring under 10% indigenous vegetation cover, one had over 7%, one had over 2%, and three had less than 1%. We found that the way that zones were determined heavily influenced these figures.

Q41: Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain.

We agree that regional biodiversity strategies should be required under the NPSIB. This is because we think that they are unlikely to be implemented under the NZ Biodiversity Strategy.

Q42: Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Yes/no? Why/why not?

Yes. The principles seem like a logical set of things for each strategy to contain. Perhaps the main risk with the huge amount of content and planning envisaged under the strategy is that it will be hard to bring the regional community along with the process. There is a lot of content that is pre-determined and the community may feel overwhelmed with the amount of information they need to consider if they are to be supportive and engaged. An alternative would be to reduce the amount of information required, leaving the content more up to local communities to decide on. Regardless, further guidance or discussion on the best way to implement this direction would be appreciated.

Q43: Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain.

The examples identified are not outcomes but activities that help prevent the diminution of indigenous biodiversity. The strategy should be empowered to consider any actions that support the maintenance of biodiversity, especially where those actions may enhance other values as well. We think the principles should specify that the strategy will need to consider connections with existing regional plans and strategies that have the protection of indigenous biodiversity as an outcome. This could include regional pest management strategies, 'predator free' programmes, landscape-scale programmes and other major existing initiatives. The proposed regional biodiversity strategy should not aim to co-opt and subsume these initiatives, but identify where linkages and support can be provided to achieve good connections across the region. It should identify where key outcomes (e.g., reduced impacts of introduced pests) are already being worked on under different pieces of legislation and where there are gaps.

Q44: Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPSIB) Yes/no? Why/why not?

Yes, though this again needs to be lined up against the requirements of other national direction to test for feasibility.

Q45: What specific information, support or resources would help you implement the provisions in this section (section D)?

We would like to see more dedicated central government staff and resourcing to run these processes which are extremely resource consumptive. The proposed New Zealand Biodiversity Strategy could provide extra guidance, ideas, and examples of approaches to developing such a strategy and making sure it is useful. The NPS principles are very basic and there are many ways they could be applied. In some ways this is useful as it provides for flexibility across different regions. However, strategies are notorious for taking a lot of time and effort to produce and then having very little effect in practice. Good advice on how to develop public engagement that is based in tested social science practice would be very valuable for regional officers who will be tasked with this work.

Q46: Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20) Yes/no? Why/why not?

Yes. We are committed to providing the best possible information on the state of indigenous biodiversity in our region. Resourcing for the scope of work requested here may nevertheless be an issue. Guidance and technical support would be helpful to aid implementation. Some aspects require clarification. For example, whether councils will be required to monitor the ecological integrity of SNAs on public conservation land. We suggest removing part 3.20(2)(e)

as it reads as quite a patronising direction. Regional councils are well aware of the importance of long-term monitoring results, and the relationship between those results and the overall state on indigenous biodiversity. This goes without saying.

Q47: Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the proposed NPSIB. Do you agree with the requirements of this effectiveness review? Yes/no? Why/why not?

Yes. However, we are concerned that this long-term oversight role appears to be the only substantive input from central government. Part 4.1(1)(a) requires that government incorporate the data collected by councils 'as far as practicable'. This implies that some of the data collected may not be fit for purpose. We'd suggest that government should work with councils from the outset to ensure that the data provided is what is needed to monitor for effectiveness under this provision. As noted above, we think that effective implementation of this NPS – not just the monitoring component – will require a whole of government approach. As it stands, this part reads a bit as a teacher-student relationship with government simply assessing councils on their performance 10 years from now. Such an approach is unlikely to yield the desired results.

Q48: Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB). Yes/no? Why/why not?

Yes. It is also important though to ensure that the requirements are not onerous for consent applicants for unrelated activities. The AEE requirements for 3.19(1) and (2) will need careful consideration on their threshold for application. The scope of inclusion is significantly broad to capture virtually all applications for resource consent. We also query where cultural impact assessments fit into these requirements – in particular in areas in which taonga have been identified.

Q49: Which option for implementation of the proposed NPSIB do you prefer? Please explain. a. Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years. b. Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.

We prefer Option A. The BCG's original recommendations should stand. Many councils have already identified SNAs or are in the process of doing so. For those councils where the costs are prohibitive, extending the timeline for a few more years is not likely to be of much help. Instead, government in these areas could directly subsidise their processes by seconding staff and providing resources to make it happen. We suggest that overextending planning processes is unlikely to be efficient or effective (e.g., average staff turnover would mean that the process would have to be managed by multiple staff with all the pitfalls inherent to such changes). We think support should be targeted at councils with low rating bases so that those with genuine financial difficulties receive the appropriate government assistance.

Q50: Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Yes/no? Why/why not?

The timeframes are appropriate given the pressing nature of the issue and the importance of the values at stake. As noted above, we think that government staff and resourcing should be provided where the process is unaffordable or unrealistic. We do not support the requirement to refresh SNA schedules every two years. Plan changes are expensive and the benefit of doing them for this purpose are not clear. Any possible effects on newly identified SNAs would need to be managed under part 3.13(2) anyway. And these areas will be scheduled in the relevant district plan within 10 years under 3.8(7).

Q51: Which of the three options to identify and map SNAs on public conservation land (PCL) do you prefer? Please explain. a. Territorial authorities identify and map all SNAs including public conservation land b. Public conservation land deemed as SNAs c. No SNAs identified on public conservation land d. Other option.

We recommend Option A. We'd prefer for all land within each district to be assessed in the same way, regardless of land tenure. This puts the values of each land parcel in their appropriate context. The best approach would be for government to simply pay for the costs of the proportion of the survey that falls into PCL or other public land. As identified in the discussion document, much of the identification process in public land would likely be straightforward with little cost to government. Public land would therefore likely be able to surveyed, if it is necessary at all given existing data sets, at much lower cost than private land.

Q52: What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?

We think that territorial authorities should lead the process with government contributing funds to cover the cost of surveys on public land. As noted in the discussion document, this is likely to be a minor cost to government.

Q53: Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not?

Yes. This clause however provides little new and is likely to have no particular effect on outcomes. The administrative boundaries wording in 3.4(b) could be useful though. This is because it may help to ensure consistency of plan provisions across jurisdictions. Guidance is needed to draw out the implications of this direction.

Q54: If the proposed NPSIB is implemented, then two pieces of national direction – the NZCPS and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward-coastal environment? Yes/no? Why /why not?

No. We need to have clarity on how to operate in this overlapping area. That clarity should be provided either in this NPS, through non-statutory guidance, or through an amendment to the NZCPS. If need be, amendments to part 3.8 and appendix 1 could be made to ensure there is no ambiguity in the terrestrial part of the coastal environment.

Q55: The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain and provide examples of costs/benefits if these proposals will affect you or your work.

We do not think that the Section 32 accurately represents likely costs for regional councils to implement this NPS. For example, the Section 32 estimates the average cost of developing a regional biodiversity strategy at \$60,000-112,000. In contrast, we estimate the cost of producing a regional biodiversity strategy in our region at \$750,000. Similarly, the Section 32 estimates the average cost of additional indigenous biodiversity monitoring by regional councils at \$955,000-3,820,000 over the next 30 years. In contrast, we estimate the additional monitoring costs at \$55,710,000.¹⁶ Even accounting for differences in calculation methodologies, these differences are significant. We are particularly surprised at the Government's own estimated costs for guidance and support at only \$1.77-2.65 million. That amounts to only around \$110,000-165,000 per region. Given the scale and difficulty of work anticipated we think this is unrealistic.

Q56: Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not?

No. We agree with the brief analysis in the discussion document. Transferable development rights are but one of many options for incentivising biodiversity restoration.

Q57: What specific information, support or resources would help you implement the provisions in this section (section E)?

As noted above, detailed guidance produced at the time of gazettal would be the most useful accompaniment. If this is not possible then a series of guidance notes prioritising direction on the most pressing issues first.

Q58: What support in general would you require to implement the proposed NPSIB? Please detail. a. Guidance material b. Technical expertise c. Scientific expertise d. Financial support e. All of above f. Other (please provide details).

¹⁶ This estimate does not cover all our region's indigenous forests or its indigenous grasslands, shrublands, estuarine wetlands or other naturally uncommon ecosystems. The estimate overestimates the cost to council as some of the Tier I costs are carried by DOC and MfE, and our regional council does the monitoring at around half the DOC estimated cost. This is only possible because we maintain in-house teams, which may not be feasible for some other councils. Our estimate is also not discounted or expressed in present values so may not be directly comparable for the economic analysis.

Attachment 1 to Report 20.70

All of the above. As noted earlier, this NPS directs the maintenance of indigenous biodiversity, something that has not been achieved on such a scale in NZ or anywhere in the world to date. This is an extremely ambitious objective that needs to be accompanied by suitably comprehensive support.

Q59: Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? Yes/no? If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?

Possibly. We not have enough information to comment on this at this time.

Q60: Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction? Yes/no? Why/why not?

We have not undertaken an analysis to determine this. Such work should be a high priority for accompanying guidance on this NPS.

Q61: Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Yes/no? Why/why not?

Yes. This gives us the backing we need to enforce rules in our regional pest management plan that may otherwise be difficult to get landowner buy-in on.

Q62: Do you have any other comments you wish to make?

No.

Further comments on individual provisions

No.	Provision	Support and/or suggestion	Amendment requested
	<p>Explanatory note</p>	<p>Remove reference to the ‘absence of native land mammals’. New Zealand has two species of land mammals (bats).</p> <p>Moderate the statement: ‘The nationally coordinated response in this National Policy Statement ensures the decline is halted and indigenous species, habitats and ecosystems are supported to thrive’. We do not believe that this NPS will in fact halt the decline. The interaction between this direction and the New Zealand Biodiversity Strategy should be made explicit here.</p> <p>This statement is tautological: ‘This National Policy Statement uses <i>Hutia Te Rito</i> as the framework to achieve an integrated and holistic approach to maintaining indigenous biodiversity. This framework recognises that the health and wellbeing of our terrestrial environment, its ecosystems and unique indigenous vegetation and fauna, are vital for the health and wellbeing of the wider environment and communities’. It should be refined to recognise the specific contributions of indigenous biodiversity.</p> <p>Replace ‘persevere’ with ‘persist’ in the sentence: ‘This National Policy Statement ensures as many of our remaining species, habitats and ecosystems as possible persevere’. ‘Persevere’ implies that our goal is to motivate native species to survive. We believe the goal should be ensure their survival.</p> <p>Suggest refining the sentence: ‘Maintaining indigenous biodiversity long term requires positive actions to more effectively manage the ongoing and pervasive threats from</p>	<p>We have high <u>levels of species</u> endemism (species found nowhere else) and, in the absence of native land mammals, highly distinct and internationally significant ecosystems</p> <p>[...]</p> <p>The nationally coordinated response <u>directed by</u> in this National Policy Statement, <u>alongside the New Zealand Biodiversity Strategy, aims to make a significant contribution to ensure</u> halting the <u>halting the</u> this decline is halted and ensuring that indigenous species, habitats and ecosystems are supported to thrive</p> <p>[...]</p> <p>This National Policy Statement uses <i>Hutia Te Rito</i> as the framework to achieve an integrated and holistic approach to maintaining indigenous biodiversity. This framework recognises that the health and wellbeing of our terrestrial environment, its ecosystems and unique indigenous vegetation and fauna <u>species and ecosystems,</u> are vital for <u>ensuring</u> the health and wellbeing</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>vegetation, animal pests and diseases, as well as the emerging threat of climate change'. 'Long term' could be removed as it is implicit in 'maintaining'. Similarly, 'positive' is redundant as the only conceivable alternative, negative actions, would be nonsensical. The current sentence structure appears to identify vegetation as a threat and identifies climate change as an 'emerging' threat only. We think climate change is a current threat. We make suggestions to strengthen the direction of this sentence.</p> <p>Suggest refining the sentence: 'Meeting the obligations in the National Policy Statement will also need remaining ecosystems to be restored or enhanced and even reconstruction of indigenous vegetation cover in the most modified environments'. The distinction between 'restore', 'enhance' and 'reconstruct' is not clear here or elsewhere in the NPS – only the latter is defined. We think using restore alone is clearer as to the intent. A definition for restoration is provided in the existing New Zealand Biodiversity Strategy. We suggest using this definition, or a revised version of it, in the NPS. The construction of 'even reconstruction of indigenous vegetation cover' is over worded and misleading. It essentially means simply to plant native vegetation. Further, the framing of 'even' makes planting sound like quite an innovative and novel approach when it is instead a longstanding and fairly pedestrian part of ecological restoration, whether in established native ecosystems or modified ecosystems.</p> <p>Suggest refining the sentence: '...it is also important to understand that informed and sympathetic management is required of all New Zealanders across the terrestrial environment – not just in defined SNAs'. The existing framing implies that it is</p>	<p>of the wider environment and <u>our</u> communities.</p> <p>[...]</p> <p>This National Policy Statement ensures as many of our remaining species, habitats and ecosystems as possible <u>persist</u>.</p> <p>[...]</p> <p>Maintaining indigenous biodiversity long term requires positive actions to more effectively manage the ongoing and pervasive threats from vegetation, plant and animal pests, and diseases, as well as the emerging threat of and climate change.</p> <p>[...]</p> <p>Meeting the obligations in the National Policy Statement will also <u>require action to re-establish ecosystems where they have been lost, such as through the planting of native vegetation</u> need remaining ecosystems to be restored or enhanced and even reconstruction of indigenous vegetation cover in the most modified environments.</p> <p>[...]</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>New Zealanders that need to be managed rather than indigenous biodiversity. While both may be true the existing framing comes across as patronising and overbearing.</p> <p>Suggest refining the sentence: ‘This National Policy Statement states objectives, policies and implementation requirements for those matters of national significance and acknowledges the role that Māori have as kaitiaki in all aspects of indigenous biodiversity management’. The back end of the sentence just re-states a sub-set of the direction noted in the preceding sentence from Part 2 of the Act. Instead the sentence could be reframed to conclude that the intention is to give effect to these through the NPS.</p> <p>The final sentence states that the protection of NZ’s indigenous biodiversity is necessary to ‘support New Zealand’s identity’. However, the connection between our indigenous biodiversity and national identify is not made. This should be noted earlier in the explanatory note. We suggest an amendment to the second paragraph of the note to this effect.</p>	<p>...it is also important to understand that informed and sympathetic management <u>of indigenous biodiversity</u> is required of all New Zealanders across the terrestrial environment – not just in defined SNAs</p> <p>[...]</p> <p>This National Policy Statement states objectives, policies and implementation requirements for <u>giving effect to these</u> those matters of national significance and acknowledges the role that Māori have as kaitiaki in all aspects of indigenous biodiversity management</p> <p>[...]</p> <p>...highly distinctive and internationally significant ecosystems. <u>Conservation of these ecosystems is regarded, not only as an important contribution to global biodiversity, but as an important part of New Zealanders sense of national identity.</u></p>
1.1	Title	Support	
1.2	Commencement	Support	
1.3	Purpose of National Policy Statement	Support	
1.4	Matters of national significance	Support	
1.5	Application	Support	

No.	Provision	Support and/or suggestion	Amendment requested
1.6	Relationship with the New Zealand Coastal Policy Statement	Support, but see response to question 2.	
1.7	Fundamental concepts	<p>We suggest moving the definitions for ‘biodiversity’ and ‘indigenous biodiversity’ from this part to part 1.8. The introduction to part 1.7 holds that these ‘cannot adequately be described by a short definition’. Yet these two clearly are.</p> <p>We query whether the definition for ‘indigenous biodiversity’ is accurate. It appears to classify all New Zealand’s species and ecosystems as indigenous, including ‘all New Zealand’s ecosystems’ (which would include modified ones) and ‘the habitats of indigenous vegetation and fauna’ (which would include introduced vegetation that provides habitat for natives). The notion that indigenous biodiversity is that which is ‘naturally occurring’ accords with the definition of ‘nature’ held under this NPS. Part 1.7, for example, states that people are ‘part of...the natural environment’.¹⁷ However, if people are a part of nature then the distinction between ‘native’ and ‘introduced’ loses its meaning. We think that this distinction remains important for many New Zealanders and is clearly important for an NPS focused on the indigenous component of our biodiversity. We have suggested an amendment to better reflect the commonplace meaning of the term.</p> <p>The concept of ‘maintenance of indigenous biodiversity’ is unworkable. While the concept acknowledges the need for resilience and adaptability in clause f, the other five clauses ensure that any reduction in a species population size or range (to name a few) will be considered tantamount to a loss of</p>	<p>Move definitions for ‘biodiversity’ and ‘indigenous biodiversity’ to part 1.8.</p> <p>‘Indigenous biodiversity is—are species or ecosystems biodiversity that were present in New Zealand before the arrival of humans, or arrived without direct human assistance since is naturally occurring anywhere in New Zealand. It includes all New Zealand’s indigenous ecosystems, indigenous vegetation, and indigenous fauna and the habitats of indigenous vegetation and fauna’</p> <p>Detailed guidance needed from Government on the criteria for defining ‘maintenance of indigenous biodiversity’. The current concept is unhelpfully circumscribed and unworkable.</p> <p>Delete part 1.7(4)(i)(iii). OR amend to:</p> <p>iii. <u>any other ecosystem services</u></p>

¹⁷ Though not with the definition of ‘natural range’ provided in section 1.8 which explicitly excludes ‘human intervention’.

No.	Provision	Support and/or suggestion	Amendment requested
		<p>maintenance – this even for native species with large population sizes and extensive ranges. Further, this is required ‘from the commencement date’ of the NPS which will be before local authorities have even had a chance to respond to it through their work programmes. This will make objective 1 (maintain indigenous biodiversity), the centrepiece of the NPS, impossible to achieve from the outset. We think maintenance of indigenous biodiversity would be better served by using a less circumscribed definition for ‘maintenance’ – one that provides New Zealanders with more realistic and actionable targets. This is another area that requires detailed guidance from Government.</p> <p>Part 1.7(4)(i)(iii) miscommunicates what ecosystem services are. Put simply, ecosystem services are the benefits people obtain from ecosystems. This is well-communicated in the definition provided for this term in part 1.8. Part 1.7(4)(i)(iii) should be deleted as it is redundant. Alternatively, it could be amended to make clear that there may be additional ecosystem services not recognised in (i) and (ii).</p>	
1.8	Definitions	<p>Suggest amending the definition for biodiversity compensation to remove ‘compensate’. It is generally not helpful to define a word using the same word in the definition. We suggest ‘redress’ instead which has a similar meaning.</p> <p>Suggest amending the definition for biodiversity offset to remove ‘compensate’ which potentially confuses biodiversity offsetting with biodiversity compensation. We also suggest changing the ordering of the effects management hierarchy, as justified in detail below.</p>	<p>‘Biodiversity compensation means a conservation outcome resulting from actions that comply with the principles in Appendix 4 and redress compensate for [more than minor] residual, adverse biodiversity effects from subdivision, use or development after all appropriate avoidance, minimisation remediation, remediation mitigation and biodiversity offset measures have been sequentially applied’</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>Suggest guidance on how to apply the definition of ecological integrity in the context of this NPS. Ecological integrity is a normative concept with many possible interpretations.¹⁸ This potential confusion is exacerbated by the use of ‘natural’ in this definition – itself an ambiguous term (as noted already above). Clarity on this term is critical given its position in Objective 5 and in many implementation requirements of the NPS.</p> <p>Suggest an amendment to the definition of the effects management hierarchy. Currently the ordering follows the happenstance sequence of the RMA (i.e., section 5(c) avoid-remedy-mitigate). This ordering has been used in some RMA plans and also appears in the proposed amendments to the NPSFM. This is unfortunate as it is an inappropriate effects management sequence.</p> <p>The internationally recognised effects management hierarchy is avoid-minimise-remedy-offset-compensate.¹⁹ We are not aware of any country in the world that has deviated from this ordering. This is the ordering directed in the NZ Government guidance on biodiversity offsetting²⁰ and that suggested by the EIANZ ecological impact assessment guidelines.²¹ It is the ordering we use for managing effects on biodiversity through our PNRP.</p>	<p>[...]</p> <p>‘Biodiversity offset means a measurable conservation outcome resulting from actions that comply with the principles in Appendix 3 and are designed to:</p> <p>a) redress/compensate for [more than minor residual] adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, minimisation/remediation, and remediation/mitigation—measures and have been sequentially applied; and...’</p> <p>Detailed guidance needed from Government on how the concept of ‘ecological integrity’ is to be defined and implemented through this NPS. The current definition is inadequate on its own.</p> <p>‘Effects management hierarchy means an approach to managing the adverse effects of</p>

¹⁸ <https://www.doc.govt.nz/documents/science-and-technical/sfc307entire.pdf>, p. 7

¹⁹ <https://www.forest-trends.org/bbop/bbop-key-concepts/mitigation-hierarchy/>. Also see <https://academic.oup.com/bioscience/article/68/5/336/4966810>; <https://www.cbd.int/doc/strategic-plan/Post2020/postsbi/biodiversify1.pdf>

²⁰ <https://www.doc.govt.nz/globalassets/documents/our-work/biodiversity-offsets/the-guidance.pdf>, p. 18.

²¹ Roper-Lindsay, J., Fuller S.A., Hooson, S., Sanders, M.D., Ussher, G.T. 2018. *Ecological impact assessment. EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems. 2nd edition*. See <https://www.eianz.org/document/item/4447>, Table 11, p. 90.

Support and/or suggestion	Amendment requested
<p>Rejecting the internationally accepted hierarchy may result in negative and unintended consequences for biodiversity. This is because consent applicants are directed to remedy adverse effects before they mitigate them when this is not possible. To 'remedy' is to rehabilitate, restore or restate something after an impact has occurred. To 'mitigate' is to moderate, reduce or alleviate an effect. Consent applicants should not be empowered, for example, to re-plant or otherwise restore damaged habitat (a remedy action) before considering how they might reduce the damage inflicted on that habitat (a mitigate action). A precautionary approach to effects management, as required under part 3.6, directs that applicants should reduce the severity of an effect (to mitigate) before they consider an action to redress damage after an effect has occurred (to remedy). To do otherwise is to direct the reduction of an effect after that effect has occurred. Again, this is not possible.</p> <p>The use of 'mitigate' in this policy and elsewhere is also confusing for consent applicants. Noted above is its confusing ordering within the hierarchy. However, also problematic is the way that 'mitigate' is used in two ways throughout the industry. It is used first as a synonym for 'minimise' but also second, and more commonly, as a catchall for avoid-remedy-mitigate actions such as when applicants refer to a 'mitigation package'.²²</p>	<p>subdivision, use and development that requires that –</p> <ul style="list-style-type: none"> a) adverse effects are avoided where possible; b) adverse effects that cannot be demonstrably avoided are minimisedremedied where possible; c) adverse effects that cannot be demonstrably minimisedremedied are remediedmitigated; d) in relation to adverse effects that cannot be avoided, minimisedremedied or remediedmitigated, biodiversity offsetting is considered; and e) if biodiversity offsetting is not demonstrably achievable for any indigenous biodiversity attribute on which there are residual adverse effects, biodiversity compensation is considered'

ement have commonly been collectively termed 'mitigation' or represented in a comprehensive 'mitigation package' in [47](#), p. 92. Also note the definition of 'mitigation' in this guidance: "the process of preventing, avoiding, or minimising adverse action; (ii) limiting the degree of an action; (iii) repairing, rehabilitating or restoring the affected environment; (iv) providing t of Conservation takes a similar interpretation of mitigation in its approach to considering concessions on public conservation

No.	Provision	Support and/or suggestion	Amendment requested
		<p>The PNRP accepts the latter interpretation and defines ‘biodiversity mitigation’ as such within it. It also uses ‘minimise’ in place of ‘mitigate’ in the hierarchy. This again reflects the internationally accepted terminology. Furthermore, it is helpfully directive. Legal advice we received at the time of the PNRP hearings²³ was that minimise is ‘to make (something) as small or as insignificant as possible’ while mitigate is only to ‘reduce, lessen or decrease’. Minimise is therefore more accurate to the intended direction. We suggest adopting ‘minimise’ in place of mitigate in this policy and elsewhere in relation to effects on biodiversity.</p> <p>Suggest amending the definition for fragmentation to make it easier to understand. The existing definition is confusing. Our suggestion is a modified version of the definition used by the UN environment programme.²⁴</p> <p>The definition for highly mobile fauna needs refinement. Part a) should be removed – defining highly mobile fauna as those that are ‘highly mobile’ is unhelpful. The actual definition for highly mobile provided in b) is also unhelpful as the majority of fauna could be considered to move between ‘different environments’ during their lifecycle. Any mobile species will attempt to move ‘in response to climatic conditions’. We suggest Government either refine the definition to be clear what is meant or provide detailed guidance at the time of gazettal to do similarly. This work should be undertaken at a national level rather than being left to</p>	<p>[...]</p> <p>‘Fragmentation, in relation to indigenous biodiversity, refers to the <u>breaking apart of continuous habitat into distinct pieces that results in a loss of connectivity</u>fragmentation of habitat that results in a loss of connectivity and an altered spatial configuration of habitat for a given amount of habitat loss’</p> <p>[...]</p> <p>‘Highly mobile fauna means species that –</p> <ul style="list-style-type: none"> a) are highly mobile; b) where<u>include</u> some individuals <u>that</u> move between different environments during their life cycle for reasons such as feeding, mating, nesting, moulting or in response to climatic conditions; and c) for the purposes of this National Policy Statement, include only threatened or at-risk species’ <p>[...]</p>

construction materials used.’ (p. 4), <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/concessions/guide-to-environmental-impact-assessments.pdf>

²³ <http://pnrp.gw.govt.nz/assets/Uploads/GW-Legal-Submissions-on-Hearing-Stream-5-23-March-2018.PDF>, p. 26.

²⁴ <https://biodiversitya-z.org/content/habitat-fragmentation--2>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>individual councils to attempt to decipher for their respective jurisdictions. We support clause c) in restricting the definition to threatened and at risk species.</p> <p>The definition for identified taonga includes ‘species, <u>populations</u> and ecosystems’ but the wording in clause 3.14.1(a) mentions only species and ecosystems. This definition or the clause therefore needs to be reworded to ensure consistency. We suggest that clause 3.14.1(a) should be updated to reflect this definition’s inclusion of populations.</p> <p>The definition for improved pasture refers to the wrong clause. It should refer to 3.12(5).</p> <p>We support the definition for indigenous vegetation, which restricts the notion of ‘indigenous’ to plants that are native to the ecological district in which they are found. This directs a preference for ecosourcing native plants when undertaking restoration activities – a practice GWRC currently supports. Given that many restoration activities often also involve the re-introduction of native fauna we suggest that a similarly worded definition for ‘indigenous fauna’ might also be useful. This would help prevent re-introductions to areas outside their native range, which have happened in NZ previously. We offer a suggestion to this effect.</p> <p>The definition for natural range defines nature is a way that explicitly excludes ‘human intervention’. This conflicts with Hutia Te Rito which suggests that people are part of nature. To accord with Hutia Te Rito we think this term could be modified to remove ‘nature’ and focus instead on historic distribution. We offer a suggestion to this effect.</p> <p>We think the definition for reconstruction should be removed and replaced with one for restoration. We think that</p>	<p>‘Improved pasture has the meaning in clause 3.12(45)’</p> <p>[...]</p> <p>‘Natural<u>Historic</u> range, in relation to a species, refers to the geographical area within which that species can be expected to <u>have been found naturally (without prior to human intervention) arrival.</u>’</p> <p>[...]</p> <p><u>‘Indigenous fauna means animals that, in relation to a particular area, are native to the ecological district in which that area is located’</u></p> <p>[...]</p> <p>Policy statements and plans includes <u>unitary</u>, regional and district plans, <u>and proposed plans</u>, and regional policy statements and proposed regional policy statements</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>reconstruction is a synonym for restoration. However, restoration is the term most readily used and understood throughout the industry and by the public. As suggested above, a definition for restoration is provided in the existing NZ Biodiversity Strategy. This, or a modified version of it, could be used for this NPS.</p> <p>The definition for policy statements and plans neglects to include unitary plans. We have made a suggestion to include this in the definition.</p>	
2.1	Objectives	<p>We support the intent of objective 1 but, as discussed above, consider the current definition of 'maintenance' (as per part 1.7(3)) to make the objective unworkable.</p> <p>We support objectives 2 and 3. However, as discussed above, we consider that more guidance is required to give effect to the intent of Hutia Te Rito.</p> <p>We support objective 4.</p> <p>We suggest that objective 5 should be simplified to focus on restoration. It is unclear what is meant by enhancement. Enhancing ecological integrity is synonymous with restoration. We offer a suggested rewording merging objectives 1 and 5. This rewording emphasises that, in all circumstances, maintenance is to be achieved before moving to restoration actions.</p> <p>Objective 6 lacks two things. First, it lacks recognition of the need for people and communities to maintain and restore biodiversity. Second, it lacks a qualifying statement to ensure that recognition of people and communities' need for social, economic and cultural wellbeing should not conflict with the limits to these</p>	<p>Objective 1: to maintain indigenous biodiversity <u>and, where this is achieved, to direct further efforts towards restoring indigenous biodiversity'</u></p> <p>'Objective 5: to restore indigenous biodiversity and enhance the ecological integrity of ecosystems'</p> <p>Objective 6: to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by</p> <ul style="list-style-type: none"> a) <u>supporting people and communities to</u> <ul style="list-style-type: none"> i) <u>understand and connect with indigenous biodiversity, and</u> ii) <u>maintain or restore indigenous biodiversity.</u> b) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the

No.	Provision	Support and/or suggestion	Amendment requested
		directed by RMA Section 5. We suggest amendments to rectify these shortcomings. We also suggest removing reference to 'nature' as it is ambiguous and frequently includes non-indigenous biodiversity (i.e., is beyond the scope of this NPS).	<u>future, while ensuring that indigenous biodiversity is maintained or restored.</u>
2.2	Policies	Objective 6's direction to recognise the roles of landowners and communities as stewards of indigenous biodiversity is not reflected at the policy level. We have suggested two additional policies to do so.	<p><u>Policy 16: To recognise the role of landowners and communities in maintaining and restoring biodiversity</u></p> <p><u>Policy 17: To ensure that indigenous biodiversity is maintained or restored while allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future</u></p>
3.1	Overview	No comment	
3.2	Hutia Te Rito	Support. Local authorities will require guidance to understand how to implement this requirement. For reasons noted above we also suggest that 'enhanced' should be replaced with 'restored' in clause 3.2(2)(c). We suggest an amendment to this effect.	c) take steps to ensure indigenous biodiversity is maintained and enhanced <u>restored</u> for the health, enjoyment and use by all New Zealanders, now and in the future
3.3	Tangata whenua as kaitiaki	Support	
3.4	Integrated approach	Support	
3.5	Resilience to climate change	Support. Clause 3.5(a) is not in alignment with Hutia Te Rito as it positions 'natural' as separate from humanity. We suggest an amendment to remove this inconsistency. Further amendments are suggested to remove reference to 'enhancement' which we oppose as discussed above.	<p>a) providing for the maintenance of ecological integrity through natural<u>unassisted</u> adjustments of habitats and ecosystems; and</p> <p>b) considering the effects of climate change when making decisions on –</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>We think that additional amendments should be made to ensure that local authorities recognise the contributions indigenous biodiversity make to <i>mitigating</i> climate change (e.g. by sequestering carbon, buffering against the effects of sea level rise).</p>	<ul style="list-style-type: none"> i) restoration and enhancement proposals; and ii) managing and reducing new and existing biosecurity risks; and c) maintaining and promoting the enhancement<u>restoration</u> of, —the connectivity between ecosystems and between existing and potential habitats, to ensure<u>enable</u> migrations so that species continue to find viable niches as the climate changes
3.6	Precautionary approach	<p>Support, noting that the wording is consistent with the NZCPS. Clarification or guidance will be required to ensure that local authorities understand what ‘significantly adverse’ effects are.</p>	
3.7	Social, economic and cultural wellbeing	<p>Clause 3.7(b) reads like an invitation to circumvent the direction of the NPS. There could be quite a lot of justifiable dispute over how stringent the controls are on development and use under this NPS. ‘Appropriate’ is a highly ambiguous term in this context. It should be for this NPS to determine what appropriate is, not for local authorities to have to judge what it means for each designation and consent.</p> <p>For the reasons noted above we suggest replacing ‘enhancing’ with ‘restoring’ in clauses c) and d).</p>	<p>Clarify or delete clause b).</p> <ul style="list-style-type: none"> c) that people are critical to maintaining and enhancing<u>restoring</u> indigenous biodiversity; and d) the importance of forming partnerships between local authorities, tangata whenua, landowners, people and communities in maintaining and enhancing<u>restoring</u> indigenous biodiversity’
3.8	Identifying significant natural areas	<p>We disagree with the classification of SNAs into High and Medium value areas. If Government wishes to retain a two-tiered system, we suggest providing for a distinction between ‘significant’ and ‘outstanding’ areas but with the latter applying only to the best-</p>	<p>‘(1) Every territorial authority must <u>work with the relevant regional council and with tangata whenua to agree a process for—</u></p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>of-the-best sites. Perhaps those may align with the sites that meet multiple 'high' ratings in Appendix 2 (i.e., rather than 'one or more').</p> <p>We suggest that the principle of 'partnership' should instead be a principle of 'engagement' with landowners (noting that 'engage' is already used as the descriptor for the relationship in the principle wording). Territorial authorities are not in a position to genuinely 'partner' with landowners on regulation that may control or prohibit certain activities on their land. 'Engagement' is more true to the nature of the relationship with landowners. It is positive and beneficial to engage with landowners on this work to help understand the best ways to protect indigenous biodiversity on their land. However, ultimately the territorial authority may need to make land use decisions that some individual landowners disagree with. It is not in the nature of a partnership for one partner to regulate (i.e., enforce compliance on) the other. The notion of partnership is best reserves for relationships where parties are treated as equals in decision making (e.g., through Crown-Iwi relations, non-regulatory management agreements between councils and landowners, etc).</p> <p>We suggest that the wording for the principle of transparency should be softened to recognise that territorial authorities cannot provide certainty to landowners on how the information collected on an SNA will be used. The controls on land directed through district plan provisions are ultimately decided by the Schedule 1 process, including through public submissions. Councils cannot pre-determine the outcomes of this process and thus inform landowners of how information 'will' be used.</p>	<p>a) Undertaking a district wide assessment in accordance with Appendix 1 to determine if an area is significant indigenous vegetation and/or significant habitat of indigenous fauna, and if it is,</p> <p>b) Classifying areas of significant indigenous vegetation and/or significant habitat of indigenous fauna as either High<u>Outstanding</u> or Medium<u>Significant</u>, in accordance with Appendix 2.'</p> <p>[...]</p> <p>'a) partnership<u>engagement</u>: territorial authorities must seek to engage with landowners early and share information about indigenous biodiversity, potential management options and any support and incentives that may be available:</p> <p>b) transparency: territorial authorities must clearly inform landowners about how information gathered will<u>may</u> be used and make existing information, draft assessments and other relevant information available to relevant landowners for review:</p> <p>[...]</p> <p>'f) boundaries: an area assessed as significant indigenous vegetation and/or significant</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>Councils can however inform them of how the information ‘may’ be used. We propose an amendment to this effect.</p> <p>We disagree with the direction to disregard ‘artificial margins such as property boundaries’ in principle f). While we agree in general with the notion that property boundaries should not affect SNA boundaries, we also suggest that it is pragmatic to accept that this is not always the case. For example, in some instances territorial authorities have disregarded small slivers of vegetation that cross property boundaries when determining their SNAs. These slivers are ecologically insignificant and their inclusion can lead to unnecessary disputes with landowners. We think that protection of indigenous biodiversity is best served through a pragmatic relationship with landowners that necessarily involves some compromises. The language of ‘artificial property boundaries’²⁵ itself is also unnecessarily provocative, implying that property boundaries are irrelevant. Our experience is that property boundaries are very meaningful to landowners. The protection of indigenous biodiversity would be better served by giving territorial authorities the scope to make some allowances for property boundaries in their delineation of SNA boundaries.</p> <p>We support subclause 3.</p> <p>We strongly support subclause 4) as it provides the opportunity for territorial authorities to demonstrate that existing SNAs conform with the NPS significance criteria. We think it would be inefficient and potentially counterproductive to re-engage with landowners on SNAs that have already been scheduled in many</p>	<p>habitat of indigenous fauna must be determined by the extent and ecological integrity of the indigenous vegetation or habitat as a whole, unaffected by artificial margins such as property boundaries.</p> <p>[...]</p> <p>‘(5) Territorial authorities that demonstrate conformance as per subsection (4) must classify these areas as High<u>Outstanding</u> or Medium<u>Significant</u> in accordance with Appendix 2 within five years after the commencement date’</p> <p>[...]</p> <p>‘(7) <u>At least every 10 years after completing the requirements of subclause (6), territorial authorities must update district plans, following subclauses (1) and (2). This update must include any area that has been identified as an SNA (in accordance with the criteria in Appendix 1) as a result of an assessment undertaken as part of a resource consent application, notice of requirement for designation or any other means, so that the plan maps the area and sets out its attributes.</u></p>

²⁵ SNA boundaries could also be described as ‘artificial’ in that they define a certain set of socially constructed values.

No.	Provision	Support and/or suggestion	Amendment requested
		<p>districts. Any SNAs in the district will need to be reassessed within 10 years anyway following clause 7).</p> <p>We suggest that subclause 5 be amended as above to differentiate between 'outstanding' and 'significant' sites.</p> <p>We support subclause 6.</p> <p>We support subclause 7.</p> <p>We do not support subclause 8. We do not think it will be efficient to undertake a plan change every two years to add new SNAs identified as part of a resource consent application, designation of other means. Instead, we suggest folding this clause into subclause 7 and thus to be completed every 10 years. We suggest amendments to this effect.</p>	
3.9	Managing adverse effects on SNAs	<p>We disagree with the direction to avoid what amounts to almost all adverse effects on High value SNAs as directed by subclause 1). This would make High value SNAs akin to legal protection covenants. Government may need to consider compensating landowners, both Māori and otherwise, for this as that land essentially falls into public ownership. Compensation might include rates relief, subdivision privileges on remaining land, or other mechanisms, as appropriate.</p> <p>Medium value SNAs face similarly prohibitive obstacles if landowners are to undertake any use or development within them. For most landowners, an application for development or use would need to be associated with nationally significant infrastructure or mineral and aggregate extraction. However,</p>	<p><u>3.9 Managing adverse effects on ONAs</u></p> <p><u>(1) Except as provided in subclauses (2) and (3), local authorities must ensure that, in relation to any new subdivision, use or development that takes place in or affects, an ONA –</u></p> <p><u>a) the following adverse effects on the ONA are avoided:</u></p> <p><u>i. loss of ecosystem representation and extent:</u></p> <p><u>ii. disruption to sequences, mosaics or ecosystem function:</u></p> <p><u>iii. fragmentation or loss of buffering or connectivity within the ONA and between other indigenous habitats and ecosystems:</u></p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>these activities are likely to comprise only a small minority of potential consent applications for these areas.</p> <p>We suggest an approach that retains the emphasis on ‘avoid’ in the first instance and adherence to the effects management hierarchy, but which allows for appropriate development in future. To reduce the risks inherent to biodiversity offsetting²⁶ we suggest adhering to net gain rather than the lower bar of no net loss. Rather than retaining the distinction between High and Medium value SNAs we suggest aligning language with ‘Outstanding’ (i.e., ONA) and ‘Significant’ (i.e., SNA) as used under the NPSFM.</p> <p>We also think that the development or maintenance of regionally significant infrastructure should be able to be anticipated within medium value SNAs. For example, this might include for maintenance of regionally important flood protection infrastructure. It is not clear whether this would otherwise be permitted under subclause (4)(b).</p> <p>We suggest that subclause (1)(a)(iv) should include at risk as well as threatened species. This is consistent with the threshold of avoid set in the other parts of this subclause.</p>	<p><u>iv. a reduction in population size or occupancy of threatened or at risk species using the ONA for any part of their life cycle; and</u> <u>(2) All adverse effects of a new use or development associated with a single dwelling on an allotment created before the commencement date must be managed using the effects management hierarchy if –</u> <u>a) the use or development is to take place in, or affects, an ONA;</u> <u>and</u> <u>b) there is no location within the existing allotment where a single, residential dwelling and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in subclause (1)(a).</u> <u>(3) Subclause (1) does not apply to managing adverse effects in the following circumstances:</u> <u>a) the adverse effects arising from a use or development that is for the purpose of protecting, restoring or enhancing an ONA;</u> <u>b) the adverse effects arising from a use or development that addresses a severe and immediate risk to public health or safety;</u> <u>c) an area comprising kānuka or mānuka and that is identified as an ONA solely because it is at risk from myrtle rust;</u></p>

²⁶ A 2019 review of outcomes under ‘no net loss’ biodiversity offset policies showed that the majority of applications did not achieve their stated aims. See <https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12664>

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			<p><u>d) indigenous vegetation or habitat of indigenous fauna established and managed for a purpose other than the maintenance, restoration or enhancement of indigenous biodiversity, and the use or development is necessary to meet that purpose.</u></p> <p><u>3.9a Managing adverse effects on SNAs</u></p> <p>(1) Except as provided in subclauses (2), (3) and (4), local authorities must ensure that, in relation to any new subdivision, use or development that takes place in or affects, an SNA –</p> <p>a) the following adverse effects on the SNA are avoided:</p> <p>i. loss of ecosystem representation and extent:</p> <p>ii. disruption to sequences, mosaics or ecosystem function:</p> <p>iii. fragmentation or loss of buffering or connectivity within the SNA and between other indigenous habitats and ecosystems:</p> <p>iv. a reduction in population size or occupancy of <u>threatened or at risk</u> species using the SNA for any part of their life cycle; and</p> <p>b) where adverse effects cannot demonstrably be avoided the effects management hierarchy is applied to all other adverse effects; and</p> <p>c) <u>where biodiversity offsetting is used to redress any residual adverse effects the</u></p>

No.	Provision	Support and/or suggestion	Amendment requested
			<p>anticipated outcome of that biodiversity offset must be a net gain outcome; and</p> <p>d) where</p> <p>i) there is a functional or operational need for the subdivision, use or development to be in that particular location; and</p> <p>b) there are no practicable alternative locations for the subdivision, use or development; and</p> <p>c) the subdivision, use or development is associated with:</p> <p>i. nationally <u>or</u> regionally significant infrastructure:</p> <p>ii. mineral and aggregate extraction:</p> <p>iii. the provision of papakainga, marae and ancillary community facilities associated with customary activities on Māori land:</p> <p>v. the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of tangata whenua.</p> <p>(3) All adverse effects of a new use or development associated with a single dwelling on an allotment created before the commencement date must be managed using the effects management hierarchy if –</p> <p>a) the use or development is to take place in, or affects, an SNA classified as Medium; and</p> <p>b) there is no location within the existing allotment where a single, residential dwelling</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">DRAFT</p>	<p>and essential associated on-site infrastructure can be constructed in a manner that avoids the adverse effects specified in subclause (1)(a).</p> <p>(4) Subclause (1) does not apply to managing adverse effects in the following circumstances:</p> <ul style="list-style-type: none"> a) the adverse effects arising from a use or development that is for the purpose of protecting, restoring or enhancing an SNA: b) the adverse effects arising from a use or development that addresses a severe and immediate risk to public health or safety: c) an area comprising kānuka or mānuka and that is identified as an SNA solely because it is at risk from myrtle rust: d) indigenous vegetation or habitat of indigenous fauna established and managed for a purpose other than the maintenance, restoration or enhancement of indigenous biodiversity, and the use or development is necessary to meet that purpose. <p>(5) In subclause (2)(b) – functional need means the need for a proposed activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of</p>

No.	Provision	Support and/or suggestion	Amendment requested
			technical, logistical or operational characteristics or constraints.
3.10	Managing adverse effects in plantation forests	Support	
3.12	Existing activities in SNAs	<p>It is not clear what areas are directed by part 3.12. The title refers to activities ‘in SNAs’ (which would only include activities within SNA boundaries) but clause (1) refers to activities ‘on SNAs’ (which would include activities within SNAs <i>and</i> activities outside them that might affect them). We suggest an amendment to clarify.</p> <p>This is the only part of this NPS that deals explicitly with cumulative losses of indigenous biodiversity (under subclause 3(a). We query whether additional direction should be provided to promote the use of structure planning or spatial planning where appropriate to better manage for the potential cumulative loss of indigenous biodiversity. While cumulative effects are included within the definition of ‘effect’ under the RMA (s3), these losses continue to go unconsidered, or poorly considered, in decisions on resource consent applications.</p>	<p>Amend title to: 3.12 Existing activities in <u>or affecting</u> SNAs</p> <p>Amend wording to: (1) This clause applies to the management of the <u>adverse</u> effects of existing activities on that <u>take place in or affect</u> SNAs</p>
3.13	General rules applying outside SNAs	We disagree with the direction of subclause (1)(b) which allows for biodiversity compensation to be used as an alternative to, rather than after, biodiversity offsetting. We think that if the adverse effects are worth managing for then they are worth managing appropriately (i.e., following the internationally accepted effects management hierarchy). We query whether a similar intent may be achieved by adding a threshold for effects anticipated. We suggest that a threshold of ‘significant adverse effects’ may be appropriate given that this is for areas outside of	<p>Amend to:</p> <p>b) apply the effects management hierarchy to <u>significant</u> adverse effects, except that biodiversity compensation may be considered as an alternative to biodiversity offsetting (and not only when biodiversity offsetting is not demonstrably achievable)</p>

No.	Provision	Support and/or suggestion	Amendment requested
		<p>SNA. This is in line with the approach we took to effects outside significant areas in our proposed Natural Resources Plan.</p> <p>Subclause (2) should be amended to refer to significant indigenous vegetation <u>or</u> habitat for indigenous fauna.</p> <p>We think that subclause (3) should be refined to 'have regard' to the potential to provide for the social, cultural and economic wellbeing of all people (as per part 3.7(a)), and 'particular regard' for the same for Māori specifically. Land outside SNAs is critical to the social, cultural and economic wellbeing of all New Zealanders. This is self-evident when reflecting that it will, for the most part, be the only land they will be able to use (aside from passive recreation) or develop following this NPS.</p>	<p>(2) If an area outside an SNA is assessed as significant indigenous vegetation and<u>or</u> significant habitat of indigenous fauna...</p> <p>(3) In preparing policy statements and plans giving effect to subclause (1), local authorities must have particular regard to the potential of Māori land to provide for the social, cultural and economic wellbeing of Māori people and communities, <u>and particular regard to the potential of Māori land to provide for the social, cultural and economic wellbeing of Māori.</u></p>
3.14	Identified taonga	<p>We think the right tangata whenua have to not identify taonga goes without saying. It does not require explicit recognition. We also think that this direction should be incorporated into part 3.8. The identification of SNAs should be determined via western science and mātauranga Māori. While these may employ different methodologies the outcomes (i.e., areas for protection) remain the same. Integration of these two implementation requirements is consistent with Hutia Te Rito.</p>	<p>Delete 3.14(2).</p> <p>Incorporate the remainder of the requirement into part 3.8.</p>
3.15	Highly mobile fauna	<p>For the reasons noted above we do not support a regional council role for surveying for, recording, and protecting highly mobile fauna through this NPS. We think that provisions for the protection of these species are provided elsewhere in this NPS (e.g., through SNA protection) and that further work here may draw scarce resources away from other areas to which it is more</p>	<p>Delete 3.15.</p>

No.	Provision	Support and/or suggestion	Amendment requested
		effectively deployed by councils. We suggest that this work is better directed by central government under the NZ Biodiversity Strategy.	
3.16	Restoration and enhancement	We suggest removing reference to enhancement and reconstruction for reasons suggested above.	<p>Amend to:</p> <p>(3) Local authorities must promote, through objectives, policies and methods in policy statements and plans, the restoration and enhancement (including through reconstruction) of areas to which this clause applies.</p> <p>[...]</p> <p>(4) The objectives, policies or methods must identify opportunities for restoration and enhancement of those areas, prioritising all of the following over other indigenous biodiversity restoration projects:</p> <p>[...]</p> <p>d) former wetlands that no longer retain their indigenous vegetation or habitat for indigenous fauna, but where reconstruction <u>restoration</u> is likely to result in that vegetation or habitat being regained:</p> <p>(5) In areas to which this clause applies, local authorities may provide incentives for restoration or enhancement and in particular</p>

No.	Provision	Support and/or suggestion	Amendment requested
			<p>on Māori land, in recognition of the opportunity cost of maintaining indigenous biodiversity on that land.</p> <p>(6) Local authorities may impose or review restoration or enhancement conditions on resource consents and designations relating to activities in areas prioritised for restoration and enhancement.</p>
3.17	Increasing indigenous vegetation cover	As territorial authorities have primary jurisdiction over land use we think that they should have a larger role in determining indigenous vegetation targets. If targets are set by regional councils without the necessary buy-in from territorial authorities we'd suggest that they will be unlikely to be successful.	<p>Amend to:</p> <ul style="list-style-type: none"> (1) Every regional council must <u>work with territorial authorities to</u> assess the percentage of the urban and rural areas in its region that have indigenous vegetation cover. (2) The regional council must <u>work with territorial authorities to determine, and then specify,</u> which areas it will treat as urban for the purposes of this clause (which must be predominantly urban in character) and which it will treat as rural (which must be predominantly rural in character). <p>Insert the following clause:</p> <p><u>(6a) Regional councils must work together with their territorial authorities to determine a target for indigenous vegetation cover in each district of their region.</u></p>

No.	Provision	Support and/or suggestion	Amendment requested
3.18	Regional biodiversity strategies	Support.	
3.19	Assessment of environmental effects	Support, but note response to question 48 above.	
3.20	Monitoring by regional councils	<p>We suggest deleting subclause (2)(e). This goes without saying.</p> <p>We also suggest amending subclause (2)(d) to remove the qualifier ‘where tangata whenua agree’ which also does not need to be said. When councils are required to work with tangata whenua to develop their monitoring plan (as per part 3.20(1)) they are clearly not going to employ mātauranga Māori or tikanga Māori in a manner to which tangata whenua disagree. That is implicit in the other qualifier ‘to the extent possible’.</p>	<p>Amend to:</p> <p>(3) Every monitoring plan must –</p> <p>[...]</p> <p>d) to the extent possible, where tangata whenua agree, use scientific monitoring methods and mātauranga Māori and tikanga Māori monitoring methods equally; and</p> <p>e) recognise the importance of long term trends in monitoring results, and the relationship between results and the overall state of indigenous biodiversity; and</p>
4.1	Ministry for the Environment monitoring and review	<p>We think the qualifier ‘as far as practicable’ should be deleted from subclause (1)(a). First, it is redundant as government will only ever use such data ‘as far as practicable’. But, second, and more importantly, the qualifier appears to query the quality of such data. Government should work with councils to ensure that it of the highest quality and consistency. There is little point in councils committing the enormous resourcing to monitoring under part 3.20 if government is to ultimately just take it or leave it. Government should be motivated to work with councils to ensure quality information is collected from the outset and throughout the process.</p>	<p>Amend to:</p> <p>a) collect data for a nationally consistent monitoring and reporting programme that, as far as practicable, incorporates regional and district monitoring information; and</p>

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Responses to road testing questions (to be split into separate submission)

Q1: Which policies present implementation challenges or risks for your council?

The requirements with the most significant challenges or risks for our council are identifying and describing taonga (part 3.14), identifying and protecting highly mobile fauna (part 3.15), and undertaking further indigenous biodiversity monitoring (part 3.20). Our reasons for this are recorded in our responses to discussion document questions 16, 17, and 46.

These policies all represent significant resourcing challenges. There are also risks in setting up expectations, primarily with iwi, that we may not be able to fulfil. Relationships with territorial authorities may also be stretched by the direction of these policies and others which require a high level of collaboration.

Q2: Can you effectively implement the NPSIB in the proposed timeframes?

We expect to be able to implement the requirements of the NPSIB within the proposed timeframes. *Effective* implementation will depend on the level of support and guidance from central government. As noted in our main submission, the requirements of this NPS on local authorities in general are enormous and will require comparable levels of support to ensure effective implementation.

Q3: Will NPSIB implementation align with implementation of other national direction (existing or proposed, e.g. NPS Freshwater Management)?

We are unclear about the extent to which different, and sometimes potentially conflicting, new pieces of national direction (e.g., the NPS for Urban Development) will align. One of the key points of our main submission is that we need central government to partner with councils wherever possible to prioritise, plan and execute this work.

Q4: Would you implement the required changes through a single plan change or multiple plan changes? What would be your target year for notifying plans to comply with the NPSIB?

We would anticipate implementing the required changes to our regional policy statement through one plan change. This would likely be folded into our wider plan review which is required to begin in 2023. We do not yet have a planned notification date.

Q5: Is there any other implementation-related feedback you would like to provide?

Our responses to the first phase of road testing remain pertinent. We suggest that government refer to those alongside these.

Q6: How much do you expect implementation of the NPSIB to cost your council: a) as a total cost for NPSIB-only activities, and b) as a total biodiversity programme cost, which may include non-NPSIB biodiversity activities you already undertake? Cost estimates associated

with specific requirements would be useful, e.g. SNA identification, plan changes, regional strategy development, etc. but aren't essential. Ballpark figures will suffice.

In our previous responses to phase one of road testing for this NPS we estimated costs for producing a regional biodiversity strategy (\$750,000) and for implementing the further indigenous biodiversity monitoring requirements (\$1,857,000 p.a.). We also provided some indicative costing for liaising with tangata whenua and surveying for highly mobile fauna (please refer to that submission for details).

Q7: Does your council have the existing capacity and capability to implement the NPSIB? If not, what expertise are you missing?

We have in-house capability to implement most aspects of this NPS. However, we will likely need to contract consultants to undertake additional work in some areas. These may include for iwi engagement and to fulfil the biodiversity monitoring requirements. We would need to line these requirements up against the other new pieces of national direction to determine whether any new staffing may be required for implementation.

Q8: Which of the following FTEs are included in your response to question 7?

See response to question 7 above.

Q9: What external expertise will you need to bring in to implement the NPSIB? Any information on FTE of these is useful but not essential.

See response to questions 7 above.

Q10: How do you think the NPSIB will impact the different parts of your regional or local community, e.g. iwi / hapū, landowners? How do you think this will affect implementation?

As discussed at length in our main submission, the process of identifying and protecting SNAs is often contentious. Though we are very pleased that this NPS will lend further support to this process, we suspect that it will not resolve such tensions. The negative perceptions of some landowners may increase the resourcing needed to fulfil implementation requirements (e.g., by extending the length of planning and engagement processes, necessitating more fulsome communications strategies).

Q11: Across all policies, what kind of support would be required for you to effectively implement the NPSIB?

As noted in our main submission, detailed technical guidance, ideally at the time of gazettal, is critical to ensuring that the NPS is implemented as intended. We also think that Government should consider allocating a support team of RMA specialists to this through a dedicated work programme. Those specialists could work closely with councils to ensure effective implementation throughout the process.

Q12: If your district has a large area of public land, what supporting measures will you need to implement the relevant policies?

Territorial authorities may benefit from government financial assistance to survey for the biodiversity values on public conservation land. That said, we do not foresee surveying of public land as a significant part of the cost of this work for local or central government. There will need to be good alignment though, and potential cost sharing, between regional councils and central government for any additional monitoring of indigenous biodiversity on public conservation land.

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SUBMISSION

< Local councils
play an active
role in keeping
our
communities
moving. >



National Policy Statement for Indigenous Biodiversity

Local Government New Zealand's DRAFT submission on the draft NPS

February 2020

We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand and all 78 councils are members. We represent the interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's Vision: "Local democracy powering community and national success."

This final submission was endorsed under delegated authority by XXX (LGNZ).

Introduction

New Zealand's indigenous biodiversity is in decline. The response by the wider biodiversity system to date has been inadequate. This challenge needs a strategic and coordinated response. The Local Government sector supports the government's focus on biodiversity, and we share its ambition to protect and restore indigenous biodiversity.

Collectively, more must be done to arrest this decline. We need systematic change to the way our ecosystems and habitats are valued. This is a wicked problem that can't be addressed or remedied by a singular intervention. It requires a systematic and coordinated effort across all players.

Local government is one of the biggest investors in biodiversity management in New Zealand. Many councils are already doing good work for indigenous biodiversity – much of it in collaboration with other players, including mana whenua, central government, landowners and communities.

The need to do more is clear, but it is important to make sure that the responsibility to respond is shared across the whole system, not just put on councils through a National Policy Statement for Indigenous Biodiversity. To achieve this, roles and responsibilities need to be made clearer and Government must play a more active role in indigenous biodiversity management. This can work, but we must work together.

The Local Government sector appreciates the ongoing opportunity to provide input into and comment on the draft National Policy Statement for Indigenous Biodiversity (NPSIB). This submission is supported by a set of ten case studies that provide a deeper level of context to specific key messages. These are provided in the attached document and referenced throughout the submission.

The scale of the challenge

The biodiversity of Aotearoa New Zealand is unique and irreplaceable. It is essential to our culture, identity, and well-being. However, introduced species and diseases, human activities, and changes to habitats from climate, landscape changes, and pollution are threatening our native species and ecosystems.

Since humans set foot in New Zealand, anthropogenic settlement has gone hand in hand with landscape change, the legacy of which challenges the long-term viability of ecosystems today. Some habitats and ecosystems may already be beyond tipping points and recovery will require significant positive interventions. However, many threats are on-going and evolving, with continued losses being experienced across ecosystem and habitat types. Worryingly, habitat types that are already

Attachment 2 to Report 20.70

the most depleted, having suffered the greatest historic clearance, and/or are naturally rare or uncommon, are particularly vulnerable to loss.

The LGNZ thinkpiece on the future of biodiversity management in New Zealand¹ broadly characterised the main threats to biodiversity as:

1) *Threats not directly anthropogenic in nature* (i.e. predation, grazing competition and disease associated with plant and animal pests – both from new species coming into the country, through border incursions or deliberate introduction, and from increases in the distribution and/or density of pests that are already here)

2) *Anthropogenic threats* (i.e. habitat destruction, e.g. land clearance, drainage of wetlands; habitat deterioration, e.g. fragmentation and deterioration of remnant habitats; hunting and/or unsustainable use; and grazing of domesticated/farmed animals)

While there is agreement that animal pests and weeds are by far the greatest threat to biodiversity in general, the relative significance of ongoing threats to biodiversity varies by region, environment type and over time. In areas that have experienced significant urban and coastal development pressure, such as Auckland, land development is likely to still be the greatest threat to local biodiversity values. Intensification of primary production systems, enabled by the land tenure/pastoral release reform, presents a major threat in areas, such as the Mackenzie Basin in Canterbury.

Context

The Resource Management Act (RMA) gives councils a role to ‘maintain’ biodiversity. This is a broad mandate and something that councils have sought clearer definition of since its inclusion in the RMA in 2003. Considering that the RMA is a singular piece of legislation – a single tool in a wider biodiversity system – this mandate is ambitious in comparison to the limited mechanisms provided by the RMA. We are conscious that, to see an improvement in our ecosystems, species and habitats, all other parts of the biodiversity system need to be working effectively.

The latest CBD report² estimates that the 2017/18 spend on biodiversity management for regional and unitary councils is in excess of \$1 billion. No estimates are available for territorial authorities, but it would be relatively safe to infer that the combined spend of the entire local government sector would match or even exceed that spent by central government, which is estimated at \$1.2 billion over the same period. Local government is committing considerable resource to the management of indigenous biodiversity.

Councils are active in this space and doing a lot of good work to protect and restore biodiversity³ using a variety of regulatory and non-regulatory interventions, including pest management, fencing, restoration and planting. But we recognise that this isn’t enough, and more must be done to manage the pervasive threats that continue to endanger our ecosystems and habitats.

¹ Enfocus 2017, Addressing New Zealand’s Biodiversity Challenge: A Regional Council think piece on the future of biodiversity management in New Zealand, Local Government New Zealand

² Department of Conservation 2019: New Zealand’s Sixth National Report to the United Nations Convention on Biological Diversity. Reporting period: 2014–2018. Department of Conservation, Wellington, New Zealand. Page 123.

³ See NPS Indigenous Biodiversity case studies 1 and 2

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The LGNZ thinkpiece provided concise commentary on the challenge of managing New Zealand's indigenous biodiversity. It concluded that managing indigenous biodiversity in an effective way was a considerable challenge and recommended five key shifts to address New Zealand's biodiversity management:

- The need for strong leadership and clarity of roles and responsibilities
- The need for agreement on where we should focus our efforts at national, regional and local level (prioritisation)
- The importance of a strategic plan and delivering joined-up action across all players
- The need to understand what success looks like, and how to measure it
- The need for modern, fit-for-purpose frameworks, including legislation, to help to achieve our goals

The key shifts remain at the heart of what the Local Government sector believes are next steps if we really want to solve the crisis. This submission should be read with this in mind.

It is also important to note that there is variation between councils in terms of the extent to which they are affected by the proposed NPSIB. Every council is different and faces its own challenges – in some cases quite unique challenges. Auckland Council in particular, being a unitary authority with very significant financial resources, the regulatory powers of both a regional and district council, a relatively modest land mass to manage, but with very substantial parks and reserves of its own, plays a different role in biodiversity management than any other region. For these reasons Auckland Council is generally supportive of most of the policies proposed in the draft NPSIB as it largely encapsulates what they already do. All councils will have differences within their biodiversity work programmes and their readiness to respond to the draft NPSIB will vary.

Some fundamental system challenges

Managing indigenous biodiversity in a strategic and joined-up way is the real challenge. There is no single organisation or agency with sole responsibility for managing indigenous biodiversity. Rather, this responsibility is split across many players who are given a mandatory role by one of many pieces of overlapping and poorly aligned legislation. Alongside this, there are also many non-mandated players who have an interest in the state of indigenous biodiversity and have voluntarily taken on a role to address the things that they care about. The absolute first priority to address the biodiversity crisis is to get the management system right. We are hoping that the revised New Zealand Biodiversity Strategy (NZBS) will provide strong strategic direction, system governance and accountabilities and clear roles and responsibilities across the system. Without this, we are likely to continue much as before.

One of the key obstacles for councils in biodiversity management is the lack of a strong value proposition for landowners to look after the biodiversity on their land. Coupled with few economic drivers, many perceive that the presence of biodiversity protection on their land will lead to penalisation and opportunity loss. Landowners are stewards for New Zealand's biodiversity and there is a need for stronger economic drivers to support them to protect and maintain it.

There is no silver bullet response to the loss of indigenous biodiversity to fix the problem. The Local Government sector has long been an advocate of multiple responses: actions in the right place at the right time by the right player. We would like to see a package of interventions, both regulatory and non-regulatory, to respond to the biodiversity challenge. The NPSIB is only a singular tool affecting

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one part of the system and cannot address the challenge alone. Non-regulatory support for landowners and communities, such as partnership, proactive projects, funding, positive acknowledgement, community support and facilitation, are proven to be effective when used in active management. Central Government could play a much greater role in this space, taking a step into active management and away from policy and planning.

Alongside this, there is a plethora of national direction coming from Central Government, which is intended to be implemented in the next five years, including freshwater, urban development, highly productive land and air quality. This will come at considerable cost to councils and we are conscious that we can't achieve everything in this time. The Government must prioritise what needs to be done first and support all aspects of implementation. Additionally, the NPSIB must work alongside wider government policy – we support an all-of-government approach.

It is very important that there is coherency between national direction and instruments, and they do not confuse, distract or provide contrary direction for councils and landowners. Of note is the decision to limit the draft NPSIB to terrestrial biodiversity and spreading requirements for freshwater and coastal biodiversity across the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement. These environments are integrated in nature and by separating them in policy, we may hinder their effective management. Central government has a role in ensuring these tools have been developed and can be implemented in an integrated way.

People and partnerships: a critical ingredient for biodiversity management

The proposed NPSIB places a lot of emphasis on people and partnerships. We agree that this is at the heart of successful indigenous biodiversity management. In our experience, effective biodiversity protection is underpinned by working with others, building relationships and supporting landowners to get the job done – this is critical for success.

In order to address the challenge of improving the state of indigenous biodiversity in New Zealand, we are going to need strong and effective partnerships between all the parties involved. Our experience has shown us that the support and involvement of landowners will be critical; they are the people on the ground looking after indigenous biodiversity. We cannot simply rely on regulatory obligations to obtain the involvement of landowners. It is important that they are part of the process, to foster a sense of ownership – we are all working together to achieve a common goal.

The protection and maintenance of indigenous biodiversity on private land is a public good and our actions should enable and support landowners to look after it on our behalf. A package of supporting measures and incentives is required to enable and support landowners to do this. Financial support is likely to be important in some circumstances to enable the best outcomes for biodiversity, although not always essential. It will be just as important to provide support through pro-active projects, facilitation, information and advice, as well as positive acknowledgement of good work.

The National Wilding Conifer Programme has successfully demonstrated the value of working collaboratively and inclusively. It has achieved results that would have not been possible without the active support of landowners and other organisations. We encourage government to build and

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maintain a strong dialogue with landowners, not just industry associations. Landowners are a part of the solution and should not be perceived as a barrier to it.

Local government absolutely supports a more explicit role for Māori. Iwi and hapū are key partners for councils and involved in many projects that seek biodiversity outcomes, and we support this role being strengthened. It's important that the requirements of the NPSIB don't cut across already-established good regional and local relationships with iwi and hapū. It is likely that iwi/hapū will need support to be able to deal with the increased requirements that will be placed on them through the draft NPSIB. As proposed⁴, we agree with the Hutia te Rito provision in principle, but further guidance will be needed to provide a sense of how councils make this work in reality.

The focus of the NPSIB: getting our priorities right

Turning around biodiversity decline is a wider system issue that cannot be fixed by an NPSIB alone. The NPSIB is only a singular tool affecting one part of the system.

The NZBS should play a key role in providing a strategic approach: clarifying roles and responsibilities and laying out a clear roadmap of what tools need to be deployed, for what purpose and when. The regional sector has articulated this during consultation on the NZBS and we are concerned that the development of a revised NZBS is happening in parallel to the NPSIB, despite its pivotal role in providing wider strategic direction. This appears to have resulted in a draft NPSIB that is trying to do too much in both protection *and* restoration of indigenous biodiversity.

A key consideration for the Local Government Sector is that all councils are at different stages of their biodiversity work programmes. This means that the proposed policies and timeframes in the proposed NPSIB will impact councils in different ways: for some it will be a significant change and for others it may be the next natural progression of their existing programme.

Prioritising what we do

While restoration is an important part of indigenous biodiversity management, we believe that our priority, and the priority of the NPSIB, should be protection and maintenance of remaining indigenous habitats – this is the core role of councils. Efforts should not be watered down by trying to achieve everything all at once.

It is the Local Government sector's view that the proposed NPSIB should prioritise protection first and foremost by setting bottom lines for biodiversity protection. We should focus on getting this done properly and getting it right.

We request that restoration policies⁵ be removed from the draft NPSIB so that we can focus on protection. Councils that are able to do more can choose to do more. A 'one size fits all' approach is not conducive to successful implementation.

Prioritising where we do it

The draft NPSIB proposes a 'one size fits all' approach, everywhere at once. The core of this is identification and mapping of Significant Natural Areas (SNAs). While we do not disagree with the

⁴ Draft NPSIB, sections 3.2-3.3

⁵ Draft NPSIB, sections 3.16-3.17

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use of SNAs, we are concerned about the urgency to respond in this way across the whole of New Zealand. Areas with high proportions of indigenous vegetation and habitat and/or where threats are low do not warrant such a response⁶. Priority should be given to areas where ecosystems and habitat are most depleted and/or threatened. Better prioritisation is likely to yield better results and a more sensible, manageable and effective approach to implementation.

A prioritised approach to implementation would allow councils to focus resources on areas that are most in need of protection. The identification and mapping of SNAs on Crown land is not a priority – this is the Government’s role. Public conservation land already has measures in place to manage threats and protect biodiversity values. Excluding the need to identify SNAs on Crown land would significantly reduce the cost of implementation for regions and districts with high proportions of this land.

Proposed policies: more specific feedback

In addition to comments above, we offer the following feedback on a number of specific policies.

Protecting biodiversity in SNAs

In general, we accept that there is a need to identify and protect SNAs⁷, but in the context of our comments on prioritising this in areas where the need is greatest. We support the principles and approaches of working with landowners and the proposed ecological significance criteria⁸. We note that there is a legacy of both successful and unsuccessful attempts at SNA processes around New Zealand⁹ that, in some cases, may present pre-existing barriers to a productive process and erode community relationships further.

Some councils are concerned that the criteria and thresholds for identifying what is ‘significant’ could potentially include a substantial area of land in some places, which, when combined with the strict avoid policy and effects hierarchy, could be overly restrictive on land use. For councils, this can cause significant tension due to the need to provide for both economic wellbeing and to maintain biodiversity. The Section 32 evaluation¹⁰ noted that it was difficult to quantify some impacts of the draft NPSIB (such as opportunity costs) and we request that this is reassessed so Government get a better understanding of what the impact will be and what support needs to be given, especially to affected landowners.

There are mixed views amongst councils on the workability of tiered (high/medium) SNAs. The draft NPSIB changes the status quo and there is concern that this could create the perception that some SNAs are more valuable than others, which could be further reflected in weaker controls on land use in some cases. We request that this is tested further.

Highly mobile fauna

⁶ See NPS Indigenous Biodiversity case study 3

⁷ Draft NPSIB, sections 3.8-3.12

⁸ Draft NPSIB, Appendix 1: Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna

⁹ See NPS Indigenous Biodiversity case studies 4, 5 and 6

¹⁰ 4Sight Consulting and Market Economics, November 2019, Section 32 evaluation and cost-benefit analysis for the proposed National Policy Statement for Indigenous Biodiversity

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We do not support the requirement for councils to survey for and protect highly mobile fauna¹¹. This presents a significant shift in role from DOC, who are responsible for species conservation, to councils, who are responsible for habitat protection and maintenance. Councils do not have the expertise, information or capacity to undertake this role. If more effort is needed to protect highly mobile fauna, it will more effectively be implemented by central government.

Regional biodiversity strategies

We do not support the requirement for mandatory regional strategies¹². We acknowledge that regional strategies can be an effective tool to achieve cross-organisational direction, alignment and coordination¹³, but the NPSIB isn't the right tool to deliver this. This places the requirement for a broad, collaborative, non-statutory strategy into a narrow statutory framework.

Most regions have already developed regional biodiversity strategies voluntarily. Some have been led by the regional councils, others by the community – every region is different and requires a different approach. The draft NPSIB requires regional councils to take the lead in the process and ultimately be held accountable for achieving (or not) the delivery of a compliant strategy. This could potentially hinder the collaborative process by forcing what is essentially a consensus-based, sometimes community-led, approach into a standardised 'must do' RMA process driven by the regional council.

Monitoring indigenous biodiversity

The Local Government sector is committed to playing its role in an effective monitoring system. We consider it to be an important part of 'telling the story' about our indigenous biodiversity. Our experience gained through the development of standardised terrestrial biodiversity indicators for regional councils highlights the risk that this could result in an expensive and fragmented monitoring system, producing data outputs that cannot be reliably used for decision-making¹⁴.

Monitoring needs to be considered as part of a whole system – it cannot be designed and implemented in isolated parts. As reinforced in the recent Parliamentary Commissioner for the Environment's report¹⁵, there is a clear need for central government leadership and support to design and implement a coherent national system with standardised monitoring and reporting methods. However, without specified methods, there is a risk that data obtained through monitoring will be incompatible from one area to the next and fail to provide a complete picture across NZ. The development and implementation of a monitoring programme¹⁶ in each region is likely to be extremely expensive for councils. Implementation of the monitoring system will need central government funding and support.

Implementation: key messages

¹¹ Draft NPSIB, section 3.15

¹² Draft NPSIB, section 3.18

¹³ See NPS Indigenous Biodiversity case study 7

¹⁴ See NPS Indigenous Biodiversity case study 8

¹⁵ The Parliamentary Commissioner for the Environment (2019) Focusing Aotearoa New Zealand's environmental reporting system

¹⁶ Draft NPSIB, section 3.20

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The effectiveness of the NPSIB will ultimately depend on implementation. The Local Government sector is committed to making it work, but the NPSIB needs to be the right tool for the job, which we consider to be *protection* of indigenous biodiversity. We would welcome working in partnership with the Government on various aspects of implementation and assisting in the development of a central government implementation support package.

- 1. NPSIB implementation will be difficult and costly for councils¹⁷**, especially in the wider context of other national direction that will need to be implemented over the next five years. We are concerned about implementation costs associated with the draft NPSIB. This includes both the social and economic costs to our communities and the costs to our sector in implementing the NPSIB. As the case studies show, the impact on the Southland District Council and its ratepayers will be considerable, costing over an estimated \$10 million to implement the NPSIB over the first five years following gazettal. In the Manawatū – Whanganui region, the regional council and territorial authorities will need to re-establish roles and rebuild their entire biodiversity programmes to be compliant with the draft NPSIB. The financial impact on these councils and their ratepayers is also likely to be significant. Implementing policies such as identification and mapping of SNAs and monitoring will be particularly costly and time-consuming for most councils and landowners.

We are particularly concerned about the burden this will place on ratepayers in areas with smaller rating-bases, which also tend to have more areas of indigenous biodiversity to protect. This creates a situation that is untenable for these councils, where cost-effective services simply cannot be provided.

When looking at the bigger picture, across all the national direction that needs to be implemented in the near future, the task looks near impossible. The combined operational impact on councils is likely to be immense and we request the Government build a clear understanding and response to this.

- 2. Councils will need Government to provide comprehensive implementation support and guidance** for the NPSIB to work. Supporting measures, such as clear guidance, funding, monitoring and reporting, and ecological and planning expertise will be required for councils. Iwi/hapū and landowners will also need considerable support in order to respond to the increasing requirements placed on them to engage with councils. Central government need to ensure that sufficient budget is made available to provide this support to local government, iwi/hapū and landowners.

It's unclear for some policies what exactly is required and what successful implementation looks like. We request that comprehensive guidance is developed by MfE to clarify these aspects across all policies.

- 3. There is urgency, but timeframes for implementation must be realistic otherwise it won't happen.** Timeframes should be set with effective implementation in mind. We support a staged and priority-based implementation approach. Timing of implementation should reflect these priorities and consider capacity and capability of councils to implement. The proposed timeframes may be more adequate if the draft NPSIB refocuses on protection rather than restoration.

¹⁷ See NPS Indigenous Biodiversity case studies 9 and 10

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We request that Government develops a comprehensive implementation plan to map out how the draft NPSIB will be implemented by councils and how implementation support will be applied.

Central government also needs to consider all the other instruments that councils are currently, or will be, dealing with over the next decade. Cumulative implementation impacts will be significant.

- 4. Government needs to take a stronger leadership role across the wider biodiversity system** in order to drive significant change. The response to the biodiversity crisis is a national challenge, not a local one. We are hoping that a revised NZBS will provide much needed and bold strategic direction and lay out a plan to address the fundamental challenges noted above, including getting the biodiversity system right.

Conclusion

New Zealand's biodiversity crisis needs a firm response. The Government's focus is positive, and we share its aspirations to help our indigenous biodiversity thrive once again. We firmly believe that it can be done, but our actions must be strategic and coordinated.

However, we still lack strategic direction for the wider biodiversity system. The NZBS should play a pivotal role in this by providing a roadmap for system governance and accountability, clear roles and responsibilities, a suite of regulatory and non-regulatory tools, incentives, monitoring and reporting. The Government needs to take a leadership role and broaden its impact beyond policy development and regulatory intervention. We have seen the landscape-scale impacts that can be achieved when central government gets involved with active management – we applaud it and encourage more.

The Local Government sector is committed to making the NPSIB work, but we need to be strategic, prioritise and make sure the NPSIB is focussed on the right things. The draft NPSIB is trying to do too much and goes beyond what we believe to be the core role of councils. It will be near impossible to implement as intended everywhere across New Zealand. By scaling back the NPSIB to protection of habitats and providing comprehensive implementation support, Government can provide a workable solution and enable the Local Government sector to get the job done well.

Case studies to support LGNZ's Submission on the draft National Policy Statement for Indigenous Biodiversity

DRAFT

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Case study 1: working with landowners - Canterbury's Wilding Conifer Management Programme

Summary

Effective biodiversity protection is underpinned by building relationships and supporting landowners to get the job done – this is critical for success. Parallels can be drawn with the Wilding Conifer Control Programme, which relies on the active support and participation of landowners to tackle the spread of wilding species. Environment Canterbury have applied a non-regulatory, collaborative approach, bringing landowners into the tent early on, and this has helped them to achieve major progress. We encourage the Government to build and maintain a strong dialogue with landowners, not just industry associations.

Supporting landowners is also essential. The protection and maintenance of indigenous biodiversity on private land is a public good and our interventions need to enable and assist landowners to look after it on our behalf. The Canterbury Wilding Conifer Management Programme (and later the national programme) has achieved huge success by providing partnership, proactive projects, funding, positive acknowledgement, community support and facilitation. A similar package of interventions, both regulatory and non-regulatory, as part of a wider programme, will be critical to address the biodiversity challenge. Central Government could play a much greater role in this space.

Background

Wilding conifers are a major pest in New Zealand. They threaten ecosystems by competing with native species for water and light, change iconic landscapes, reduce recreational access and enjoyment, and limit productivity of primary industries. Wilding conifers already have affected large areas of the country and are spreading at around 5 percent annually, which is around 90,000 additional hectares infested each year. Without decisive action the cost of control could escalate exponentially¹⁸.

Although management of wilding conifers is possible, it can be complex, with large, long-term control operations, often across land tenures, and involving a wide range of parties who have different drivers or objectives. It's a considerable challenge for New Zealand.

In Canterbury, the issue has been escalating for decades with large tracts of land infested by wilding conifers – easily the worst affected region in New Zealand. In 2015 the non-statutory Canterbury Wilding Conifer Management Strategy was launched with the aim of preventing the ongoing spread of wilding conifers. This non-regulatory approach was built around collaboration, coordination and action. It relied on relationships and partnerships, being in the interest of all parties to succeed, from central and local government to private landowners. Everyone was 'in the tent' and part of making the project a success.

In 2015, central government injected \$16 million into national wilding conifer control and launched the New Zealand Wilding Conifer Management Strategy (2015-2030). The strategy was largely based on the Canterbury model – work with people and deliver on-the-ground action. Following this,

¹⁸ Ministry for Primary Industries (2014) The right tree in the right place. New Zealand Wilding Conifer Management Strategy 2015-2030.

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operations were up scaled and the Canterbury group have successfully made landscape-scale changes, eliminating most of the wilding conifer spread from 2 million hectares, which is 43% of the region's land area [Map]. The national programme was so successful, the Government injected a further \$21M into the programme for 2019-2021.

Discussion

The success of the Wilding Conifer Control Programme has been due to the commitment of all involved (wilding tree management groups, landowners, and central and local government), as well as the provision of support to landowners.

You need to take people with you

The programme recognises that a critical factor for success is building strong partnerships between landowners, community groups, industry, researchers, local and central government. At the centre of partnerships is buy-in and ownership; the desire to do it for yourself, not just because you are told that you must. Landowners are the ones doing the work on-the-ground, and they need to be part of the process from the beginning. The Wilding Conifer Control Programme achieve this by ensuring that all the players involved in implementation sit around the governance table. They have a shared vision, and all understand the role they play as well as gaining confidence that others are also fulfilling their roles.

The value of this approach can be seen in the results of the wilding conifer programme. In the Mackenzie Basin, landowners are actively engaged in wilding conifer control, and this has been absolutely critical to the success of their removal from the area, with 300,000 hectares now cleared¹⁹ [before and after photos]. Everyone understands that working together is key – there is little sense in removing wilding conifers on public land if there are still seed sources on private lands. Landowners in Mackenzie value these partnerships and feel proud of what they have achieved together²⁰:

“It’s a pretty proud feeling to know the impact we’ve had. We feel like it’s been a success story.... It’s a true partnership. We’ve done our bit and the other agencies have done their bit as well.... It just goes to show when people work together, you can go about making real progress.” **Hamish & Julia Mackenzie – Braemar Station Landowners**

“The real positive thing has been the partnerships. We’ve got all the organisations working for a common goal and without that, individually, we cannot handle the problem. Collectively it’s do-able.” **Andrew Simpson – Balmoral Station Landowner**

The landowners provide a public good by controlling the wilding conifers on their land, but also benefit from removing the seed sources as early as possible, before the costs of control escalate rapidly.

¹⁹ LINZ website: Wilding Conifers Case study - Mackenzie Basin

<https://linz.maps.arcgis.com/apps/Cascade/index.html?appid=8a1820bfa516432a955ab5145c1952c4>

²⁰ Environment Canterbury video “Managing wilding conifers” (February 2020)

<https://www.youtube.com/watch?v=40yoEXnp4xQ&feature=youtu.be>

Attachment 2 to Report 20.70**You need to support people**

In addition to landowners *wanting* to help, they also need the appropriate support to do it.

A critical factor in the success of the National Wilding Conifer Control Programme has been the provision of funding up front to help landowners do the necessary work. Landowners in high priority control areas can receive up to 90% funding for controlling wildings on their property. This has made a huge difference in areas such as the Waimakariri Headwaters, where previously the Crown and local stakeholders had been struggling to contain wilding spread from old erosion-control plantings. A funding boost of \$2 million from the Wilding Conifer Management Programme in 2016-2018, adding to \$800,000 worth of contributions from Environment Canterbury, Department of Conservation, Waimakariri Ecological and Land Restoration Alliance (WELRA) community group and landowners, has allowed them to turn the situation around²¹.

Non-financial support is also important, and the Programme provides national coordination, information and good practice guidance to further enable landowners. For example, the Programme is now providing advice on which tree species to plant when replacing conifer shelter belts, to avoid replanting spread-prone species. Research programmes, such as *Winning against Wildings* and *Wilding conifer control and beyond*, are undertaking integrated research and monitoring, to provide support in areas such as control regimes and how to minimise the wild spread of commercially important species. A tool has also been developed by Land Information New Zealand, in conjunction with the Department of Conservation and IT company Eagle Technology (“Wilding Conifer Information System”) to allow wilding conifer infestations to be mapped by people on the ground using GPS devices to aid in better planning of control work.

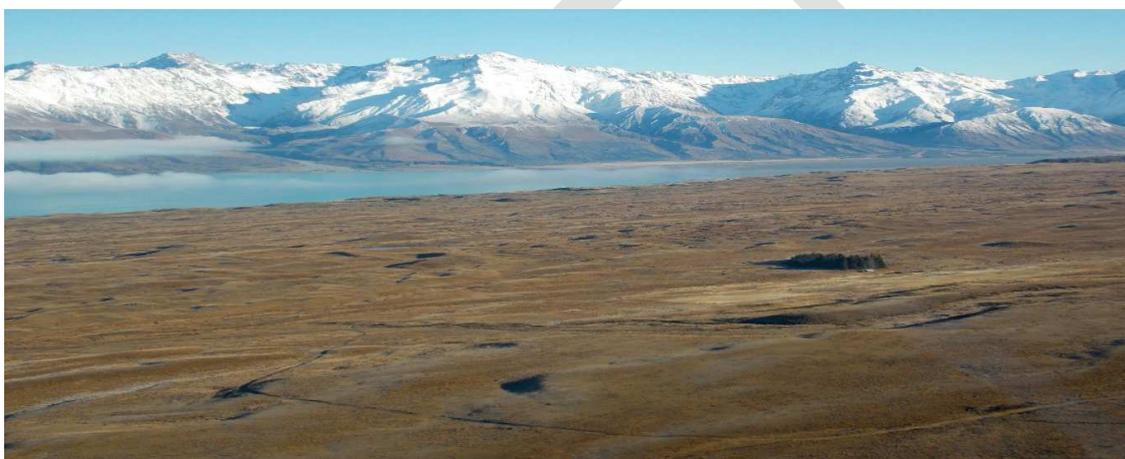
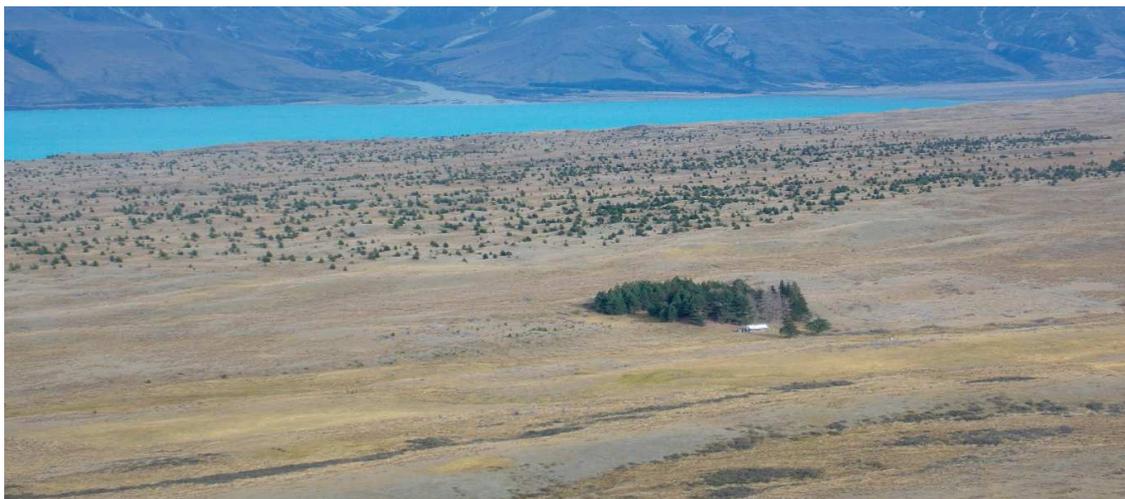
Conclusions

- The National Wilding Conifer Programme demonstrates the value of working collaboratively and inclusively with landowners. They have achieved results that would have not been possible without the active support of all involved.
- The provision of a package of regulatory and non-regulatory interventions has been fundamental in the success of the Wilding Conifer Management Programme in the Canterbury Region. The availability of funding, as well as non-financial support (e.g. proactive projects, facilitation, information and advice), has been a key factor in enabling landowners to control wilding conifers over vast areas of land.
- Parallels can be drawn with the protection and maintenance of indigenous biodiversity on private land - landowners will play an important role. It is vital to bring them along with the process and help them to look after indigenous biodiversity on their land, in a way that is mutually beneficial to all.

²¹ LINZ website: Wilding Conifers Case study - Waimakariri Headwaters
<https://linz.maps.arcgis.com/apps/Cascade/index.html?appid=569faaa4db884fab9ebcbd4753cc0298>

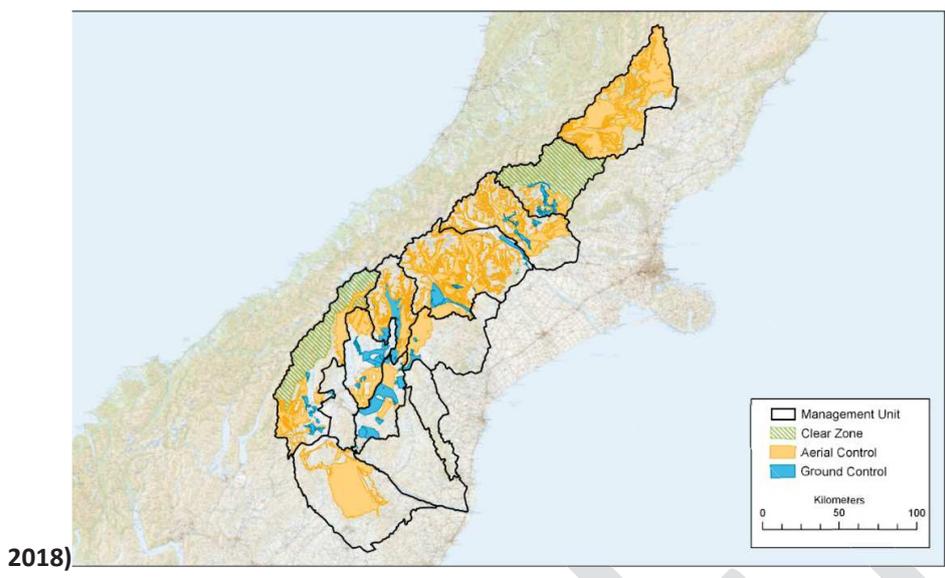
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Photographs - Before and after wilding conifer control in the Mackenzie basin



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Map - Wilding Conifer control carried out in the Canterbury region (2016-
Canterbury Management Unit Work 2016 - 2018



Case study 2: Indigenous biodiversity management: good work that needs to continue

Summary

Councils are involved in a wide range of initiatives, ranging from small to landscape-scale, working alongside partners to protect, maintain and restore indigenous biodiversity across New Zealand. These include projects like the Towards Predator Free Taranaki project, Hawkes Bay's Cape to City project, Taranaki's Key Native Ecosystem Programme and Canterbury's Wilding Conifer Programme.

These types of projects involve a range of organisations utilising a suite of interventions to achieve real outcomes for indigenous habitats and ecosystems. They are costly and time consuming for councils, but they are well worth the investment.

It is important that the draft NPSIB does not cut across these. Councils have limited resources and, if focus is shifted towards implementing standardised policies in the NPSIB, there is a risk that council's roles will change.

Background

Hawkes Bay's Cape to City project

The Cape to City project was initiated in 2015 as a collaborative partnership, led by the Hawkes Bay Regional Council (HBRC), including private landowners, the Aotearoa Foundation, Department of Conservation (DOC), Manaaki Whenua - Landcare Research and Cape Sanctuary. The \$6 million project costs are shared across all the parties involved.

The project involves predator control and restoration works across 26,000 ha between Havelock North and Waimarama Beach. This area contains around 150 properties, many of which are sheep and beef farms, as well as areas of high value public conservation land and Cape Sanctuary – one of New Zealand's largest privately funded sanctuary areas.

Cape to City aims to develop and implement predator control at landscape scale in a financially and socially sustainable way. The approach must be acceptable to the community and retain its effectiveness for very low cost, which will ultimately make it sustainable. Alongside this, the project relies on landowner participation and integrates working farmland into a broad scale conservation management programme – something that is critical for delivering meaningful and enduring biodiversity gains.

As a result of the success of Cape to City, another project Whakatipu Māhia was initiated in 2018. Whakatipu Māhia is an additional 14,000 ha of ecological restoration, possum eradication and predator control in the Hawkes Bay region being delivered in close partnership with Iwi and the farming community.

Landscape scale pest management in the Taranaki region

Towards Predator Free Taranaki is a landscape scale pest management and biodiversity restoration programme, led by Taranaki Regional Council and supported by Predator Free 2050 Ltd. The programme's aim is to eradicate stoats, rats, and possums across the region by 2050.

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Taranaki Regional Council describe it as a community project, as it relies on people getting behind the initiative by trapping pests in urban and rural areas on the Taranaki ring plain and coastal terraces. The programme works alongside the Taranaki Mouna project, another joint project, which aims to restore the ecosystems and habitats of the Mouna over 20 years. Both initiatives provide active biodiversity management and have the potential to deliver significant outcomes biodiversity across the entire region by 2050. Only launched 18 months ago, sustained predator control has already been achieved over approximately 750 properties, covering 14,000 hectares between Taranaki Mouna and New Plymouth.

Key native ecosystems in the Taranaki Region

Taranaki Regional Council has been running the Key Native Ecosystem (KNE) programme since 2006, providing free site assessments, advice and support to Taranaki landowners interested in managing natural areas on their properties. Eligible KNE sites are those identified as being regionally significant, either because they are representative of the original indigenous vegetation (which is now much depleted), are home to threatened or regionally distinctive flora and fauna, or because they connect or buffer other sites of value.

Through this non-regulatory programme, TRC staff work with landowners to prepare and implement biodiversity plans. The plan presents landowners with a clear idea of what is required to sustainably manage the site for biodiversity purposes. The Council are prepared to provide a range of ongoing support to willing landowners, which may include facilitation of the covenanting process, the initial control of invasive weeds and set up of pest animal control devices, financial assistance with fencing and revegetation planting, monitoring to identify new indigenous species and determine the effectiveness of management actions and improvements over time, and provision of ongoing advice and information on ecological restoration and invasive weed and animal control.

As of July 2018, 265 remnant native habitats had been identified within the KNE programme. Around 20 new biodiversity plans are prepared each year, in line with available funding support, and to date 117 of the KNEs in the region are covered by a biodiversity plan with management recommendations.

Discussion**The NPSIB must not cut across existing good work**

These projects, and many others like them, draw on the expertise, resources and budgets of councils to participate meaningfully with partners. These are the projects that are likely to be the most effective at maintaining indigenous biodiversity in the long-term – undertaking actions on the ground, working with land occupiers to restore degraded ecosystems and building relationships in communities to make sure the work endures. Active protection works.

The NPSIB is trying to achieve the same outcome – to improve outcomes for indigenous biodiversity – but it may have the unintended consequence of diverting councils' focus and resourcing away from active protection and onto NPSIB implementation, which relies on rules and planning. The draft NPSIB should be facilitating the growth of projects like these, not constraining them. Councils are resource-limited and, as a sector, already spend a considerable sum on indigenous biodiversity management. Placing more requirements on top of the work that is already being done will force a reprioritisation of effort and may cut across projects and partnerships already providing invaluable biodiversity gains.

Conclusions

- There are an increasing number of biodiversity projects being undertaken by councils and partners that promote active management to achieve good biodiversity outcomes
- Working with others is effective. The draft NPSIB must not cut across this and put pressure on councils to divert resources away from good work that's already happening.
- These projects are building in number and impact across the regions and the role of the NPSIB should be to facilitate that growth and not constrain it.

DRAFT

Case study 3: Prioritising the right actions in the right places

Summary

The NPSIB proposes a ‘one size fits all’ approach to protect, maintain and restore indigenous biodiversity across New Zealand. This assigns the same level of priority to all cities, districts and regions, placing the requirement to act in biodiversity-depleted, highly threatened environments on a par with biodiversity-rich environments, using the same interventions. Some areas, such as the West Coast which has 84% of its land area administered by the Department of Conservation (DOC), already have high proportions of indigenous vegetation and habitat. The management interventions required for this region will be different from elsewhere where indigenous vegetation cover is severely depleted. A priority-based, staged implementation that first focusses on where protection is needed most, would yield far better results and is a more efficient and effective approach to biodiversity protection.

It is also important to recognise that implementation is going to be expensive. This will particularly be an issue in regions and districts such as the West Coast, who have large areas of indigenous biodiversity but a small rating base to cover the costs. Councils will need financial support and assistance from central government; and a prioritised approach will additionally help to manage these costs over time.

Background

The West Coast region is the fifth largest region in New Zealand (2,327,600 ha). It has a very high level of remaining indigenous biodiversity compared to other regions: figures for 2012 showed the total percentage of indigenous land cover in the region to be 88.98%²². One quarter of New Zealand’s protected land is in the West Coast region, and the vast majority of land area (84.2%) is on the public estate and managed by DOC (1,955,184 ha). Five of New Zealand’s 14 national parks are wholly, or partly, located within DOCs West Coast conservancy. All DOC land south of the Whataroa River is in the Te Wāhipounamu South-West New Zealand World Heritage Area, identified as having international significance. Twelve wetlands and wetland complexes meet the criteria for international importance under Article 2 of the Ramsar Convention; most are managed by DOC.²³

For the majority of indigenous land cover types in the West Coast, there has been either no reduction, or only a very small percentage reduction, in land cover area between 1996 and 2012. In general, habitat here is neither limited or in serious decline. There are a number of threatened or endangered species present throughout the West Coast region, including Okarito brown kiwi, Haast tokoeka, South Island kaka, whio/blue duck, Fiordland crested penguin, scarlet mistletoe and Powelliphanta land snails. White heron are the fourth most endangered bird species in New Zealand, and the only New Zealand breeding colony is at Whataroa on the West Coast.

²² Figure from the Land Cover Database via LAWA (Land, Air, Water Aotearoa):

<https://www.lawa.org.nz/explore-data/land-cover/>

²³ West Coast Te Tai o Poutini Conservation Management Strategy, Volume I, Chapter 2 Context, 2.2 Overview of Conservation Values, Pgs 18-21.

Discussion

A prioritised implementation would allow focus on where needs protection most

Implementation of the draft NPSIB is going to be challenging and expensive for councils and landowners. The draft NPSIB generally treats all indigenous species and assemblages across the country as of equal value and prescribes the same high level of protection. It does not have a tiered approach depending on the values of the indigenous biodiversity or habitat relevant to the regional context, and the nature and scale of threats. In reality, local authorities must manage indigenous biodiversity alongside allowing for economic prosperity within their districts and regions. As the draft NPSIB is strict on this, it may hamper the economy on the West Coast for little gain.

A prioritised approach to implementation would allow councils to focus resources on areas that are most in need of protection. Implementation in a region such as the West Coast, which contains an abundance of indigenous biodiversity and a lower level of threats, is not necessarily such a high priority when compared to more biodiversity-depleted areas in New Zealand, where sites are highly threatened. Similarly, the identification and mapping of SNAs on public conservation land does not need to be prioritised, as there are already measures in place to protect this land. Excluding public conservation land would significantly reduce the cost of implementation in regions such as the West Coast.

Councils are going to need financial support to implement the draft NPSIB

If West Coast Councils are required to implement the draft NPSIB across the whole region as currently worded in the draft NPSIB **and** bear the full expense, the cost to ratepayers will be prohibitive. Given that the West Coast is the fifth largest region by size, and has significant existing indigenous biodiversity values, West Coast Councils would sit at the top end of the implementation costs.

West Coast Regional Council (WCRC) estimates the cost of implementing the draft NPSIB across the whole region to be \$2,254,000 - \$4,172,000 in upfront costs and ongoing operational costs of \$1,019,000 - \$3,949,000 over the next 30 years²⁴.

The West Coast has a population of 32,000 and a small rating base (16% of land area). The annual general rate collect is \$2,400,000. Without central government funding support or a change to the requirements and/or priorities of the draft NPSIB, untenable rate increases would be required to cover this cost both immediately and for ongoing implementation.

Conclusions

- The 'one size fits all' approach of the draft NPSIB assigns the same level of priority to all areas

²⁴ Based on the figures in the Ministry for the Environment's Regulatory Impact Statement (RIS). Note, this does not include the cost to landowners, iwi etc. These figures also do not include implementing the requirements to change the Regional Policy Statement, promoting resilience to climate change, identifying and mapping taonga, surveying and recording highly mobile fauna, promoting restoration and enhancement, and assessing the percentage of indigenous cover in rural and urban areas. The RIS and Section 32/CBA report does not analyse the lost opportunity cost to landowners, the impact on the rating agencies and their ability to implement other work streams and connection with other policy development.

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- A prioritised implementation would be more appropriate, to focus on areas that need protection first
- Implementation of the draft NPSIB will have large cost implications for councils, like the West Coast, that contain large areas of indigenous biodiversity, have a large proportion of public conservation land and small rating bases
- Both applying a prioritised approach and implementation support from central government will support councils to achieve the outcomes for indigenous biodiversity that the NPSIB seeks

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Case study 4: running a successful Significant Natural Areas (SNA) identification and mapping process in the Timaru District

Summary

Timaru District Council (TDC) recently completed a SNA identification and mapping process to inform the biodiversity provisions in its next district plan. Over 770 sites have been identified as SNAs over nearly 11 years of work and all have been subject to on-the-ground surveys. The process has been successful and there has been very little pushback from landowners, mainly due to the relationship-focussed approach taken. The council and the council's contracted ecologist have invested time in building support within the local community and dispelling any negative perceptions about what a SNA is and what it means for landowners. It is expected that, as a result of this process, moving biodiversity-related content through the district plan statutory process will be a positive experience.

The draft NPSIB outlines a strong set of principles and approaches when territorial authorities are undertaking a SNA identification and mapping process²⁵. In TDCs case, the critical success factor was not that the process *was* completed, but *how* the process was completed, especially leading into the statutory district plan process. Under the draft NPSIB, a SNA identification and mapping process would need to be undertaken by 2025 (within 5 years of gazettal) and notified as part of a plan change by 2026 (six years after gazettal). The process used by TDC was successful, but it would not have met the proposed timeframes in the NPSIB. To complete the same process in five years, councils will need to apply a greater level of resourcing and will need clear guidance and support from central government.

In TDCs case, the time and effort spent building trust with its community will be beneficial in the bigger picture of indigenous biodiversity protection, maintenance and restoration beyond the draft NPSIB requirements – ultimately, this is what any biodiversity-related intervention should be striving to achieve.

Background

In 1995, TDC proposed a mandatory SNA process to gather information for their impending district plan review. The community pushed back against this, which led TDC to form a stakeholder group to find a different approach. This group worked through the issues and concluded that a voluntary SNA process was the best way to progress indigenous biodiversity provisions in the district plan. The group subsequently worked alongside TDC to socialise the approach and get the local community on board. Along with the engagement undertaken by their contract ecologist, this allowed TDC to get access to private land on a voluntary basis, although this took some time to secure and progress.

Discussion

²⁵ Section 3.8(2)

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Building trust is important

In the Timaru District, the way of working throughout the SNA process fostered cooperation and trust with landowners. For TDC, a critical factor was having access to a contract ecologist with strong local connections and a good understanding of landowner concerns. The contract ecologist worked slowly and patiently across the district, liaising with landowners and building understanding about the SNA process. The key part of this was being upfront with landowners about what having an SNA on private land means. This built the support needed from landowners to complete the process and build a more positive attitude towards indigenous biodiversity management and provides TDC with a strong platform to build their biodiversity work programme into the future.

The practicalities of a SNA process

A SNA identification and mapping process must be well thought out. TDC needed specific expertise for this, including ecologists, planners and communications staff. Like many other territorial authorities, TDC doesn't have an in-house ecologist on staff, so had to contract in the expertise it needed. This may present a challenge in itself – finding enough ecological expertise in New Zealand to allow all territorial authorities to undertake SNA processes or update existing SNA schedules within the proposed five-year timeframe. Suffice to say, getting the right people and expertise involved is critical.

Gaining access to private property was both time and resource-hungry but was entwined with the critical relationship-building aspects of the process. Seasonal variability was a challenge, with some plants and fauna only being detectable at certain times of the year. Additionally, throughout the multi-year SNA process, there were also changes in land use and species classifications that forced a reassessment of some potential sites – reassessments might be needed along the way.

It is important to recognise that implementation will be a challenging and may take time to do properly. TDCs process was successful but took 11 years. To meet proposed timeframes, councils will require the right guidance and varying degrees of resourcing support from central government to complete the process.

Conclusions

- Building relationships and trust with landowners is key to a successful SNA identification and mapping process
- Aside from building community support, a SNA process can be challenging, and success is dependent on the right people and the right conditions
- To achieve the five-year timeframe in the draft NPSIB, councils are going to need the right guidance and resourcing from central government

Case study 5: Community opposition to Significant Natural Areas (SNAs) in the Hurunui District

Summary

The draft NPISB identifies the importance of building strong relationships with landowners, highlighting the principles of partnership and transparency²⁶. However, it is vital that we recognise that in some cases this will be a challenging process, which may not fit into set procedures and timelines.

Hurunui District Council's (HDC's) experience of mapping SNAs highlights the strong opposition that councils can come up against. Some parts of the Hurunui community fear that having a SNA identified on their land will in effect lock this area away, leaving them no control over its management or even not owning it anymore. This has galvanised resistance to not only this method of protection, but against biodiversity-related regulation full stop. The lack of support from some landowners caused issues for HDC that made the SNA identification process difficult.

It will take time to build the relationships and trust necessary to facilitate the mapping of SNAs, particularly in districts like Hurunui. This will involve managing landowners' perceptions of this work, by providing clear information and a transparent process.

Legacy issues, like in Hurunui, will make the implementation process different for all councils. Therefore, there is a risk in prescribing a 'one-size fits all' policy in the NPSIB for the SNA mapping exercise that Councils will not have the flexibility to approach relationship building with the time and methods needed to do it effectively.

Background

In Hurunui, the management of indigenous biodiversity has long been a contentious issue within the District. HDC ran a SNA mapping process in 2015 as part of the development of the second generation of the District Plan, with varying success. Although some landowners were comfortable with the formal identification and listing of sites, there was significant resistance from others. Some parts of the community organised themselves to strongly oppose the identification of significant indigenous vegetation and any regulations relating to biodiversity on private land. It was, and still is, their view that the protection of indigenous biodiversity and ecosystems should be voluntary, and they do not support a regulatory approach.

HDC worked to foster collaboration and encourage dialogue over these issues by setting up a biodiversity working party in 2014, inviting a range of stakeholders to a series of meetings. The aim was to identify a range of ways and means to enhance and protect biodiversity within the Hurunui District, with the support and endorsement of landowners and the wider community. This group held a very diverse range of views and after five months of meetings there was general consensus, amongst those still attending, that identification, mapping and protection of SNAs was generally acceptable. Unfortunately, over time, attendance at these meetings had dwindled, with those in opposition withdrawing from the conversation early on, rather than being convinced that it was a good idea.

²⁶ Section 3.8[2]

Discussion

NPSIB implementation will be difficult

The draft NPSIB directs councils to adhere to the principles of partnership and transparency when undertaking the assessment and classification of SNAs, recognising the value of building relationships with landowners. However, it's important to recognise that the identification and mapping of SNAs can be highly contentious and building landowner support may be extremely challenging. Some communities in NZ will be more amenable to this than others – there is a history and baggage that needs to be overcome in some areas. All councils will be at different starting points and building a good relationship cannot be squeezed into a set timeframe.

The lack of support from some landowners created difficulties for HDC when trying to identify and map SNAs, due to issues with access to properties and the ability to obtain accurate ecosystem information in order to determine if sites meet the significance criteria. In the end no SNAs were identified or listed in the second generation of the District Plan, as further research and consultation was not completed. Despite HDC setting up a process for stakeholder engagement, those in opposition simply withdrew from the conversation, without issues being resolved. This sets up potential challenges arising through the statutory process, with a high likelihood of opposition from those who opted out of stakeholder engagement.

The draft NPSIB policy therefore needs to be considered carefully – forcing through a 'one-size fits all' policy may be unhelpful in circumstances such as these and will not provide Councils with the time and flexibility they may need to handle more difficult situations. In the case of HDC, some landowners have retained a feeling of distrust regarding biodiversity interventions towards the Council, which will require significant time and effort to rebuild. While having a national direction will strengthen the case for councils, it will not necessarily reduce the time, effort and cost of statutory processes and subsequent litigation.

Landowners need to have a clear understanding of what the rules around SNAs are, and what it will mean for them

A sticking point for some members of the Hurunui community was that "drawing lines on maps" would lead to substantial areas of their land being locked away from them, out of their control, with unduly restrictive regulations imposed on them. It will be critical to manage these negative misconceptions and offer clarity on how the SNA process will affect landowners. This also needs to go hand-in-hand with the provision of information on what support and incentives will be available when SNAs are identified on private land. The NPSIB already states this, but it may be difficult to implement in the timeframes suggested, especially in districts like Hurunui.

Conclusions

- The process of implementing the policy on SNAs will be difficult for councils, especially those where there is a negative legacy associated with SNAs and biodiversity
- HDC's previous experience of mapping SNAs demonstrates how challenging the process can be, and that building successful relationships with landowners is not a given
- A 'one size fits all' policy will not provide the flexibility in methods and timeframes that may be needed to successfully build these critical relationships

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- Part of building landowner trust will be carefully managing misconceptions about what SNA identification and regulation will mean for landowners. We reinforce here the importance of transparency and the provision of information and support, as will allowing the time needed to do the job properly.

Photograph - Areas of scattered bush amongst farmland in Hurunui are going to be particularly challenging to identify and map, particularly in the back country



Photograph - Restoration will be challenging in amongst quarry operations



Case study 6: Working through an RMA process using SNAs: The New Plymouth District Council

Summary

New Plymouth District Council (NPDC) have already run a successful process of identification and mapping of SNAs, similar to that proposed in the draft NPSIB. NPDC has focused on transparency: landowners can easily find out about their SNA and what this might mean for them. Their informal approach of engagement provides information and multiple opportunities for discussion; and has generally been positively received. This is an example of a robust SNA identification process that brings landowners along for the journey. There needs to be enough time to do it well – it cannot be fast tracked or shortcut.

The Council has applied a package of supporting mechanisms. In addition to the regulatory implications of SNAs, they have also worked to promote a sense of pride in indigenous biodiversity protection and discuss voluntary protection options. A range of incentives (both financial and non-financial) are also offered to recognise the valuable role landowners play in protecting SNAs. Central government has a role to play here, supporting Councils with the funding and resources necessary to provide a range of support mechanisms to landowners.

Background

NPDC was taken to the Environment Court in 2005 and 2015 about the level of protection for native bush through the District Plan. In response to the Environment Court directives, the Council has undertaken a large project to identify additional SNAs and taken a stronger approach to halt the decline of biodiversity. This has involved significant landowner engagement and the introduction of both regulatory (rules in the District Plan to manage effects on SNAs) and non-regulatory methods (such as rating relief, information and support, and a fund for fencing). The Operative District Plan has approximately 30 unprotected SNAs subject to rules, whereas the Proposed District Plan (publicly notified September 2019) identifies 376 SNAs, covering approximately 24,000 hectares, over at least 1,000 properties. The District now has one of the highest rates of areas legally protected in the country, which is seen as a positive outcome of this good work over at least a decade.

Discussion

A transparent process has been used to identify likely SNAs

In 2007, the Council, with the help of Wildland Consultants Ltd (Wildlands), began a project to determine if any other natural areas met the criteria for SNA, in addition to the 30 already listed in the Operative District Plan.²⁷ The process was run in stages, first involving a desktop exercise that used ecological databases (LENZ, LCDB2) and aerial photographs to identify 363 Likely Significant Natural Areas (LSNAs). The next stage was landowner liaison and field checks, which involved informing landowners and offering field checks to 'ground-truth' the desktop study findings. These additional SNAs were included in the online Draft District Plan (alongside the 30 operative SNAs),

²⁷ New Plymouth District Council Ecosystems and Indigenous Biodiversity Proposed District Plan 2019. Appendix 2: Process Undertaken for the Identification of Significant Natural Areas

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which was released on 5 February 2018 for public comment prior to the statutory plan review process. Further engagement and ground-truthing continued into 2019, with the preparation of an Urban SNA schedule and the late decision in early 2019 to include rules on urban SNAs in the Proposed District Plan (following direction indicated in the BCG report in respect of the need to focus on urban biodiversity). The entire process ran from 2007 until early 2019 [Image of timeline]. The field-checking phase took place over about 18 months and was an intensive administrative and logistical period for planning staff, working with Wildlands, the local QEII representative, and elected members. Data management including GIS has been a key (and difficult) component requiring additional expertise.

NPDC are of the view that it would be difficult to complete this entire process of identification, mapping, field checking and socialisation for all likely SNA sites within a 5 year period, as prescribed in the draft NPSIB, if all SNAs need to be ground-truthed.

Consultation, open communication and information provided

The Council has worked to keep landowners informed and involved and made considerable effort to understand the concerns of landowners.

Between December 2016 and March 2019, 685 letters were sent to rural landowners with a 'Likely SNA' (LSNA) identified on their property. Landowners were invited to request a free ecological assessment and included with the letters were maps and a factsheet that listed what landowners could do without needing a consent and the type of activities that would require a resource consent. Overall, landowners responded positively to the listing of activities (based on existing uses) that they could do without needing to contact the Council. They were also informed about a public viewer of all LSNAs available on the Council website [photo from public viewer]. This allowed landowners to view their properties and surrounds and see the additional LSNAs that are being considered in the Proposed District Plan (see photo from the public viewer).

All landowners were also invited to attend an Open Day held in their area, to discuss their property one-on-one with Council staff and the Council's contract ecologist. The Open Days were well received and allowed for landowners to have open discussions about their concerns. Council staff also gained significant insight into understanding individual landowner concerns about having a LSNA identified on their property. Approximately 25% of all landowners took up the offer for the free field check, and they were invited to further Open Days to discuss the results of the assessments with Council staff and the ecologist who undertook the assessment. In a few cases the ecologists revisited the properties to address particular landowner concerns. In total, Wildlands completed 235 field check assessments, which involved 141 landowners. After landowner consultation and field checking, the number of LSNA were reduced to 343, covering 19,765 hectares. As a result of this landowner liaison, approximately one third of the 363 LSNAs identified in the desktop review were visited (or a part of the LSNA was visited) at the request of landowners.

The landowner liaison project has also been used to provide landowners with information on the values of indigenous biodiversity with a face-to-face approach. A sense of pride in indigenous biodiversity protection is promoted during the visit along with discussing voluntary protection options. The project is used to gather information and encourage proactive land management to address the main threats to indigenous biodiversity, which are stock browsing and pest plants and animals. The more recent Environmental Court decision found that this is an important option to sit alongside the rules approach of the District Plan.

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All of these measures have cost NPDC time and effort, but the results speak for themselves - landowners have been brought along with the process. There were no short-cuts when building relationships.

Incentives are important tools

NPDC view the Landowners as 'stewards' of indigenous biodiversity and acknowledge the principal role they play with a range of financial and non-financial incentives. The following are currently included for operative SNAs:

- Acknowledging that landowners play a principal role in sustainably managing native bush
- Providing funding towards fencing when you covenant or formally protect an area
- Providing rates remission for the proportion of your property in SNA (100 per cent if you have a covenanted SNA, or otherwise 50 per cent)
- Waiving resource consent fees for minor consents
- Connecting you with other agencies to promote pest control on a voluntary basis
- Extra subdivision entitlement when you covenant or formally protect an area

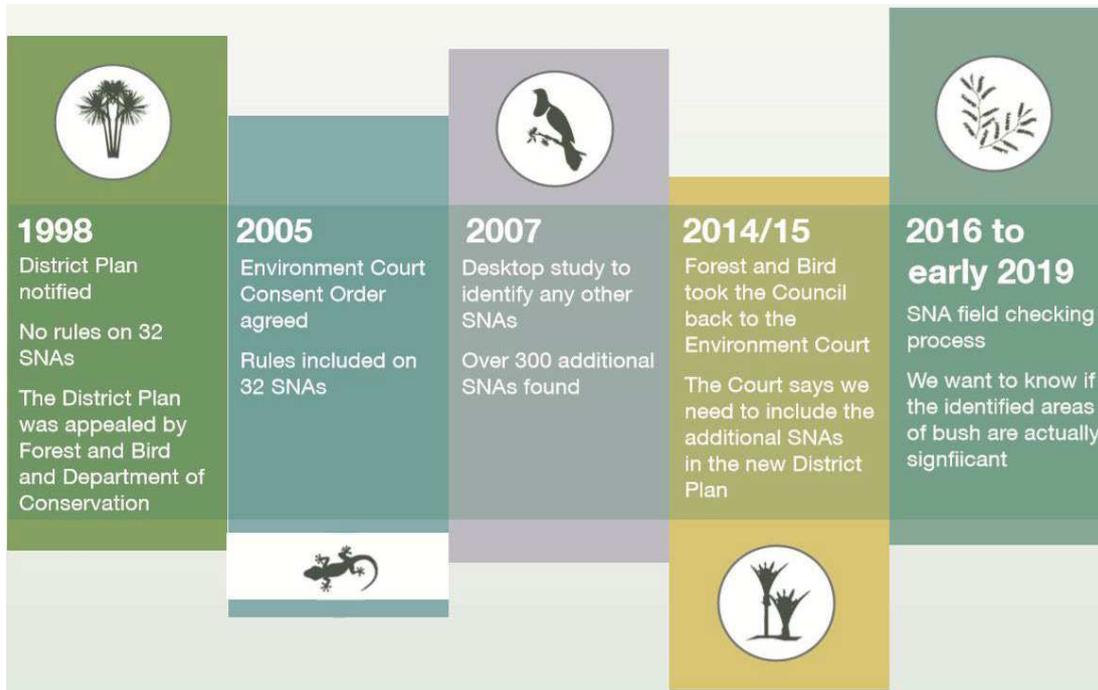
These incentives have helped to bring on board some landowners who were not initially supportive of the need for rules in the District Plan relating to SNAs. It is noted that these are costs that are borne by local rate payers for the advantage of biodiversity outcomes and will need to be reviewed for inclusion in future Long Term Plan processes. Central government support for the provision of incentives would be of great benefit to councils.

Conclusions

- A successful SNA process requires Councils to invest time and effort to build strong relationships with landowners
- You cannot fast track the relationship-building process. There needs to be enough time to do this properly, as well as the necessary resources and funding available.
- NPDC's process was landowner-led and did not involve compulsory ground truthing. The costs and time to develop this process of identification, mapping and checking, for a third of the SNAs in the District took over 18 months. Taking into consideration the work involved, it would be difficult to complete the entire process for all sites within 5 years, as prescribed by the draft NPSIB.
- An important part of NPDC's approach was the support and incentives provided to affected landowners. A package of both regulatory and non-regulatory interventions is required during implementation of the NPSIB, and central government need to help councils to provide this.

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Image - Timeline for SNA identification, mapping and field-checking by NPDC



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Photograph - Example of photograph generated by online public viewer for likely SNAs



Case study 7: Developing a regional biodiversity strategy for the Southland Region

Summary

Regional biodiversity strategies are an important tool to develop a shared vision and objectives for indigenous biodiversity management at the regional level. These strategies are non-statutory documents, developed voluntarily by the various players in each region. They are used to agree a common vision and sense of cooperation and ownership for mandated and non-mandated players, including iwi/hapū, central government, local government, community groups, Trusts, NGOs and landowners. Most regions have developed or are in the process of developing biodiversity strategies voluntarily.

Biodiversity Southland, a forum for agencies, organisations and individuals who have responsibilities or an interest in managing biodiversity in Southland, is currently developing a regional biodiversity strategy. The work is following a collaborative approach that is being facilitated by Environment Southland. The process so far has been positive but has had its challenges – every collaborative process does. Fortunately, the process has the benefit of time, flexibility and mutual accountability, which will allow the group to work through points of difference and hopefully agree a strategy that will pave the way for a more effective approach to indigenous biodiversity protection, maintenance and restoration for the future.

The draft NPSIB would direct regional councils to develop regional biodiversity strategies in a standardised way (Appendix 5 of the draft NPSIB) in set timeframes²⁸. In the case of Southland, the regional council would be required to take the lead in the process and ultimately be held accountable for achieving (or not) the delivery of a compliant strategy. This could potentially hinder the collaborative process by forcing what is essentially a consensus-based, community-led approach into a standardised ‘must do’ RMA process driven by the regional council. The process would change as a result.

Background

The land use of the Southland Region is predominantly rural, particularly on the Southland Plains, with large areas of public conservation estate in the Fiordland National Park and on Rakiura. It is one of New Zealand’s most sparsely inhabited regions with a population of just over 100,000. The Southland region has over 60 different native ecosystems spread across 3.1 million hectares of land and 3,400km of coastline. It is a region rich in indigenous biodiversity, but like other regions, Southland has seen an ongoing decline in native ecosystem quantity and quality.

Biodiversity Southland, a regional forum for players involved in biodiversity management, spanning iwi, central and local government, non-government organisations and local groups, initiated development of a regional biodiversity strategy in 2002 but were unable to finalise it. In 2017, the Southland Policy Statement became operative, specifying the development of a Regional Biodiversity

²⁸ Initiation within 3 years, completion within 6 years for regions without a biodiversity strategy; completion within 6 years for region in the process of developing a strategy or to update a current biodiversity strategy

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Strategy as a key method for achieving biodiversity objectives. When Environment Southland (ES) started work on the strategy, it quickly realised that the complexity of biodiversity issues could not be fixed by a council-focused strategy and that a wider community approach was required. ES approached Biodiversity Southland and asked them to help. The forum agreed to revitalise the strategy development with support and facilitation from the regional council. The driver of developing the strategy was to help guide key stakeholders to effectively work together to manage biodiversity in the Southland region. Each player is around the table on the same footing with no hierarchical structure in place – everyone has an equal say. They bring different mandated roles and non-mandated interests, but all share the same desire to improve the state of indigenous biodiversity across the region.

So far, the group has agreed a shared vision, goals and objectives (what needs to be done) and are currently in the process of identifying and agreeing methods and implementation (how it needs to be done). So far it has been challenging to arrive at an agreement. When considering the different roles of the players around the table and the variety of viewpoints on the best way forward - including resourcing, budgets, existing priorities – it is no surprise that it has, and continues to, take time, effort and patience. However, getting this part right is important as it sets accountabilities for each player to the others.

Discussion

The biodiversity management system is broad and encompasses a range of mandated and non-mandated players that have a range of tools and resources at their disposal: regional strategies aim to set a direction of travel and draw on this full spectrum of interventions through implementation. The strength of a regional strategy is the fact that it sits outside of an individual players' mandate and any specific framework, meaning it can 'think big', be representative of everyone involved and span all ecological domains – terrestrial, freshwater and coastal/marine.

Collaboration can't be forced

Collaboration has many benefits, but it is hard and takes time. It's important to arrive into a collaborative process on an even keel with other players around the table. Conflicting expectations need to be voiced. Different viewpoints and challenges need to be worked through. Relationships and mutual respect need to be cultivated. Ultimately, a common understanding needs to be achieved to sow the seeds for joined up, effective action. For Southland, this process has been incredibly important.

Placing the requirement for a regional biodiversity strategy into the draft NPSIB takes a collaborative process, where all players are accountable to each other, and makes it mandatory, with the regional council ultimately being accountable for making it happen. You are also changing the objectives of the collaboration - community group representatives are involved because they want more work on the ground, they don't necessarily want to be setting policy or making decisions that affect some else's private land. The Southland process was borne from a common desire to do better and, despite the challenges, all the players are still around the table working through the hard conversations to make it happen. Would a mandatory process achieve this?

We need to use the right tool for the job

Regional biodiversity strategies are currently non-statutory documents. They are not beholden to any specific piece of legislation, rather, complimentary to most. Inclusion in the draft NPSIB puts the

Attachment 2 to Report 20.70

process directly into the RMA framework and provides no additional incentive for non-council players to be involved. For Southland, players are involved because they *want* to be, not because they *must* be. As for most other regions who already have strategies, the inclusion of the requirement for regional strategies in the NPSIB provides no additional purpose, incentives, assistance or support for Southland's strategy development process. It may, however, change the collaborative dynamics and potentially morphs the strategy development process into a stricter RMA-based planning style process. In Southland, the ability to be flexible and innovative when developing the strategy has been an advantage, and the strategy would likely look very different if it had been started under the draft NPSIB. In this case, nothing is broken so there's nothing to fix.

The draft NPSIB does not provide the best fit for regional biodiversity strategies because it compels councils to go beyond what the RMA provides for: effects management. Under the draft NPSIB, developing a strategy and monitoring its progress is mandatory, but implementing it is not. This instinctively places strategy implementation on shaky ground when compared to the other requirement of the NPSIB.

Regional biodiversity strategies would be better placed as being strongly recommended through the New Zealand Biodiversity Strategy – still non-statutory, voluntary and cross-domain, but with more non-regulatory support to make it happen.

Conclusions

- A collaborative approach has been important in the development of the Regional Biodiversity Strategy for Southland
- The process has benefited from time, flexibility and mutual accountability, allowing the group to work through points of difference and towards an agreed strategy
- The draft NPSIB would direct regional councils to develop regional biodiversity strategies in a standardised way in set timeframes – this may hinder the collaborative process
- Regional biodiversity strategies would be better placed as being strongly recommended through the New Zealand Biodiversity Strategy

Case study 8: A need to improve the national biodiversity monitoring system

Summary

Monitoring and reporting are important components of any biodiversity programme. We need to know that what we are doing is making a difference, or not. The draft NPSIB directs regional councils to develop a monitoring plan for indigenous biodiversity in each region and district. The expectation for the monitoring plan is that it would be tenue neutral and include monitoring for crown and private land.

The experience gained through the development of standardised terrestrial biodiversity indicators for regional councils highlights the risk that this could result in an expensive and fragmented monitoring system, producing data outputs that cannot be reliably used for decision-making. We don't want to end up with isolated and incompatible monitoring regimes that provide little benefit.

Monitoring needs to be considered as part of a whole system – it cannot be designed and implemented in isolated parts. As recommended in the 2019 Parliamentary Commissioner for the Environment (PCE) report²⁹, there is a clear need for central government leadership and support to design and implement a coherent national system with standardised monitoring and reporting methods.

Background

Regional councils collectively developed a monitoring framework with Landcare Research, which took a number of years and was finally completed in 2016. This work developed 18 indicators that, when implemented, would give a much improved regional and national picture of the ecological integrity of terrestrial biodiversity on private land³⁰. This work aligned with the Department of Conservation's (DOC's) tier 1 monitoring framework.

The sector initially attempted to implement the framework with each council providing technical and implementation leadership on one indicator. It soon became obvious that there were significant challenges associated with this - data storage/compatibility of systems and data, a lack of council resourcing, differing ideas and the need for central government involvement and leadership.

An alternative approach was trialled by splitting the indicators into plot-based (4 indicators relating to the establishment of a network of permanent plots across the country) and non-plot-based (14 indicators ranging from indigenous vegetation extent to areas of pest animal and plant control) programmes of work. The regional sector engaged a consultant to bring DOC, the Ministry for the Environment (MfE), Stats NZ and Councils into a cross-organisational team to find a better solution for a plot-based programme. The group progressed the technical methodology for establishment of a plot network on private land but was stalled by the question of who should undertake what

²⁹ The Parliamentary Commissioner for the Environment (2019) Focusing Aotearoa New Zealand's environmental reporting system

³⁰ Bellingham PJ, Overton JM, Thomson FJ, MacLeod CJ, Holdaway RJ, Wiser SK, Brown M, Gormley AM, Collins D, Latham DM, Bishop C, Rutledge D, Innes J, Warburton B 2016. Standardised terrestrial biodiversity indicators for use by regional councils. Landcare Research Contract Report LC2109.

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monitoring and how costs should be apportioned. Additionally, it became apparent that it was wise to also place any further implementation of the indicators on hold until such time monitoring provisions outlined in the NPSIB were clearer.

14 of the indicators are non-plot-based indicators. Regional councils continue to develop these, but the more complex indicators require dedicated resource and leadership to implement consistently across the country. Securing this resourcing is a challenge.

Discussion

Development of a national biodiversity monitoring system needs to be led by central government

Indigenous biodiversity monitoring is critically important to understand the impact of our policy frameworks, interventions and to inform strategic decision-making. The regional sector has been working to improve the quality of regional and national biodiversity monitoring for a number of years. However, it is clear that monitoring needs to be considered as part of a whole system – it cannot be designed and implemented in isolated parts. This challenge has meant that despite some councils investing in implementing robust monitoring programmes, limited progress has been made in implementing a coordinated and coherent regional and national monitoring network. Biodiversity data still lacks quality and consistency.

The recent report from the PCE focussed on environmental monitoring and reporting. The report broadly concluded that New Zealand's monitoring and reporting system needs some work. The report made a series of recommendations, which included that MfE be responsible for developing a comprehensive environmental monitoring system. In particular, that:

- a comprehensive and representative national monitoring network should be designed and implemented to ensure systematic, coordinated and consistent monitoring across the country
- the development of a nationally coordinated monitoring system should be properly resourced
- a standardised and consistent approach to collecting, managing and analysing data should be developed, made publicly available and made mandatory.”

It also recommended that, “the Minister of Finance, together with the Minister for the Environment and the Minister of Statistics, should determine the investment required to deliver the recommended improvements to New Zealand's environmental reporting system, the fair distribution of costs between central and local government and the time frame over which a multi-year funding proposal would need to extend to deliver them.”

There is a clear need for central government leadership for indigenous biodiversity monitoring and reporting. Regional councils collectively advocated for this through the recent New Zealand Biodiversity Strategy (NZBS) consultation in September 2019 and believe that the NZBS is the tool to drive the development of a national monitoring framework.

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The draft NPSIB³¹ directs regional councils to work with others to develop a monitoring plan for indigenous biodiversity in each region and district. While the intent of this is positive, this sets the scene for each region to design a monitoring plan independent of the broader system. This will not work. The potential result is a high-cost, fragmented monitoring system with data outputs that lack consistency and cannot be used to provide a reliable basis for decision-making.

A significant amount of work needs to be undertaken by central government to design a coherent national system with standardised monitoring and reporting methods. On this basis, councils will be monitoring and reporting on the same indicators in the same way.

Conclusions

- The wider biodiversity system generally has poor knowledge of the state of indigenous biodiversity on private land. More needs to be done to respond to this.
- A much-improved monitoring and reporting system is needed and supported, but, through previous attempts, regional councils are aware of the challenge of designing only one part of the system in isolation
- Central government must provide more leadership and resourcing for monitoring and reporting. A significant amount of work is required to design, implement and support a system that works and provides robust data on New Zealand's indigenous biodiversity.

³¹ Draft NPSIB, Section 3.20

Case study 9: The cost implications of implementing the NPSIB in Southland District

Summary

The draft NPSIB will mean significant implementation costs for most councils and ratepayers. Southland District Council (SDC) is responsible for administering the largest district in New Zealand, at 11% of New Zealand's land area. With a small rating base, funding the work to implement the draft NPSIB in the stated timeframes will be a considerable challenge and could mean sizeable rate increases for the district.

Background

Southland District has a land area of approximately 30,000 km². Two of New Zealand's largest national parks are within the boundaries of the district: Fiordland National Park and Rakiura National Park (which covers most of Stewart Island / Rakiura), which provide the district with a rich network of indigenous biodiversity. Fiordland National Park is the largest national park in New Zealand and a major part of the Te Wahipounamu World Heritage site.

Southland District has a population of approximately 31,800 (at 2018³²) and is located at the bottom of the South Island. SDC currently has an operational budget of just under \$80M per annum, has a small planning team and no internal ecological capability – it uses consultant ecologists for any assessment work.

SDC currently has rules in its District Plan to control indigenous vegetation clearance. The community has previously shown strong opposition to mapping of SNAs. Currently, SDC funds a series of non-regulatory interventions as part of its biodiversity programme. These include funding voluntary ecological assessments through their High Value Area Programme (HVAP), support for the Toimata Foundation (Enviroschools), Waituna Partnership and the Hollyford Conservation Trust, and pest control on its own land.

In conjunction with the regional council and other district councils in the Southland region, some region-wide work has recently been completed that gives SDC a sense of all potential SNAs across the Southland district [map]. This has identified a potential 3,000 SNAs on private land in Southland District, covering approximately 94,000 ha: a considerable amount. This does not include the approximately 1,400,000 ha of potential SNAs on public conservation land.

Discussion

The financial costs will be significant

Southland District is large, containing a lot of both private and public land, with a small rating base. The draft NPSIB requires SDC to identify SNAs on both private and Crown land. This places a huge burden on the Council and ratepayers.

³² From www.stats.govt.nz Infoshare tool

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The analysis and checking of potential SNAs on private land alone (3,000 potential SNAs) could incur a cost of \$9 million³³. Based on proposed timeframes, this would mean approximately 12 SNAs would need to be assessed each week over the required five-year period. While this is likely to be a worst-case scenario, even assessing a small proportion of these potential SNAs is likely to cost a significant sum. The cost to assess SNA's on public conservation land has not yet been assessed, but it can be confidently assumed it will be sizeable, when considering the vast and biodiversity-rich areas involved.

With such a small rating base, this means that total rates in Southland District will need to increase by approximately 6.2% over three years for SNA identification on private land alone. Staff have been unable to assess the likely impact on rates to fund SNA identification on public conservation land.

Other proposed provisions will require SDC to:

- continue to engage with Ngāi Tahu on a more frequent basis to provide for Hutia te Rito and identify, map and understand taonga
- undertake work to understand climate change impacts on Southland District's ecosystems
- collaborate on the development of a regional biodiversity strategy
- contribute data to regional monitoring (possibly monitoring SNAs); and
- rework district plan provisions and taking the District Plan through a statutory process.

It is estimated that the total implementation cost of the draft NPSIB **on private land only** could be conservatively assessed as being in excess of \$10 million for Southland District. This cost is already insurmountable, even without taking into consideration the cost of implementation on public conservation land. The responsibility to identify SNAs on Crown land would be better placed elsewhere, and not with councils, who will already be hard pressed to complete the job on private land.

Central Government support will be needed

The need for better indigenous biodiversity protection is clear, but it is a national challenge, not just a local one. The draft NPSIB is a sizeable shift for councils and rate payers and it will be important that they are not left to deal with both the problem and the solution alone. The cost to Southland District is at a scale that cannot be shouldered solely by the ratepayers of Southland, especially considering that large parts of the district are public conservation land, administered by the Department of Conservation on behalf of all New Zealanders.

Central Government need to take some ownership of the problem and lead the solution by not only providing national direction, but also providing the means to implement it.

Conclusions

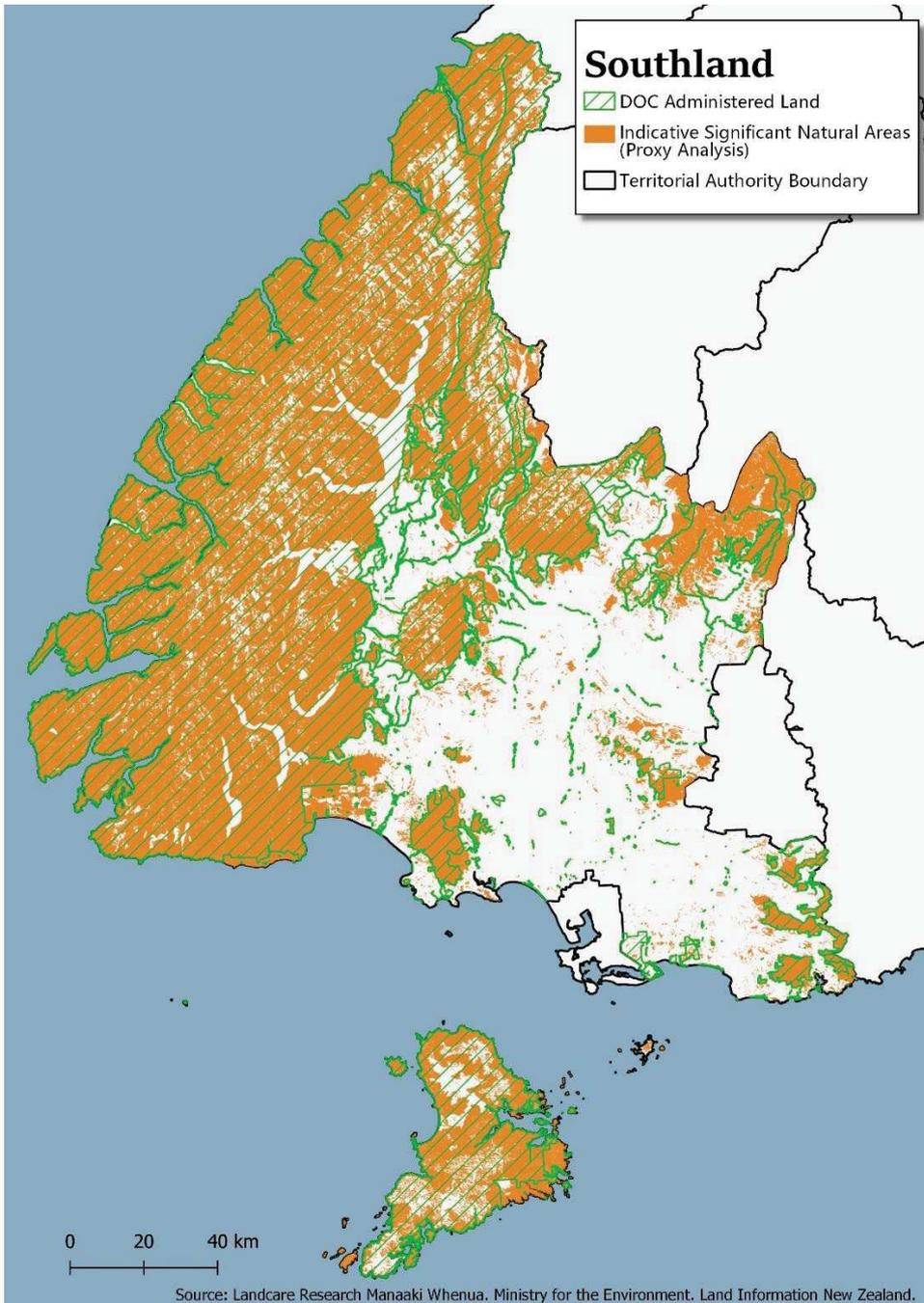
- Southland DC faces a considerable challenge to implement the draft NPSIB. The effort required for private land alone is prohibitively expensive, if the cost must be shouldered solely by council and rate payers.

³³ Based on 3,000 sites requiring on-the-ground assessment at \$3,000 per assessment

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- Removing the responsibility for councils to identify and map SNAs on Crown land is going to be important, especially in districts like Southland
- Implementation is going to be expensive, and councils are going to need extensive implementation support from central government

Map - Indicative Significant Natural Areas (Proxy Analysis) for the Southland District



Case study 10: A significant change to indigenous biodiversity management for the Manawatū – Whanganui region

Summary

The draft NPSIB identifies territorial authorities as the lead agencies for implementation of a suite of policies focussed on Significant Natural Areas (SNAs). Both the delegation of responsibilities and the planning approach taken by the draft NPSIB differ from the current approach taken in the Manawatū – Whanganui region, where indigenous biodiversity protection is provided through a centralised approach.

Horizons Regional Council (Horizons) has developed the “One Plan” for resource management planning in the region (notified in 2007), establishing them as the lead agency for indigenous biodiversity protection in the region. Through this plan, Horizons control activities in specified habitats, and work with landowners to protect and enhance these habitats, using a new and innovative adaptive management approach. Rather than having SNAs identified within the One Plan, a proactive approach is applied, to ensure that all indigenous biodiversity is protected prior to activities being undertaken, and council staff work alongside landowners and consent applicants to provide the best advice. Horizons has found this approach to be cost-effective, providing a service that may otherwise be difficult to resource for many TAs in the region.

It would be a considerable task to restructure this established regional approach and devolve responsibilities to TAs, as prescribed in the draft NPSIB. All councils are at different starting points when approaching the implementation of the draft NPSIB, and face different regional and local challenges, which may not be best approached using ‘one size fits all’ policies. There are concerns that the methods suggested in the draft NPSIB will be a backwards step for the Horizons region, cutting across the good work they have achieved to date.

Background

The One Plan is the ‘one stop shop’ resource management planning document for the Horizons Region. Threatened indigenous biological diversity was highlighted by Horizons as one of the four keystone issues that was important to address within the One Plan. They have developed an approach to biodiversity policy that is unique in New Zealand, with two key aspects differing from how this is dealt with in other regions:

1. **A regional approach:** Horizons, through the One Plan, has established itself as a lead agency in the region to control activities in specified habitats and work with landowners to protect and enhance these habitats. The High Court confirmed that this allocation of responsibilities is appropriate and lawful under the Resource Management Act (section 62(1)(i)(iii)).
2. **Regulation is based on an adaptive approach:** SNAs are not identified or mapped in the One Plan; instead it sets out criteria to assess the significance of areas of indigenous vegetation or habitats³⁴, and describes an extensive range of habitat types that are considered to be

³⁴ Policy 13-5, One Plan

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significant i.e. rare, threatened or at-risk³⁵. Resource consent is needed for activities that adversely affect any area of indigenous biodiversity or habitat that meets the criteria of at-risk, rare or threatened.

Horizons houses a small specialist biodiversity team, and a combination of strong integrated and related functions across land management, freshwater management, biosecurity and science support the front facing role required to effectively manage indigenous biodiversity in the region. Horizons also uses non-regulatory measures to support its indigenous biodiversity work programme, providing voluntary methods to assist landowners and communities in the protection of indigenous biodiversity. Many of these non-regulatory functions have supported the development of constructive relationships between council and landowners, often resulting in considerable good-will toward council in both the regulatory and non-regulatory space.

Horizons recognises that biodiversity, by its very nature, requires a 'whole of agency' approach and other programmes within Horizons also contribute to biodiversity outcomes. The Council has several existing programmes that work alongside the non-regulatory biodiversity programme delivering biodiversity outcomes on private land, rivers, streams and wetlands.

Discussion

A 'one size fits all' approach may not be the best solution for everyone

Horizons has established a way of working within the regulatory and non-regulatory biodiversity space, which it feels works best for the region. Its approach to indigenous biodiversity management, retention, restoration and enhancement was deliberately designed in the One Plan to suit the region. Specifically, the One Plan clarifies roles and provides for an adaptive policy approach to the identification, management, and regulation of indigenous biodiversity. In their view, this affords better protection for rare, threatened and at-risk habitats both within and beyond SNAs.

Rare, threatened or naturally uncommon ecosystems are amongst the most challenging to identify using current identification, mapping methods and technologies. The One Plan recognises that some ecosystems are unlikely, due to rarity, location or size, to have been mapped, and their adaptive management approach allows for the inclusion and protection of subsequent sites as they are discovered. Although the draft NPSIB accounts for continued discovery and regulatory protection of newly identified SNAs, there may be a risk associated with mapping and scheduling: landowners and applicants may assume the scheduled list is complete and may not engage with council to identify further sites prior to activities being undertaken. Additionally, the draft NPSIB would require new SNAs to be progressed through district plan updates every two years, which could be cumbersome and unnecessarily costly to smaller councils.

There is concern that the draft NPSIB could cut across the good work of council and landowners/occupiers in protecting indigenous biodiversity rather than capitalising on the good work to date. The current regulatory programme and the opportunities it provides to engage with, educate and work alongside landowners/occupiers prior to or during consent application would be at risk.

³⁵ Schedule F, One Plan

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It will be a challenge for territorial authorities to implement the NPSIB policy

In the Horizons region, there is an acknowledgement of the current limited capability and capacity of territorial authorities to identify and manage indigenous biodiversity. This is particularly the case for smaller councils that are resource-constrained but have large areas of indigenous biodiversity within their district. The regional approach to biodiversity management in the One Plan was developed by Horizons in response to this.

The One Plan approach acknowledges that while territorial authorities may in some cases have comprehensive knowledge of the biodiversity in their area, Horizons has a better understanding of the diversity and spatial extent of the regional biodiversity. The broad range of functions undertaken by territorial authorities does not easily lend itself to this level of specialisation, and mapping of sites may be difficult given the financial cost of undertaking the work, the national availability of suitably-qualified ecologists available to implement these policies and the proposed implementation timeframes.

If identifying, mapping and scheduling these areas is devolved to territorial authorities it will place high demands and costs on smaller resource-constrained councils. Horizons has heavily invested in relationships with landowners and is in the position to capitalise on these during the future identification of areas of significant indigenous biodiversity.

Conclusions

- All councils are at different starting points in their indigenous biodiversity work programmes
- A 'one size fits all' approach may not be appropriate for all areas, flexibility is needed to allow councils to work together if they choose to, using methods that they feel will suit their communities

Council
27 February 2020
Report 20.75



For Decision

SUBMISSION ON TAUMATA AROWAI – THE WATER SERVICES REGULATOR BILL

Te take mō te pūrongo

Purpose

1. For Council to adopt the submission to the Health Select Committee on Taumata Arowai – the Water Services Regulator Bill.

He tūtohu

Recommendation

That the Council **adopts** the submission to the Health Select Committee on Taumata Arowai – the Water Services Regulator Bill.

Te horopaki

Context

2. In July 2019, Cabinet agreed to a suite of system-wide reforms to the regulation of drinking water. This included the establishment of a new, centralised drinking water regulator to support a centralised approach to water compliance, monitoring and enforcement.
3. The primary aim of establishing a regulator is to avoid the outbreak of illness caused by waterborne diseases in drinking water (estimated to be at least 34,000 illness across New Zealand every year) and the avoided costs of a significant contamination event, such as the 2016 event in Havelock North (where 5,000 people were affected and there were four associated deaths). Following this event the Government initiated a reform of the Three Waters system.
4. The draft Bill to establish a regulator has been published, and submissions are open until 4 March 2020.

Te tātaritanga Analysis

5. In putting together the submission (**Attachment 1** - Submission from the Greater Wellington Regional Council to the Health Select Committee on Taumata Arowai), officers have considered not only the Bill but the associated supporting documents published by the Department of Internal Affairs (DIA).
6. The broad reforms of the Three Waters regulatory system is welcomed and supported in the submission. The provision of safe drinking water is of fundamental importance and we are supportive of measures that will minimise the risk to the public health of its residents.
7. The establishment of a Māori Advisory Group within the regulatory framework is also supported. This will ensure a strong link between the regulator and the interests and concerns of Māori with regard to water.
8. There are areas within the Bill that are either uncertain or raise concerns for Greater Wellington.
9. Firstly, there is a concern that the lack of clarity around future cost recovery to run the regulator. It is estimated that this could be over \$40 million per annum and will likely fall on the water operators and therefore ratepayers in the Wellington Region. There is a concern that this may not be equitable.
10. The regulator is also being established in advance of the regulatory framework being clarified. This leads to a number of issues, contained in the submission, where we are unclear of the intent, obligations or scope of the regulator.

Ngā hua ahumoni Financial implications

11. The Bill is establishing a regulator with \$40 million of running costs per annum. At this stage, there is no clarity about where recovery of these costs will come from. However, there are indications in the supporting documents that in the future this will fall on ratepayers.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

12. The matter addressed in this report was considered by officers in accordance with the process set out in Greater Wellington's *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

13. The matter addressed in this report is of a procedural nature, and there is no need to conduct climate change assessments.

Ngā tikanga whakatau
Decision-making process

14. The matter requiring decision in this report was considered by officers against the decision-making requirements of Part 6 of the Local Government Act 2002.

Te hiranga
Significance

15. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matter, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers recommend that the matter is of low significance due to its procedural nature.

Te whakatūtakitaki
Engagement

16. Given the short timeframe to prepare this submission, there was no opportunity to workshop this with Councillors. Greater Wellington's water working group considered the submission. In addition, officers have referenced the draft submissions from SOLGM and Wellington Water.

Ngā tūāoma e whai ake nei
Next steps

17. Once adopted, the submission will be sent to the Health Select Committee.

Ngā āpitihanga
Attachment

Number	Title
1	Submission from Greater Wellington Regional Council to the Health Select Committee on Taumata Arowai

Ngā kaiwaitohu
Signatories

Writer	Seán Mahoney – Company Portfolio Manager
Approver	Luke Troy – General Manager, Strategy

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> Supporting the Council's submission on the regulatory reforms.
<i>Implications for Māori</i> None from the submission, however the proposed regulator has a role for a Maori Advisory Group.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> Aligns with performance measures for safe drinking water.
<i>Internal consultation</i> Consultation primarily with the internal Water working group.
<i>Risks and impacts: legal / health and safety etc.</i> The potential risk of increased ratepayer costs is unknown at this stage.

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Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

X March 2020

Clerk of the Committee
Health Committee
Parliament Buildings
WELLINGTON

Email: Health@parliament.govt.nz

Submission on Taumata Arowai - the Water Services Regulator Bill

Attached is a submission on the Taumata Arowai - the Water Services Regulator Bill (the Bill) on behalf of Greater Wellington Regional Council.

We welcome the establishment of a regulator and the broader reform process to ensure safe and reliable drinking water. We are encouraged by the concurrent establishment of a Māori Advisory Group and welcome the enshrinement of tikanga Māori within the regulator.

We do believe that there are some aspects of the Bill that require greater clarification and definition. This includes greater transparency on the future funding model for the regulator and where these costs will fall. We would also welcome greater clarity on the implications of the regulator on the wider Three Waters environment and the intention of the framework to deal with these. We would also like to see Local Government, regulatory and community engagement experience and knowledge be reflected in the knowledge and experience of directors.

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Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

We do not wish to appear before the select committee.

Yours sincerely

Daran Ponter

Chair

Greater Wellington Regional Council

DRAFT

Attachment 1 to Report 20.75

Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

Submission on Taumata Arowai–the Water Services Regulator Bill

From: Greater Wellington Regional Council

To: The Health Select Committee

Regional councils have a major role as an owner, provider, regulator and monitoring of three waters infrastructure. Roles which represent significant historic investment in assets and service, but also the contribution to community well-being.

About Us

Greater Wellington Regional Council (GWRC) has both a regulatory arm and an operational arm. The operational arm includes the provision of bulk water to the four cities of Upper Hutt, Lower Hutt, Porirua and Wellington under the Wellington Regional Water Board Act 1972.

This operational service is managed through Wellington Water Limited (WWL) of which GWRC is one of six shareholders. This governance structure includes an oversight committee of the six shareholder councils and two local iwi. GWRC has a management services agreement with WWL and, in keeping with the other shareholder councils, remains the owner of our assets currently valued at \$1,151,342,620 replacement. The extent of our infrastructure in providing water is included as Attachment A.

As a regional council, GWRC is also a regulator of water allocation and water quality, including management and environmental performance, and has a specific planning role under the Resource Management Act 1990. At times this requires GWRC to perform a regulatory oversight function with regard to WWL.

Summary

GWRC, in completing this submission, has taken account not only of the published Bill, but also the documents released by the Department of Internal Affairs (DIA). This includes the Regulatory Impact Assessment, Disclosure Statement and Martin Jenkins Business Case.

We acknowledge this Bill is the first of a projected two Bills, and that the two Bills will give effect to the Government's policy decisions on reform of the water services in response to the *Inquiry into the Havelock North Drinking Water*. The Inquiry found that there was inadequate system oversight both

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at a policy level and a regulatory level, with multiple agencies having roles and responsibilities with no overall leadership.

GWRC supports the broad reform of the Three Waters regulatory system and recognises the importance of the public health to its communities.

The Council generally supports Taumata Arowai – the Water Services Regulator Bill (the Bill) as presented and will expand on specific points. We would also suggest some amendments for clarity.

GWRC has been unable to comment on the specifics of the regulator having the funding tools, which will be required in the future, as the bill is unclear or silent on this topic.

Te Ao Maori and the Board

GWRC supports the role and responsibilities given to Te Ao Maori and Tikanga Maori in the regulator.

GWRC supports the appointment of a Maori Advisory Group.

GWRC supports individual directors having knowledge of Te tiriti O Waitangi and Tikanga Maori.

GWRC agrees with the provision to empower Te Ao Maori and Tikanga Maori in the regulator and the formation and appointment of a Maori Advisory Council. GWRC supports the board requirement to “have regard” to the recommendations of this group and for the individual directors to have knowledge of Tikanga Maori and Treaty.

We would like the Bill to reflect the need for the board to have knowledge and experience of Local Government, Regulatory processes and Community Engagement.

Regulator vs Regulatory Framework

GWRC supports the Water Services Bill framework and process to establish the Regulator concurrently.

GWRC encourages integration of the Local Government Act 2002 and Resource Management Act 1991

The Bill provides for a regulator to be established without, at present, the details of the regulatory framework being established. The Water Services Bill will provide much of the detail of the

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Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

regulatory framework that the regulator will operate as guardian of. In order to be fit for the purpose of regulation, we believe that the Water Services Bill and framework should be progressed at the same time as the regulator is established.

At present there are significant gaps in our understanding of the regulatory framework – for example the DIA supporting documentation mentions the licencing of key personnel? How will this work in practice and what will be the regulators role in licencing and managing the suitability of this framework?

There are other issues that are not clear which would impact on the role of the regulator, these include the scope of the regulator (discussed below) and the specific role of the regulator. Given the costs of establishing the regulator is estimated at \$8m ensuring it is established in the right manner is critical.

The regulator will need to take account of other legislative frameworks, not least the Local Government Act and Resource Management Act. Greater clarity on how the regulator will interface with these other frameworks should be provided before the bill is enacted.

Scope of the Regulator

GWRC supports clear objectives to be developed for the regulator.

GWRC requests greater clarity on the intention of the bill including ‘three waters’, and the subsequent impacts.

OECD Principles for the governance of Regulators state, *‘Unless clear objectives are specified, the regulator may not have sufficient context to establish priorities, processes and boundaries for its work. In addition, clear objectives are needed so others can hold the regulator accountable for its performance. Regulated entities have a particular right to know the reason their activities may be directed or limited.’*

It is unclear how, and what, the regulator will manage given the lack of clarity on its boundaries and objectives. The bill provides for regulation of drinking water; however the industry understands Cabinet is considering extending the remit to include stormwater and wastewater and the supporting documents and the bill itself make significant mention to Storm Water and Waste Water oversight.

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Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

The Bill states that the objective of Taumata Arowai is to “*provide oversight of, and advice on, the regulation, management, and environmental performance of wastewater and stormwater networks; and to promote public understanding of the environmental performance of wastewater and stormwater networks.*” While these objectives are not expressed in the same terms as the drinking water objectives it is clearly the intent to bring these (though not rural drainage districts) into the scope of the regulator. We would like to understand the intentions of the bill in this regard further. If the bill is establishing a three waters regulator then this should be specified and an understanding of how it will impact on the provision of those services will be necessary.

The Bill is silent on flood protection, one of the core infrastructure functions for Territorial Authorities. Is it intended for flood protection to sit within the bigger remit?

We encourage the regulator to work with water providers who need to find, and fund, solutions which are fit for purpose (and affordable) to address any current issues and standards in terms of delivering safe potable drinking water. The regulators role though should not encroach onto the governance of these water schemes (this should be made clear in any documentation), nor force amalgamation of suppliers or ownership changes that are not driven by the communities of interest. Amalgamation of service delivery does not always realise any savings in terms of resource or cost recovery.

Cost Recovery

GWRC supports the Bill being transparent on funding of Taumata Arowai.

GWRC does not support transfer of cost recovery to the ratepayer.

There is no provision in the Bill for the funding of Taumata Arowai. The bill and supporting documents do not provide clarity around the cost recovery process, how or when this might happen. The annual running costs of the regulator are estimated to be up to \$44m. While the regulator is a crown agency and should be supported by central government allocations, the supporting documents discuss the transition to cost recovery from the “regulated parties”.

We do not believe that a simple transfer of this cost to the ratepayer is appropriate and nor do we believe that a decision to increase local rates to meet this costs should be undertaken in a

Attachment 1 to Report 20.75

Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

transitory manner given the role of the Local Government Act on consultation with local effected communities.

Local authorities are facing severe financial pressure across NZ, with the cost of infrastructure maintenance and renewal being one key driver. In the Wellington region, many authorities will be required to significantly increase expenditure on three waters infrastructure over the next 10 years. Diverting rates funding towards the costs of a regulator could detract from the ability of authorities to fund necessary water infrastructure.

Community Engagement & Consultation

GWRC suggests provision for community consultation in the Bill would be appropriate and welcome, in line with the Local Government Act 2002

The Bill is silent on obligations for engagement, however all Councils have consultation commitments under the Local Government Act 2002. There are additional engagement requirements for changing the Health Act, planning documents and recognising the intent of the Resource Management Act 1991.

Affordability and Equity

GWRC supports the submission from Wellington Water and its statement that:

We would support a targeted, user pays, approach to allocating cost. It is not fair that communities who have already invested in building capability through consolidated service models should once again be expected to pay for assistance not used. Based on the figures set out in the Regulatory Impact Statement and Wellington Water having around 12% of the country's ratepayers, Wellington Water shareholder councils could be asked to generate an additional \$3.6M for the regulator's annual operational costs from ratepayers. Having built its own capability, it difficult to justify why Auckland and Wellington should have to pay for a centralised approach that will need to focus on suppliers that pose the greatest risk.

As with stakeholder engagement, the funding is being asked to be accept this Bill with significant elements being 'sight unseen'.

Links to Te Mana o te Wai

GWRC supports links to Te Mana o te Wai in the Bill

GWRC would like the bill to clearly reflect the significant financial impacts of the regulator promoting public health and Te Mana o Te wai on it's communities.

Attachment 1 to Report 20.75

Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

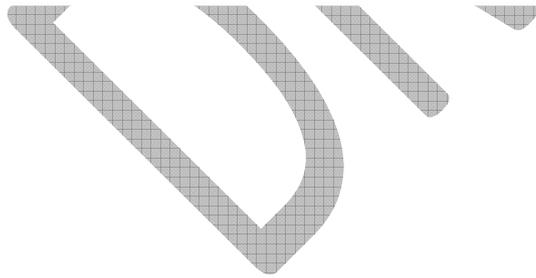
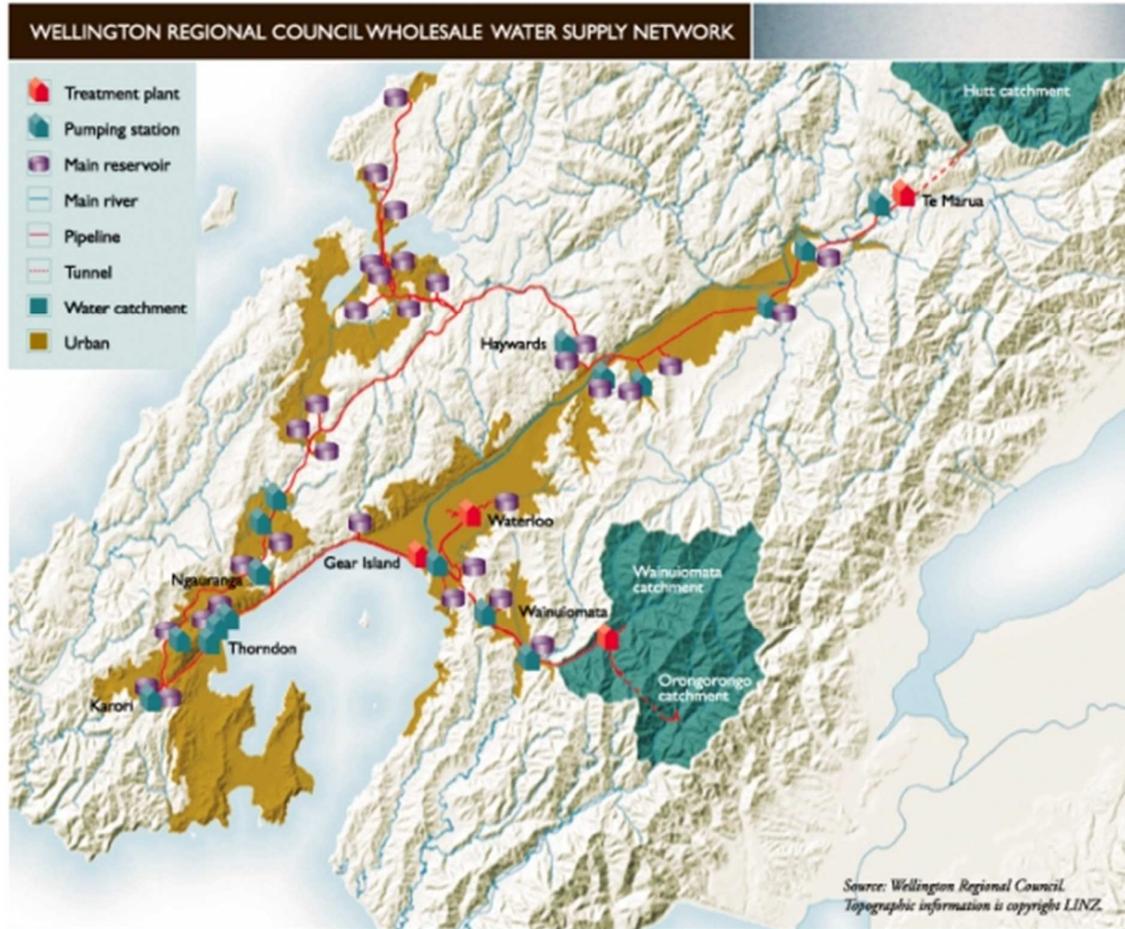
There are statutory principles under the Treaty of Waitangi, Tikanga Māori, public health and performance monitoring and governance which do not appear to be clearly articulated in the Bill.

DRAFT

Attachment 1 to Report 20.75

Submission from the Greater Wellington Regional Council to the Health Select Committee on the Taumata Arowai – the Water Services Regulator Bill

Attachment A



Council
27 February 2020
Report 20.30



For Decision

PROPOSED VARIATION TO THE WELLINGTON REGIONAL LAND TRANSPORT PLAN PROGRAMME 2018-21

Te take mō te pūrongo

Purpose

1. For Council to adopt a variation to the Wellington Regional Land Transport Plan Programme 2018-21 to include the Porirua City Council Transport Activity Management Plan.

Nga tūtohu

Recommendations

That the Council:

1. **Adopts** the variation to the Wellington Regional Land Transport Plan Programme 2018-21, as set out in [Attachment 1](#), to include the Porirua City Council Transport Activity Management Plan.
2. **Agrees** to the variation to the Regional Land Transport Plan programme 2018-21 being forwarded to Waka Kotahi NZ Transport Agency, requesting the variation is included in the National Land Transport Programme.

Consideration by committee

2. The proposed variation to the Wellington Regional Land Transport Plan Programme 2018-21 to include the Porirua City Council Transport Activity Management Plan was recommended to Council by the Regional Transport Committee at its meeting on 18 February 2020 (Proposed Variation to the Wellington Land Transport Plan Programme 2018-21 – Report 20.15).

Te tāhū kōrero

Background

Regional Land Transport Plan Programme

3. The current Wellington Regional Land Transport Plan (RLTP) was prepared in 2015 and subsequently updated by the mid-term review in June 2018. Part of that update was the development of a new programme section for 2018-21.
4. The Wellington RLTP Programme 2018-21 contains all the land transport activities proposed to be undertaken throughout the Wellington Region, and the regional priority of significant activities (costing over \$5 million).

5. The activities in the Wellington RLTP are submitted by the Waka Kotahi NZ Transport Agency (the Transport Agency) and ‘approved organisations’ under the Land Transport Management Act 2003 (the Act). These include the eight territorial authorities, Department of Conservation, and Greater Wellington Regional Council.

Process for considering a variation

6. Section 18D of the Act states that if a good reason exists to do so, the Regional Transport Committee (the Committee) may prepare a variation to its RLTP during the six years to which the RLTP applies. This can be at the request of an approved organisation, the Transport Agency, or on the Committee’s own motion.
7. Section 18D(4) of the Act requires the Committee to consider any variation request promptly.
8. Section 18D(5) of the Act notes that consultation is not required for any variation that is not significant or that arises from the declaration or revocation of a state highway.

**Te tātaritanga
Analysis**

Proposed variations and significance

9. The details of the proposed variation to be considered by Council at this meeting are set out below, along with an assessment of the significance of these details.
10. The significance policy for proposed variations to the RLTP is set out in Appendix B (page 191) of the RLTP 2015. Officers have assessed the significance of the proposed variations, for the purpose of consultation, against the RLTP significance policy.
11. A record of the key factors considered by officers in making a determination of significance is provided in the tables below.

<i>Porirua City Council Transport Activity Management Plan</i>
Request by: Porirua City Council (PCC)
Details of the subject activity: The Activity Management Plan (AMP) determines the needed activity and appropriate customer level of service for the local roading network. It will form the business case for the PCC Maintenance, operations and renewal programme for 2021-24, and is required for funding from the National Land Transport Fund.
Description of variation: To add a new activity for the PCC AMP to the Wellington RLTP programme as a non-prioritised activity.
Reason for the variation: The AMP was expected to be undertaken by PCC staff and therefore was not included in the transport programme submitted for inclusion in the RLTP.

<p>However, there is a recent request for significant rewriting and more evidence. This requires a significant amount of time which cannot be provided by PCC staff taking account current workloads, experience and time lines for deliverables as required by the Road Efficiency Group.</p>
<p>Estimated total cost: \$150,000</p>
<p>Proposed timing and cash-flow: The AMP is expected to commence in February 2020 and be completed within 6 months.</p>
<p>Funding sources: Local- National</p>

Assessment of significance the proposed variation

<p>1. Key considerations in determining significance – Would the proposed variation:</p>		
<p>Materially change the balance of strategic investment?</p>	<p>No</p>	<p>The proposal cost of this activity is \$150,000 this will not impact the balance of the programme.</p>
<p>Negatively impact on the contribution to Government or GPS objectives and priorities?</p>	<p>No</p>	<p>This is a required process to access funding for maintenance, operations and renewals.</p>
<p>Affect residents?</p>	<p>No</p>	<p>This is a planning process and will not directly impact on residents</p>
<p>Affect the integrity of the RLTP, including its overall affordability?</p>	<p>No</p>	<p>The proposal cost is \$150,000 this will not impact the overall affordability of the programme.</p>
<p>2. Several types of variations are considered to be generally not significant in their own right. Are the proposed variations:</p>		
<p>An activity in the urgent interests of public safety?</p>	<p>No</p>	
<p>A small scope change costing less than 10% of estimated total cost, or less than \$20 million</p>	<p>No</p>	
<p>Replacement of a project within a group of generic projects by another project?</p>	<p>No</p>	
<p>A change of the duration or priority of an activity in the programme which does not substantially alter the balance of the magnitude and timing of activities in the programme?</p>	<p>No</p>	
<p>The addition of an activity previously consulted on in accordance with sections 18 and 18A of the Act and which comply with section 20 of the Act?</p>	<p>No</p>	

<p><i>Note: A variation that is assessed as meeting any one of these criteria will generally not be considered significant, however the key considerations in the first table should still be assessed.</i></p>	
<p>3. Other considerations</p>	
<p>What are the likely impacts, time delays or cost on public safety, economic social, environmental wellbeing as a consequence of undertaking consultation?</p>	<p>Consultation on funding for the AMP would delay progress on the AMP development potentially affecting the ability to confirm the activity and funding needed for the maintenance, operations and renewals programme in a timely manner</p>
<p>What are the relative costs and benefits of consultation?</p>	<p>Consultation is unlikely to result in benefits. AMP development is a critical part of identifying the appropriate level of investment and levels of services for the transport network in Porirua, but funding the development of the AMP in itself will not directly impact on customers or the public. Given the low cost of the AMP development and need to undertake this activity the costs of consultation outweigh the benefits.</p>
<p>To what extent has consultation with the community or relevant stakeholders been undertaken already?</p>	<p>Consultation on the AMP has not taken place, other than with the Transport Agency who have requested the necessary improvements.</p>
<p>Conclusion: Adding the PCC AMP to the RLTP programme is not significant, and consultation is not warranted.</p>	

**Ngā tikanga whakatau
Decision-making process**

12. The matters for decision in this report are subject to the legislative requirements of section 18D and 106(2) of the Act. The specific requirements are stated in paragraphs 6 to 8 of this report.
13. Section 18D(5) of the Act requires the Committee to determine if a proposed variation to the RLTP is significant, in accordance with its significance policy adopted under 106(2) of the Act and included in the Wellington RLTP.

Ngā tūāoma e whai ake nei

Next steps

14. If Council agrees to the proposed variation to the Wellington RLTP Programme 2018-21 (**Attachment 1**), the Chair will then forward the variation to the Transport Agency for consideration of inclusion in the National Land Transport Programme for funding.
15. There is no obligation for the Transport Agency to vary the National Land Transport Programme to include the new activity. However, the Transport Agency must give written reasons for any decision not to do so.

Ngā āpitihanga

Attachment

Number	Title
1	Proposed variation to Wellington Regional Land Transport Plan Programme 2018-21

Ngā tāpirihanga

Signatories

Writer	Helen Chapman - Senior Strategic Advisor Regional Transport
Approvers	Sean Mahoney – Acting Manager Regional Transport Luke Troy – General Manager Strategy

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council or Committee's Terms of Reference</i> Under section 18D of the Land Transport Management Act 2003 the Regional Transport Committee is responsible for preparing variations to the Regional Land Transport Plan and recommending these to Council for its approval. Council can either accept the Committee's recommendation, or return the matter to the Committee for further consideration.
<i>Implications for Māori</i> There are no known impacts for Māori from this variation.
<i>Contribution to Annual Plan / LTP / Other key strategies and policies</i> This variation contributes to Wellington's Regional Land Transport Plan 2015.
<i>Internal consultation</i> No internal consultation took place, as this is a procedural paper to update the Wellington Regional Land Transport Plan Programme 2018-21.
<i>Risks and impacts: legal / health and safety etc.</i> There are no risks.

Attachment 1

to Report 20.30

Proposed variation to Wellington Regional Land Transport Plan Programme 2018-21

– Inclusion of the Porirua City Council Transport Activity Management Plan

Organisation	Project name	Description	Activity stage/phase	Cost (\$m) 2015/16	Start year	End year	Cost (\$m) 2018/19	Cost (\$m) 2019/20	Cost (\$m) 2020/21	3 year cost (\$m)	Total projected cost (\$m)	BCR	Assessment Profile	Funding Source(s)
PCC	Transport Activity Management Plan 2021 - 24	Preparation of a new AMP including supporting information that meets the Regional Efficiency Groups (REG) guidelines	Implementation	-	2020	2020	-	0.100	0.050	0.150	0.150	-	HH_	Local-National
Significant activity? No														

Council
27 February 2020
Report 20.57



For Decision

TRIENNIAL AGREEMENT 2019-2022

Te take mō te pūrongo

Purpose

1. To present the draft final Wellington Regional Triennial Agreement 2019-2022 (**Attachment 1**) for Council approval. This then enables the document to be signed by the Council Chair, completing Greater Wellington Regional Council's part of the adoption process.

He tūtohu

Recommendations

That the Council:

- 1 **Approves** the Wellington Regional Triennial Agreement 2019-2022 (Attachment 1).
- 2 **Authorises** the Chief Executive and the Council Chair to make any minor amendments to the Triennial Agreement 2019-2022 required as a result of changes requested by other local authorities in the region as part of the adoption process.

Te horopaki

Context

2. The Local Government Act 2002 (LGA) requires that all local authorities in each region enter into a Triennial Agreement (the Agreement). The Agreement sets out how local authorities will work together for the good governance of their cities, districts and region.
3. Section 15 of the LGA requires all local authorities within a region to enter into an Agreement every triennium providing:
 - a Protocols for communication and co-ordination among the local authorities
 - b A statement of the process by which the local authorities will deal with proposals for new regional council activities
 - c Processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than one district.

4. The Agreement must be agreed by 1 March of the year after each local authority election.
5. The role of administering authority for the Agreement is shared across the nine councils in the Wellington Region. The role is passed from one local authority to the next at the start of each triennium and includes providing secretarial services and acting as the contact for media and other communications. Wellington City Council will service the Agreement for the 2019-2022 triennium.
6. The 2019-2022 Agreement remains in force until it is replaced by another Agreement. The Agreement may be amended following review and approval by all parties to the Agreement.

Te tātaritanga Analysis

7. The Agreement simply outlines an agreement to work collaboratively on matters of mutual interest. It is important to note that decisions to enter into any form of arrangement are the domain of each and every council. The Agreement does not bind Greater Wellington Regional Council (Council) to any particular decision or course of action.
8. The 2019-2022 draft final Agreement builds on the 2016-2019 Agreement. The key changes are:
 - Modernising the language of the Agreement
 - Adding the Wellington Region Climate Change Working Group to the list of regional and sub-regional forums in clause 5.1(b)
 - Including areas of regional co-operation:
 - Regional spatial planning
 - Wellington Regional Investment Plan
 - Transport
 - Climate Change
 - Resilience
 - Regional economic development.
9. The areas of regional co-operation is not an exhaustive list. For example, the latter could, if agreed by all councils, include matters such as a review of the Wellington Regional Strategy.

Ngā hua ahumoni Financial implications

10. There are no direct financial implications arising from the matters for decision. Financial implications will be assessed as individual project/initiative decisions are

Te huritao ki te huringa o te āhuarangi **Consideration of climate change**

11. The matters for decision in this report were considered by officers in accordance with the process set out in Greater Wellington's *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

12. Officers have considered the effect of these matters on the climate. Officers consider that the matters will have no effect and there is no need to conduct climate change assessments.

Ngā tikanga whakataua **Decision-making process**

13. The matters requiring decision in this report were considered by officers against the decision-making requirements of section 15 of the Local Government Act 2002, as described in the Context section of this report. We also considered the decision-making requirements, as appropriate, of Part 6 of the LGA.

Te hiranga **Significance**

14. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the Agreement, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers find that this agreement is of low significance, as no new Greater Wellington activities are proposed. New activities that may result from the Agreement will need to be reviewed and approved separately by Council.

Te whakatūtakitaki **Engagement**

15. The draft final Agreement reflects comments from the Chief Executive and Mayoral Forums, and officer input from various councils in the region. No engagement has been undertaken with the wider community, and this is not required.

Ngā tūāoma e whai ake nei **Next steps**

16. Once approved by Council, the document will be available for the Council Chair to sign. Once all of the Mayors and Chair have signed, this will complete the adoption process.
17. We recommend that Council authorises the Chief Executive and the Council Chair the authority to make any minor amendments to the Agreement prior to adoption, required as a result of changes requested by other local authorities in the region as part of the adoption process.

Ngā āpitihanga
Attachment

Number	Title
1	Draft Final Wellington Regional Triennial Agreement 2019-2022

Ngā kaiwaitohu
Signatories

Writer	Tracy Plane, Manager Strategic and Corporate Planning
Approver	Luke Troy, General Manager Strategy

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> Under section 15 of the LGA, Council is required to enter into a triennial agreement after each local authority election. Consideration and approval of the Triennial Agreement is consistent with Council's governance role.
<i>Implications for Māori</i> We are unsure what the implications are here, as this is a statutory procedural process.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> This report addresses a legislative requirement under the LGA.
<i>Internal consultation</i> In preparing this report, we consulted with the Wellington Regional Strategy Office.
<i>Risks and impacts: legal / health and safety etc.</i> There are no identified risks relating to the matters for decision.

Wellington Regional Triennial Agreement

2019-2022

1. Scope

- 1.1 This agreement is drafted in order to meet the requirements of section 15 of the Local Government Act 2002 (the Act).
- 1.2 The Local Government Act 2002 is intended to provide the necessary flexibility for councils to work co-operatively and collaboratively together and with other public bodies to advance community goals and to improve community wellbeing. The scope of this agreement includes the current co-operative and collaborative projects already in place in the Wellington Region and work being undertaken to establish structures and protocols associated with specific issues, and aims to build on these.

2. Purpose

- 2.1 The parties to this agreement commit to working for the good governance of their city, district or region by acting co-operatively and collaboratively. It is intended that this agreement will ensure that appropriate levels of consultation and co-ordination are maintained between the councils of the Wellington region. It is intended that the process of arriving at this agreement, as well as its ongoing operations, should continue to strengthen regional relationships.

3. Parties to Agreement

- 3.1 The parties to this agreement are:
 - Carterton District Council
 - Greater Wellington Regional Council
 - Hutt City Council
 - Kāpiti Coast District Council
 - Masterton District Council
 - Porirua City Council
 - South Wairarapa District Council
 - Upper Hutt City Council
 - Wellington City Council
- 3.2 In accordance with the requirements of the Act, and in the spirit of collaboration that they wish to foster within the region, the parties agree to work in accordance with the protocols outlined in this agreement.

4. Protocols

- 4.1 The councils of the Wellington region will work together on issues where it is agreed that the region and the communities within it will benefit from a regionally collaborative approach.
- 4.2 The councils of the Wellington region will work together in line with the protocols and principles outlined in the Wellington Region Strategy Multilateral Agreement in regard to the Wellington Regional Strategy.
- 4.3 When a council has a significant disagreement with the position of others, the group will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.
- 4.4 The Councils of the Wellington region will proactively present their case to the Government and other councils from other regions to ensure that the Wellington region's interests are protected and enhanced.
- 4.5 When a significant decision or issue affects a particular council, or its population, then that council should have the lead role in formulating the region's response.
- 4.6 Where facilities and services of significance benefit more than one district, and are intended to be funded by more than one district, those districts that intend to participate shall be involved in identifying, delivering, and funding the facility or service. One Council shall take the lead for the project, appointed by the participating councils.
- 4.7 The agreement acknowledges each council's unique accountability.
- 7.8 The councils agree to act in good faith on issues of information and disclosure.
- 4.9 The councils agree to work collaboratively in an open and transparent manner.
- 4.10 The councils agree to build on work currently being undertaken within the region and to continue to address issues of co-ordination, roles and responsibilities.
- 4.11 As signatories to this agreement all councils will ensure the provision of the following:
 - a) Early notification to affected councils, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision-making council. This specifically includes the development of consultation policies and policies on significance.
 - b) Opportunities for all Councils in the region to be involved in early consultation on the development of each other's draft Annual Plan and draft Long Term Plan and other significant policy consultation processes.
 - c) The application of a 'no surprises' policy, whereby early notice will be given over disagreements between councils concerning policy or programmes, before critical public announcements are made.

5. Consultation

- 5.1 Consultation in relation to this agreement will be undertaken within the following groups:
- a) A meeting of the Mayors, Regional Council Chair and the Chief Executives will occur at least once every six months to discuss general policy business and to review the performance of the agreement.
 - b) Existing regional and sub-regional forums such as:
 - The Wellington Regional Mayoral Forum
 - The Joint Wairarapa Councils' Meeting
 - The Wellington Regional Strategy Committee
 - The Wellington Regional Transport Committee
 - LGNZ Zone Four
 - Regional Civil Defence Emergency Management
 - Wellington Region Climate Change Working Group
 - c) Meetings between staff as necessary to achieve communication and co-ordination on issues identified in the agreement.
- 5.2 Section 15(2) of the Act requires a statement of the consultation process that will apply to proposals for new Regional Council activities. The following process applies:
- a) Where a proposed new Regional Council activity is not significant in terms of the Wellington Regional Council's policy on significance, the process will be as set out in s.16 of the Act.
 - b) Where a proposed new regional Council's policy on significance, the Regional Council undertakes to notify all other councils in the region prior to commencing any public consultation, in line with the principles of 'no surprises', transparency and good faith.
 - c) Where the parties to this agreement are unable to agree, dispute procedures set out in s.16 (4)-(7) of the Act will apply.
- 5.3 The following consultation process will apply to any change, variation, or review of the Regional Policy Statement for the Wellington region, and the preparation of any future Regional Policy statement:
- a) The Regional Council will seek the input of territorial authorities into the review of the Regional Policy Statement for the Wellington region.
 - b) The Regional Council will make available to all local authorities, for discussion and development, draft copies of:
 - any change or variation of to the Regional Policy Statement

- any proposed Regional Policy Statement
- c) Territorial authorities will be given a reasonable period of time, but no less than 30 working days, to respond to any such proposal. The Regional Council agrees to consider fully any submission and representations on the proposal made by territorial authorities within the region.

6. Other issues

- 6.1 The parties agree that, in addition to the general consultation obligations of this agreement, the councils of the Wellington region will continue to meet together in various forums to develop common and collaborative approaches on issues identified as priorities for the region.

The region faces a number of challenges over the next few years, and the councils within the Wellington region will work collaboratively in the areas of:

- Regional spatial planning
- Transport
- Climate change
- Resilience
- Regional economic development

Collaboration within the region

The Mayoral Forum will:

- Be the vehicle for oversight of projects, such as collaboration projects. Noting projects may have their own governance arrangements.
- Review existing collaboration and shared services arrangements as necessary to ensure that current arrangements remain relevant and optimal.
- Identify new opportunities for collaboration and shared services for consideration by the councils.

7. Servicing

- 7.1 The parties agree that responsibility for servicing this agreement shall be shared, with responsibility passing from local authority to local authority at the start of each triennium. Servicing involves:
- Providing those secretarial services required
 - Within the limits outlined in the protocols and principles above, acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.
- 7.2 The parties agree that Wellington City Council will be the council responsible for servicing this agreement for the 2019-2022 triennium, after which it shall pass to the remaining local authorities as listed in appendix one, unless otherwise agreed.
- 7.3 The parties also agree that responsibility for servicing, and making media comment on behalf of, existing specific regional and sub-regional forums, will lie within those specific forums.

**Attachment 1
to Report 20.57**

8. Review of the agreement

- 8.1 The parties agree to review the terms of this agreement in accordance with s.15(4) of the Act within four weeks of a request by one of the councils made in writing to the council delegated responsibility to service the agreement.

9. Dispute resolution

- 9.1 In event of a disagreement over the terms of this agreement, the parties agree to refer the issue of disagreement to arbitration for non-binding resolution. If no agreement on an arbitrator will be appointed by the President of the Wellington Branch of the New Zealand Law Society.

Appendix One: Servicing Responsibility

Party Responsible	Triennium
Masterton District Council	2007-10
Porirua City Council	2010-13
South Wairarapa District Council	2013-16
Upper Hutt City Council	2016-19
Wellington City Council	2019-22
Carterton District Council	
Greater Wellington Regional Council	
Hutt City Council	
Kāpiti Coast District Council	

Servicing involves:

- Providing those secretarial services required
- Within the limits outlined in the protocols and principles above, acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.

The responsible party should also ensure that a process is in place for the drafting, and subsequent signing, of the triennium's agreement.

This agreement is signed on this _____ day of _____
2020, by the following on behalf of their respective councils:

Carterton District Council

Greg Lang - Mayor

Greater Wellington District Council

Daran Ponter - Chair

Hutt City Council

Campbell Barry - Mayor

Kāpiti Coast District Council

K (Guru) Gurunathan - Mayor

Masterton District Council

Lyn Patterson - Mayor

Porirua City Council

Anita Baker - Mayor

South Wairarapa District Council

Alex Beijen - Mayor

Upper Hutt City Council

Wayne Guppy - Mayor

Wellington City Council

Andy Foster - Mayor

Council
27 February 2020
Report 20.55



For Decision

ESTABLISHMENT OF PUBLIC TRANSPORT ADVISORY GROUP

Te take mō te pūrongo

Purpose

1. To advise Council on the establishment of the Public Transport Advisory Group.

He tūtohu

Recommendations

That the Council:

- 1 **Establishes** the Public Transport Advisory Group.
- 2 **Adopts** the Public Transport Advisory Group's proposed Terms of Reference as set out in [Attachment 1](#).
- 3 **Agrees** that the estimated cost to fund meeting fees for the remainder of 2019/20 only will be funded from Greater Wellington's reserves.

Te tāhū kōrero

Background

2. Greater Wellington currently has a Public Transport User Reference Group (the Reference Group).
3. The Reference Group was established in October 2018 in response to the roll out of the new bus network in Wellington City. Members are drawn from Wellington City.
4. The current Reference Group was not formally established by Council's Sustainable Transport Committee.
5. Metlink proposes to create a formally-established Public Transport Advisory Group (the Advisory Group).
6. The Advisory Group would replace the current Reference Group.

Te tātaritanga Analysis

Do we need an Advisory Group?

7. The current Reference Group has a Wellington City and bus network focus. The Reference Group has provided a valuable resource for interaction between Metlink and those on the Group. However, the Reference Group is limited in its scope (bus-centric) and area of focus (Wellington City).
8. The proposed Advisory Group will have a broader focus. Its purpose, as stated in the proposed Terms of Reference (**Attachment 1**), will be to provide advice from a consumer perspective to inform the business of Metlink and the Transport Committee (as required).
9. The proposed Terms of Reference set out the perspectives relating to public transport and active mode matters in the Wellington Region that we consider should be represented in the Advisory Group.
10. Officers consider that establishing an Advisory Group provides a real opportunity to develop a greater partnership between users, Metlink and the Transport Committee.

Identification of potential members

11. The proposed Terms of Reference set out the matters to be taken into account when appointing members. The matters include:
 - a Each member should have the ability to provide a big picture view, while also having an understanding of the Wellington public transport network and broader public transport issues
 - b Taken as a whole, the membership of the Advisory Group should provide:
 - i Broad representation of perspectives and consumer needs
 - ii Governance experience
 - iii Geographic spread
 - iv Demographic diversity.
12. Officers will use a number of mechanisms to seek expressions of interest from potential members. This will include information on both the Greater Wellington and Metlink websites, links on social media, and specific targeting of community and interest groups to make them aware of this new Advisory Group and the perspectives being sought.
13. Appointments to the Advisory Group will be made by Council.

Meeting fee

14. It is proposed that members of the Advisory Group would receive a meeting fee for their attendance at scheduled meetings. Payment of a fee is proposed to recognise the time commitment [and skills that will be expected of members.
15. The meeting fee would be based on Council's standard meeting fee rate (\$235 per meeting).

Relationship with the Transport Committee

16. It is proposed that the Deputy Chair of the Transport Committee be a member of the Advisory Group.
17. There is also provision for the Chair of the Advisory Group to present to the Transport Committee on matters considered by the Advisory Group at its most recent meeting.
18. In addition, matters that the Advisory Group considers warrant formal consideration can be reported in writing to the Transport Committee.

Ngā hua ahumoni Financial implications

19. The cost of meeting fees for this Advisory Group would amount to approximately \$20,000 per year. The estimated cost for the remainder of 2019/20 will need to be funded from Greater Wellington's reserves as the Public Transport group of activities is anticipated to be over budget for the year and drawing more than budgeted reserves. However, as this is a new activity, budget from 2020/21 onwards will need to be sought – either by repurposing existing budgets or seeking additional funding.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

20. The matters requiring decision in this report were considered by officers in accordance with the process set out in Greater Wellington's Climate Change Consideration Guide.

Mitigation and adaptation assessments

21. The matters addressed in this report are of a procedural nature, and there is no need to conduct climate change assessments.

Ngā tikanga whakatau Decision-making process

22. The matters requiring decision in this report were considered by officers against the decision-making requirements of Part 6 of the Local Government Act 2002.

Te hiranga Significance

23. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matters, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers recommend that the matters are of low significance.

Te whakatūtakitaki Engagement

24. The current Reference Group has been advised of the proposed establishment of this Advisory Group.

Ngā tūāoma e whai ake nei

Next steps

25. Once the Advisory Group is established, the next steps will be to select and appoint members to the Advisory Group as outlined in the proposed Terms of Reference (**Attachment 1**). A separate report to Council will recommend these appointments.

Ngā āpitihanga

Attachment

Number	Title
1	Proposed Public Transport Advisory Group's Terms of Reference

Ngā kaiwaitohu

Signatories

Writer	Margaret Meek – Business Advisor, Metlink
Approver	Greg Pollock – General Manager, Metlink

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> Council establishes advisory committees and approves their terms of reference.
<i>Implications for Māori</i> The terms of reference for the Advisory Group includes an appointee to provide a mana whenua perspective.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> The establishment of this Advisory Group is one tool that can be used to enable Public Transport to achieve a key focus area set out in Long-term Plan "Creating connected and consistent customer experience across modes, and building a direct relationship with customers". In addition a stated goal in the Regional Public Transport Plan is "An effective connection with customers".
<i>Internal consultation</i> Internal consultation for preparing the Advisory Group establishment report and the proposed Terms of Reference involved relevant members of the Public Transport, Sustainable Transport and Customer Engagement teams.
<i>Risks and impacts: legal / health and safety etc.</i> There are no known risks.

Public Transport Advisory Group

(An advisory group to the Transport Committee)

1 Purpose

To provide advice from a consumer perspective to inform the business of Metlink and the Transport Committee (as required).

2 Expectations of the Advisory Group

- 2.1. The Group will operate by consensus - with a focus on advising on issues in a way that is acceptable to all members.
- 2.2. Each member should have the ability to provide a big picture view while also having an understanding of the Wellington public transport network and broader public transport issues.
- 2.3. Taken as a whole, the membership of the Advisory Group should provide:
 - Broad representation of perspectives and consumer needs
 - Governance experience
 - Geographic spread
 - Demographic diversity.
- 2.4. The Group will connect with other bodies or groups as required to enable it to provide advice on public transport design and delivery (e.g. accessibility groups).
- 2.5. When considering matters the Group will consider the connections between public transport and strategic issues of climate change, mode share shift, and reduced deaths and serious injuries on our roads.
- 2.6. Members of the Advisory Group will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

3 Membership

- 3.1. The Deputy Chairperson of the Transport Committee.
- 3.2. Up to 20 members to represent the following perspectives relating to public transport and active mode matters in the Wellington Region:
 - Peak users (rail and bus)
 - Off peak users (rail and bus)
 - Active mode users (walking, cycling and micro-mobility)
 - Rural
 - Disability accessibility
 - Transport dependent
 - Tertiary students
 - Youth
 - Senior citizens

- Employers
 - Business/ retail sector
 - Mana whenua.
- 3.3. More than one member may be appointed to represent a single perspective and one member may be appointed to represent more than one perspective.
- 3.4. Such other members appointed by the Council, when the Advisory Group considers that it could function more effectively by having such appointed members.

4 Appointment

- 4.1 Members will be appointed by Council.
- 4.2 Appointments will be made taking into account the matters set out at sections 2.2 and 2.3 above.

5 Chair

The Chairperson shall be determined by the Advisory Group.

6 Quorum

Half the number of members for meetings.

7 Alternates

No alternates/proxies shall take the place of Advisory Group members.

8 Reporting and servicing

- 8.1. The Chairperson of the Advisory Group will have the opportunity to provide an oral report on matters considered by the Advisory Group at its most recent meeting to the Transport Committee.
- 8.2. Matters that the Public Transport Advisory Group considers warrant formal consideration shall be reported in writing to the Transport Committee by the chairperson of the Advisory Group.
- 8.3. The Advisory Group is serviced by the Public Transport Group (Metlink).

9 Remuneration

- 9.1. Advisory Group members who are not otherwise being remunerated may claim Greater Wellington Regional Council daily meeting attendance allowances and expenses for scheduled meetings of the Advisory Group.
- 9.2. In addition, the Chairperson of the Advisory Group may claim Greater Wellington Regional Council daily meeting attendance allowances and expenses for scheduled meetings of the Transport Committee which they are required to attend.

10 Meeting frequency, methods of holding meetings and life of Advisory Group

- 10.1. The Advisory Group shall meet quarterly, and as required.
- 10.2. Meetings may be held at locations throughout the region and will be held either:

- a By a number of members who constitute a quorum being assembled together at the place, date and time appointed for the meeting
 - b By means of audio, or audio and visual, communication by which a quorum of members participating can simultaneously hear each other throughout the meeting.
- 10.3. In the absence of a prior decision made by Council to continue the Advisory Group in the next triennium, the Advisory Group will dissolve at the end of the 2019-2022 triennium.

11 Status of the Advisory Group

11. The Public Transport Advisory Group is an advisory body established by Council.
- 11.2 The Advisory Group is not a subordinate decision making body of Council and is not a committee under the Local Government Act 2002.

DRAFT

Council
27 February 2020
Report 20.66



For Decision

POLICY ON THE APPOINTMENT AND REMUNERATION OF DIRECTORS OF COUNCIL ORGANISATIONS

Te take mō te pūrongo

Purpose

1. For Council to adopt an updated “Policy on the Appointment and Remuneration of Directors of Council Organisations”.

He tūtohu

Recommendations

That the Council:

- 1 **Adopts** the updated “Policy on the Appointment and Remuneration of Directors of Council Organisations” ([Attachment 1](#)).
- 2 **Authorises** the Chief Executive to approve any minor amendments and edits to the Policy to address any typographical or presentational issues.

Te tāhū kōrero

Background

2. Section 57 of the Local Government Act 2002 (the LGA) requires Council to have a policy that sets out an objective and transparent process for the identification and consideration of the skills, knowledge and experience required of directors of council organisations, and for the appointment and remuneration of these directors.
3. Council’s current “Policy on the Appointment and Remuneration of Directors of Council Organisations” (the Policy) was adopted in May 2013.
4. The Local Government Act 2002 Amendment Act 2019, which came into effect on 22 October 2019, added a new subsection 57(3) to provide that:

When identifying the skills, knowledge, and experience required of directors of a council-controlled organisation, the local authority must consider whether knowledge of tikanga Māori may be relevant to the governance of that council controlled organisation.
5. We therefore consider it is timely to update the Policy to reflect this legislative amendment.

Te tātaritanga Analysis

6. Appointing directors is one of the key accountability mechanisms Council has over its council organisations.
7. The updated Policy (**Attachment 1**) now includes a section on tikanga Māori and the expectation that all director appointments should be able to demonstrate knowledge of tikanga Māori. While the LGA now requires this of council controlled organisations only, it is proposed to apply this new requirements to appointments to all of Council's council organisations, to ensure consistency.
8. The updated Policy now includes the establishment of a nominations group to consider appointments prior to any formal recommendation to Council. This practice is used in other local authorities and allows for greater clarity around proposed candidates.
9. The updated Policy, if adopted, is proposed to become effective from 1 March 2020.
10. We also recommend that Council delegates to the Chief Executive Officer the authority to make any minor amendments and edits to the Policy to address any typographical or presentational issues.

Ngā hua ahumoni Financial implications

11. There are no financial implications arising from approving the updated Policy.

Te huritao ki te huringa o te āhuarangi Consideration of climate change

12. The matters requiring decision in this report were considered by officers in accordance with the process set out in Greater Wellington's *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

13. The matters requiring decision in this report are of a procedural nature, and there is no need to conduct climate change assessments.

Ngā tikanga whakatau Decision-making process

14. Section 57 of the Local Government Act 2002 requires that Council has a policy that sets out how directors of council organisations are identified, appointed and remunerated. The matters requiring decision in this report were also considered by officers against the decision-making requirements of Part 6 of the Local Government Act 2002.

**Te hiranga
Significance**

15. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matters, taking into account Council’s *Significance and Engagement Policy* and Greater Wellington’s *Decision-making Guidelines*. Officers recommend that the matter is of low significance as it is primarily implementing a legislative change.

**Te whakatūtakitaki
Engagement**

16. Given the low significance of the matters for decision, no external engagement was undertaken.

**Ngā tūāoma e whai ake nei
Next steps**

17. If Council approves the updated Policy, it will become effective from 1 March 2020. An implementation plan, including engagement with council organisations on performance evaluation and review, will be developed and rolled out over the next 12 months.

**Ngā āpitihanga
Attachment**

Number	Title
1	Updated “Policy on the appointment and remuneration of directors of council organisations”

**Ngā kaiwaitohu
Signatories**

Writer	Seān Mahoney – Company Portfolio Manager
Approver	Luke Troy – General Manager, Strategy Samantha Gain – General Manager Corporate Services

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> It is Council's role to approve the Policy under section 57 of the LGA.
<i>Implications for Māori</i> The updated Policy now includes a statement on tikanga Māori which enhances the role of Māori within the Policy and the council organisations.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> This policy has no known impacts on the Annual Plan or Long Term Plan.
<i>Internal consultation</i> The updated Policy was prepared in consultation with Greater Wellington officers and through a Council workshop.
<i>Risks and impacts: legal / health and safety etc.</i> There are no risks arising from the matters in this report.

Greater Wellington Regional Council

Policy on the appointment and remuneration of directors of council organisations

Adopted by Council on (date).

DRAFT

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DRAFT

1. Purpose

The purpose of this policy is to set out, in accordance with section 57(1) of the Local Government Act 2002 (the Act), an objective and transparent process for:

- The identification and consideration of the skills, knowledge and experience required of directors of council organisations;
- The appointment of directors to council organisations; and
- The remuneration of directors to council organisations.

2. Background

This policy has been determined with reference to:

- The Local Government Act (2002):
 - Section 6: Meaning of council controlled organisation and council organisation
 - Section 57: Appointment of directors
- Auditor-General's Guidelines as set out in "Governance and accountability of council-controlled organisations" dated September 2015

3. Definitions

Council organisation (CO) is an organisation where the Council controls one or more of the votes *or* has the right to appoint one or more of the directors, trustees or managers.

The Act also creates two sub-categories of COs:

A **council-controlled organisation (CCO)** is a CO in which one or more local authorities control 50% or more of the votes or have the right to appoint 50% or more of the directors.

A **council-controlled trading organisation** (CCTO) is a CCO that operates a trading undertaking for the purpose of making a profit.

Director includes trustees or office holders of a council organisation (however described).

4. Principles

In all cases the appointment and remuneration processes for directors of CCOs will:

- be objective and transparent, while protecting individual privacy;
- manage conflicts of interest appropriately;¹
- take into account the context in which the Council, as a publicly accountable body, must operate; and
- be made on the basis of skills, knowledge and experience, having regard to the nature and scope of the council organisation activities and the organisation's overall objectives.

5. Application of this policy

This policy set out a **generic process** for the appointment to and remuneration of boards of COs. In addition to this policy, appointments and reappointments to the boards of COs are governed by their respective regulations (constitutions, trust deeds and, if enacted, legislation). Where ownership of a CO is jointly or severally shared with other entities, governance requirements are established through shareholder agreements or equivalent documentation. COs that are companies are also subject to the Companies Act 1993.

Where elected members are appointed to boards as directors in an ex-officio capacity then this policy is not applicable but they are appointed by council resolution on recommendation from the Chair of Council.

In the event of a conflict between this policy and those regulations, the regulations take precedence over this policy.

¹ Refer to the Auditor-General's *Guidance for members of local authorities about the law on conflicts of interest: June 2007*.

The COs covered by this policy include:

- Wellington Regional Economic Development Agency Ltd (WREDA);
- Wellington Water Ltd (WW);
- WRC Holdings Group of Companies;
- Wellington Regional Stadium Trust²; and
- Local Government Funding Agency (LFGA).

Council owns a majority shareholding in CentrePort Limited (the Port), with the shareholding held in WRC Holdings. The appointment of the directors of the Port is governed by the companies' constitution and the provisions of the Port Companies Act 1988.

6. Tikanga Maori

In accordance with Section 57 of the Act, Council considers knowledge of tikanga Maori is relevant to the governance of all council organisations.

7. Role of a Director

The Act requires a local authority to appoint people to be directors only if the person has, in the opinion of the local authority, the skills, knowledge or experience to-

- Guide the organisation, given the nature and scope of its activities; and
- Contribute to the achievement of the objectives of the organisation

The required skills, knowledge and experience required of a CO director will be identified and documented prior to each appointment process commencing. There are a number of general core competencies expected of directors which include:-

- Sound judgement and decision-making
- Public service ethos
- High standard of personal integrity

² The Wellington Regional Stadium Trust is treated as a Council Organisation for the purpose of this policy

- Good communicator
- Effective team worker and collaborator
- Understanding of the boundaries and roles of governance and management
- Strategic thinking

8. Eligibility

While some COs may have specific eligibility criteria (such as residence in a certain geographic area) all potential directors will be required to disclose:

- Any conviction for which the maximum available sentence is imprisonment of two years or more (noting that required disclosures are subject to the Criminal Records (Clean Slate) Act 2004)
- If they have been declared bankrupt at any point or been the director of a company at the time it was placed into receivership or involuntary liquidation
- Any potential conflicts of interest.

Employees of Greater Wellington Regional Council will not be appointed as directors of any of its COs.

9. Diversity and Inclusion

Greater Wellington Regional Council values the benefits that diversity brings. Increasing the diversity of our boards is essential to ensuring we have high performing board bringing together a wide range of experiences and views.

10. Nominations Group and process

The nominations group consists of

- Council Chair

- Council Deputy Chair
- WRC Holdings Chair
- Chief Executive
- Lead General Manager

The group is supported by the Company Portfolio Manager.

When a director vacancy occurs or is upcoming the Nominations Group will meet to agree the required skills, knowledge and experience for the role. Candidates will then be sought through advertising, use of a third party (such as the Institute of Directors or Ministry of Women's Affairs), or any individual approaches, as determined by the Nominations Group.

The Nominations Group will assess candidates against the agreed selection criteria, conduct any interview process, and make recommendations as to appointment to Council.

11. Joint Appointments

Some of the appointments covered by this policy are made alongside other shareholders or parties. This may lead to alterations to some of the processes in this policy.

- The director appointments to WREDA are normally recommended to the two shareholder councils by the Wellington Regional Strategy Committee. However Wellington City Council, as majority shareholder has a controlling vote in these matters. The appointment process is undertaken in accordance with Wellington City Council's policy.
- The appointment process for Wellington Water is conducted by the Wellington Water Committee.
- Appointments to the Wellington Regional Stadium Trust are made jointly by both settlor councils, GWRC and WCC. The Trust will recommend a candidate or candidates to the settlors and then requires the nominations group to

provide early feedback to the trust on the candidate's suitability prior to any formal recommendation being made to Council.

12. Remuneration

Greater Wellington Regional Council sets the remuneration level for directors at the start of each triennium. The level of remuneration is set by Council taking account of:

- The need to attract and retain appropriately qualified directors
- The level of remuneration paid by comparable organisations in New Zealand
- The nature and scope of the Council Organisation's role including risk, size and time demands.

When considering remuneration levels independent advice on the current market situation will also be sought to support any decision-making.

Elected members are not eligible to receive remuneration for any CO directorships they hold. They are eligible to claim mileage or travel allowances in accordance with the current elected members' policy.

13. Term of appointment

A director will normally be appointed for a period of three years. Directors are eligible to offer themselves for re-appointment after the initial three year term if they so wish.

The maximum term for directors is six years. Any term that is greater than six years will be considered by Council on a case –by-case basis.

14. Performance Evaluation and Review

It is our policy that all CO boards undertake performance evaluations and reviews on an annual basis and report these to Council. Any evaluation is expected to include peer review and self-appraisal.

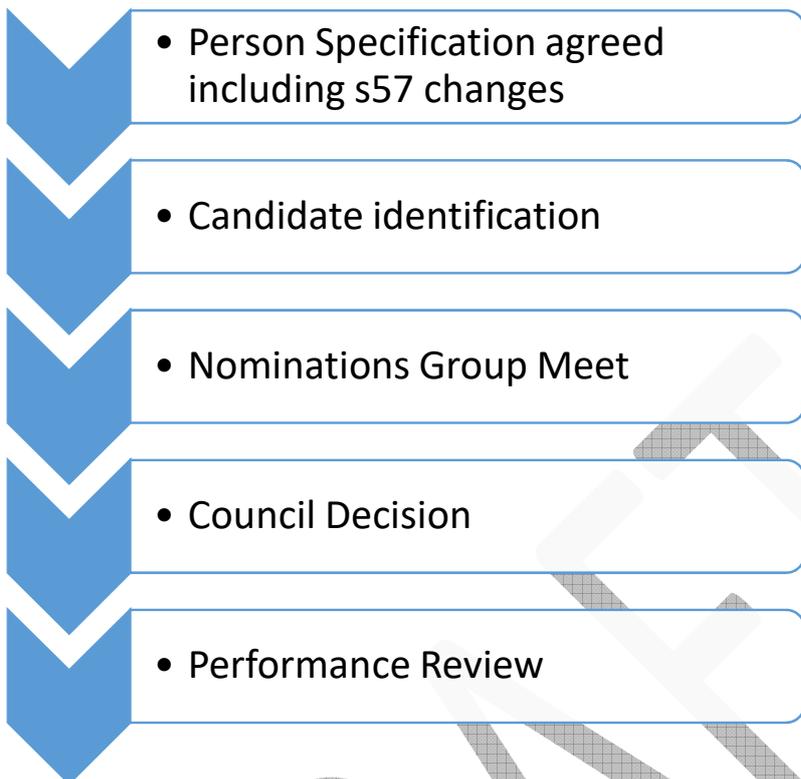
The Office of the Auditor-General has identified ³the following steps which boards are to follow:

Steps in an *evaluation process* begin with the board assessing its own performance in relation to its key responsibilities. These responsibilities include:

- communicating with shareholders and meeting their expectations;
- managing relationships with stakeholders;
- balancing the mix of skills on the board;
- strategic planning;
- discharging legal and ethical obligations;
- monitoring company performance;
- maintaining relationships with management; and
- meeting regularly and ensuring the proper conduct of board meetings.

³ Refer to the Auditor-General *Local Authority Governance of Subsidiary Entities*, 2001.

15. Process summary



DRAFT

Council
27 February 2020
Report 20.56



For Decision

WRC HOLDINGS - FEE INCREASES

Te take mō te pūrongo

Purpose

1. To seek Council's approval of an increase to the external directors' fee, and to the fee for any external Chair, for WRC Holdings.

He tūtohu

Recommendations

That the Council:

- 1 **Approves** *either*
 - a Option One – Increase the external directors' fee for WRC Holdings from 20,000 to \$25,000 per annum (paragraph 12) [Preferred] *or*
 - b Option Two - Keep the external directors' fee for WRC Holdings at \$20,000 per annum (paragraph 13) [No change]
- 2 **Approves** an increase in the fee for any independent Chair of WRC Holdings to \$45,000 per annum.

Te tāhū kōrero

Background

2. Council sets the fee for external directors of WRC Holdings. No fee is paid to Councillors who are appointed as directors.
3. All directors are entitled to claim travelling expenses (mileage and parking) based on the rates applicable to Councillors.
4. There are three external directors of WRC Holdings, with four Councillors serving as directors (including one as the Chair). External directors currently receive a fee of \$20,000 per annum, a figure that has remained the same since 2013. If WRC Holdings had an independent Chair, Council has previously agreed this person would receive \$40,000 per annum.

5. Council reviews the level of fees paid to directors each triennium, taking external advice and considering the:
 - a Need to attract and retain appropriately qualified directors
 - b Nature of activities undertaken by each of the council-controlled organisations (CCOs)
 - c Extent of input expected from external directors
 - d Synergy achieved from effectively running the CCOs closely together.
6. In addition, liability insurance is provided for all directors at WRC Holdings' cost.

Te tātaritanga Analysis

7. Greater Wellington commissioned a Directors' Fees Benchmarking Review from the Institute of Directors (IOD) in late 2019 ([Attachment 1](#)).
8. This review shows our current directors' fee is in the lower quartile of comparator organisations.
9. The IOD recommends a benchmark fee for independent directors of \$35,000 to \$40,000 per annum, and \$60,000 to \$65,000 per annum for an independent Chair.
10. In determining an appropriate fee, officers suggest that consideration also needs to be given to the element of public service included in these roles; the relative size, scale and complexity of the companies; and the workload and demands made on individual directors.
11. Having regard to these issues, we recommend that fees be increased by a lower amount than contained in the IOD report and that the fee for each external director be set at \$25,000 per annum for external directors, and \$45,000 per annum for any independent Chair.

Nga kōwhiringa Options

Option One – Increase the external directors' fee from \$20,000 to \$25,000

12. This option would provide for an uplift in fees, so that these do not get too far behind the wider market but does not create an unaffordable or unrealistic fee level.

Option Two – Keep the external directors' fee at \$20,000 [No change]

13. This option would potentially make the fee structure less attractive and reduce the quality of applicants in appointment rounds. This option would also contain costs over the next three years.
14. Officers recommend Option One as a way of maintaining some parity with the wider market.

Ngā hua ahumoni
Financial implications

15. The proposed fee levels can be met out of 2019/20 budget allocation for WRC Holdings, and will be included in future years’ budgets.

Te huritao ki te huringa o te āhuarangi
Consideration of climate change

16. The matters requiring decision in this report were considered by officers in accordance with the process set out in Greater Wellington’s *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

17. The matters requiring decision in this report are of a procedural nature, and there is no need to conduct climate change assessments.

Ngā tikanga whakatao
Decision-making process

18. Section 57 of the Local Government Act 2002 requires Council to have a policy that sets out the appointment and remuneration of directors of a council organisation. This report follows the remuneration review process in Council’s “Policy on the appointment and remuneration of directors of council organisations”.

Te whakatūtakitaki
Engagement

19. External engagement was undertaken with the Institute of Directors.

Ngā tūāoma e whai ake nei
Next steps

20. If Council approves the proposed fee increase then letters will be sent to each external director informing them of their new remuneration level.

Ngā āpitihanga
Attachment

Number	Title
1	Institute of Directors = Directors’ Fees Benchmarking Review

Ngā kaiwaitohu
Signatories

Writer	Seān Mahoney – Company Portfolio Manager
Approvers	Luke Troy – General Manager, Strategy Samantha Gain – General Manager Corporate Services

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> Council's "Policy on the appointment and remuneration of directors of council organisations" provides for Council's role in this matter.
<i>Implications for Māori</i> There are no known impacts for Maori.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> The recommendations and advice process are in line with Council's "Policy on the appointment and remuneration of directors of council organisations".
<i>Internal consultation</i> There was internal consultation on this report including a Council workshop and discussion within the Strategy and Corporate Services departments.
<i>Risks and impacts: legal / health and safety etc.</i> There are no risks arising from the matters for decision in this report.



Board**Services** **DirectorRem**

Director's Fees Benchmarking Review

Greater Wellington Regional Council CCOs

Wellington Water Ltd, WRC Holding Group, Wellington Regional Stadium Trust, Wellington Regional Economic Development Agency

August 2019 – final report

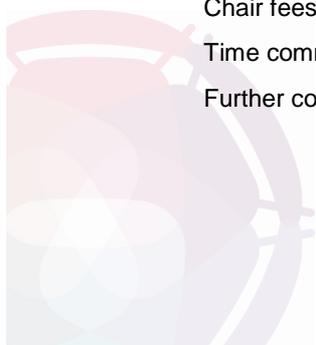
This report has been prepared as guidance for the boards of Greater Wellington Regional Council, Council Controlled Organisations (GWRC CCOs) named in this report, and is not intended to be prescriptive or exhaustive or used or relied upon by any other organisations. It contains our benchmarking analysis using remuneration data provided by members in our annual survey on director remuneration, information supplied by GWRC CCOs and other publicly available sources of information. The report is an independent assessment of appropriate fees for board members of GWRC CCOs has been prepared free from any influence from organisation management, any board member or any other party in relation to the services provided or outcomes of those services.

The IoD believes the information it provides about comparable entities is accurate at the time it is provided. The IoD provides no warranty (either expressed or implied) in relation to the completeness, accuracy or currency of any information provided about any comparator or third party organisation, and cannot be held liable for the consequences of any actions taken or not taken on the basis of such information.

Many organisations referenced in this report are trusts and limited liability companies. Therefore for the purposes of this report 'director' should be read to include 'trustee'.

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1. Executive summary

Introduction

The role of board members is evolving in complex operating environments. They must lead sustainable organisations in a globally connected world. They operate among rapid technological advances, disruptive business models and more closely engaged stakeholders.

Board fees are often the focus of discussion and debate, and few professions receive as much public scrutiny. Therefore, it is important to look at how the demands of director and trustee roles are developing, and how to remunerate for their expertise and contribution.

For board appointments in council owned entities, there is an expectation of a ‘public good’ element. In such an environment, the decision on what level fees should be set can be quite a difficult one. However, setting fees at the right level is essential to attracting and retaining board members with the right skills and expertise to deliver long-term value.

Boards should support and justify fees with good disclosure, governance and accountability practices. This means demonstrating that fees have been set using robust processes and data.

Purpose and scope

You have asked the Institute of Directors in NZ Inc. (IoD) to undertake a formal benchmarking review and assessment of appropriate fees for the boards of the following Greater Wellington Regional Council, council controlled organisations (GWRC CCOs).

- Wellington Water Limited (fees last set in 2016)
- WRC Holding Group (fees last reviewed 2015)
- Wellington Regional Stadium Trust (fees last set in 2016)
- Wellington Regional Economic Development Agency (fees last set in 2014).

This document sets out the approach taken, the relevant background information and our independent assessment of appropriate fee range benchmarks for the members of each board. In carrying out this assignment, the IoD has considered the following:

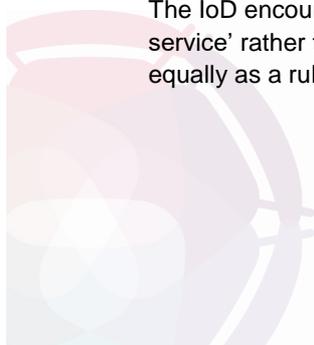
- Information supplied by Wellington City Council and Greater Wellington Regional Council
- Data from the latest annual IoD directors’ fees survey
- Data from organisations of similar size to the entities in this report
- Other data on relevant fees that the IoD holds confidentially
- Comparable remuneration reports and recommendations by the IoD

Our recommendations are formed from our considered judgement, and are provided as guidance. The final decision on fees is the ultimate responsibility of the organisation.

This report does not include an evaluation of specific constraints that may affect each organisations’ final decision with respect to fee levels, such as available funds or the impact of fee levels on the ability to access appropriately qualified and skilled directors to your board.

Approach

The IoD encourages an open and transparent process to setting director fees. Directors’ fees are a ‘fee for service’ rather than a salary. In line with the principle of collective responsibility, base fees should be shared equally as a rule, except in the case of additional responsibility of workload such as the chair.



A fee benchmarking exercise is a suitable approach to determining whether your organisation's director fees are fair and appropriate, and it is important to review benchmarks across a wide range of relevant criteria. The IoD provides a recommended range of fees for your board roles based on:

- relevant market fee data from our latest directors' fees survey
- online research of fees in comparative organisations (where available)
- information that you have provided to us on the scope and time commitments of the roles; and
- the nature and complexity of each organisations' industry or operating environment.

Fee ranges are set with the assumption that board members have achieved a level of governance competency to undertake the critical director function. To command fees at benchmark level directors should have the appropriate skills, knowledge and training in governance as would reasonably be expected for people in their roles.

Before reaching a final decision, the IoD recommends that each organisation consider such factors as shareholder/stakeholder expectations; its own view on appropriate levels of fees, as well as ensuring a level of remuneration that will attract, motivate and retain appropriate candidates.

Fee range recommendations

We have considered the size and nature of each organisation, the indicated time commitments of the roles, the current level of fees and last fee increase.

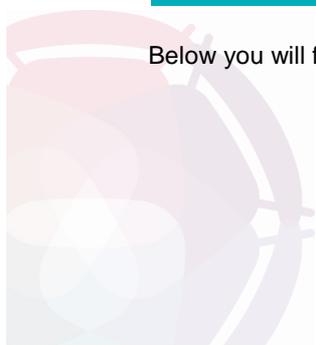
There is a 'public good' expectation relating to these council entities that also needs to be taken into consideration, whilst balanced against fair and appropriate remuneration.

Current director/trustee fees in all of these entities are low, and would require increases to bring them closer to market rates. Our recommended benchmark fee ranges below do reflect significant increases, whilst still being aligned to lower quartile comparator data.

The organisations should decide whether to implement fee increases at these levels, or opt for a transition to higher levels over time. Should more moderate increases be preferred at this time, the organisations should be mindful that the fee gap between current and benchmark fees will widen again over time.

Organisation	Role	Current fee	Benchmark fee range	Pages
Wellington Water Limited	Director	\$22,500	\$32,000 - \$37,000	11-13
	Chair	\$40,000	\$55,000 - \$60,000	
WRC Holding Group	Director	\$20,000	\$35,000 - \$40,000	14-16
	Chair	\$40,000	\$60,000 - \$65,000	
Wellington Regional Stadium Trust	Trustee	\$19,000	\$25,000 - \$30,000	17-19
	Chair	\$38,000	\$45,000 - \$50,000	
Wellington Regional Economic Development Agency (WREDA)	Director	\$25,000	\$28,000 - \$33,000	20-22
	Chair	\$50,000	\$50,000 - \$55,000	

Below you will find a summary of the key comparator data analysed to provide these recommendations.



Summary of comparator fee movements

In the last 12 months.

- Non-executive director +3%
- Non-executive chair +2.5%
- Council-owned organisation type +14.1%
- Not-for-profit organisation +5.5%
- Industry – utilities +7.1%
- Industry – transport +1.0%
- Industry sector – arts and recreation +5.1%

Summary of comparator fee data

Organisation	Fee comparator category	Director fee or range	Chair fee or range
Wellington Water Limited	IoD Directors' Fees Survey – comparator dataset: lower to median quartile	\$32,557 - \$44,129	\$44,000 - \$63,845
WRC Holding Group	IoD Directors' Fees Survey – comparator dataset: median quartile	\$41,682 - \$57,243	\$53,089 - \$84,429
Wellington Regional Stadium Trust	IoD Directors' Fees Survey – comparator dataset: median quartile	\$25,652 - \$35,175	\$36,578 - \$53,750
Wellington Regional Economic Development Agency	IoD Directors' Fees Survey – comparator dataset: median quartile	\$27,555 - \$38,557	\$34,966 - \$51,293



2. Approach to setting board fees

The remuneration of directors should be transparent, fair and reasonable.

The subject of board fees continues to be a subject of scrutiny and discussion, both in New Zealand and overseas. Establishing appropriate fees can be complex and should be set in the context of the broader market, whilst taking into account the individual circumstances of each organisation. There is no 'right' or 'wrong' when setting fees because so many factors influence remunerations levels.

In general, the IoD favours fixed fees, set annually at a level that reflects the commitment and skills required as well as the liability and personal risk involved. An overall fixed fee makes an allowance for occasional heavy workloads, allows for the fact that director liability does not vary with meeting numbers, and creates the expectation that the director will devote the appropriate time to the organisations affairs. In the 2019/20 IoD directors' fees report, 93.8% of directors are paid a fixed fee, with only 4% paid a 'per meeting rate' and 2.2% a combination of the two.

Directors' fees are generally a 'fee for service'. In line with the principle of collective responsibility, base fees should be shared equally as a rule, except in the case of additional responsibility of workload such as the chair.

IoD approach

Benchmarking is an appropriate approach to identify at what level directors fees should be set, and it is important to review benchmarks across a wide range of relevant criteria. The IoD provides a recommended range of fees for your board roles based on:

- relevant market fee data from our latest directors' fees survey;
- online research of fees in comparative organisations (where available),
- information that you have provided to us on the scope and time commitments of the roles; and
- the nature and complexity of the organisations' industry or operating environment.

Where direct industry comparators are few or unavailable we will research fees in organisations that are considered to be of a similar size, for example, in terms of revenue or asset size. We rely on the information you have provided to us to undertake this research, as well as any input you may have on suitable comparators.

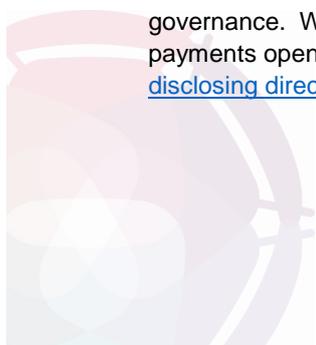
IoD Directors' Fees Survey

Our annual Directors' Fees Survey is undertaken with a wide cross-section of New Zealand organisations and IoD members. Our 2019-20 survey includes information about 2,027 directorships, covering 1,393 organisations. 83.6% of IoD members surveyed hold non-executive (independent) positions and our benchmarking focusses on these roles.

The IoD will also review the level of hours involved in the directorship role. This varies significantly between organisations. In our 2019/20 survey report the median time a non-executive director spends on board work has increased to 140 hours, from 127 hours in 2018.

Transparency of fee decisions

Consistent and open reporting on director fees helps build trust and confidence in business and corporate governance. We encourage all organisations to think beyond compliance. They should disclose director payments openly and consistently. Boards of all types of entities are welcome to use the IoD's [Guide to disclosing director remuneration in annual reports](#).



3. Fees and the role of the board

General

Trust and accountability underpin long-term success and sustainability, and directors of all organisations need integrity, courage, judgment, emotional agility, energy and curiosity.

The IoD publication *The Four Pillars of Governance Best Practice* deals with the role of the board in adding value. It emphasises that this is the key role of a board. The board adds value through its four key governance functions:

- Determination of the company's fundamental purpose and strategy
- Leading an effective governance culture, characterised by integrity, robust decision making and effective relationships with management, shareholders and stakeholders
- Holding management to account, rigorously and accurately
- Ensuring effective compliance

These are significant responsibilities and it is the Institute's view that in order to be accountable, board members need to spend more focussed time, thought and enquiry on their organisation, both within board meetings and outside of them.

A key element of good governance is having a robust approach to reviewing and setting board fees underpinned by comprehensive and robust data. Remuneration for board members needs to be set at a level that acknowledges responsibilities and risks, as well as to attract, motivate and retain members with the ability and character necessary to carry out these critical and demanding functions.

An elected board must still ensure remuneration levels are sufficient to attract the appropriate people to stand for election and to support elected individuals to perform their duties to the highest standards.

The chair's role

The chair facilitates the board but under the Companies Act all directors share equal responsibility. In practice the role of the chair depends on the extent of his or her involvement with the organisation. This can be influenced by such matters as:

- The size or particular circumstances of the company,
- The complexity of its operations,
- The quality of its chief executive and management team, and
- The administrative or contractual arrangements that the board or shareholders have put in place.

In particular circumstances it may be appropriate for the chair to work significant additional hours. This may arise for example, where an organisation is dealing with a significant event, or is engaging in a major transaction. These additional hours are addressed in the chair fee by using a multiplier (premium) over the base director fee.

We generally advise that a good rule of thumb is a premium of around x1.8 to x2.0. Lower or higher loadings may be used depending on the individual circumstances of the organisation.



5. General trends: 2019/20 directors' fees survey

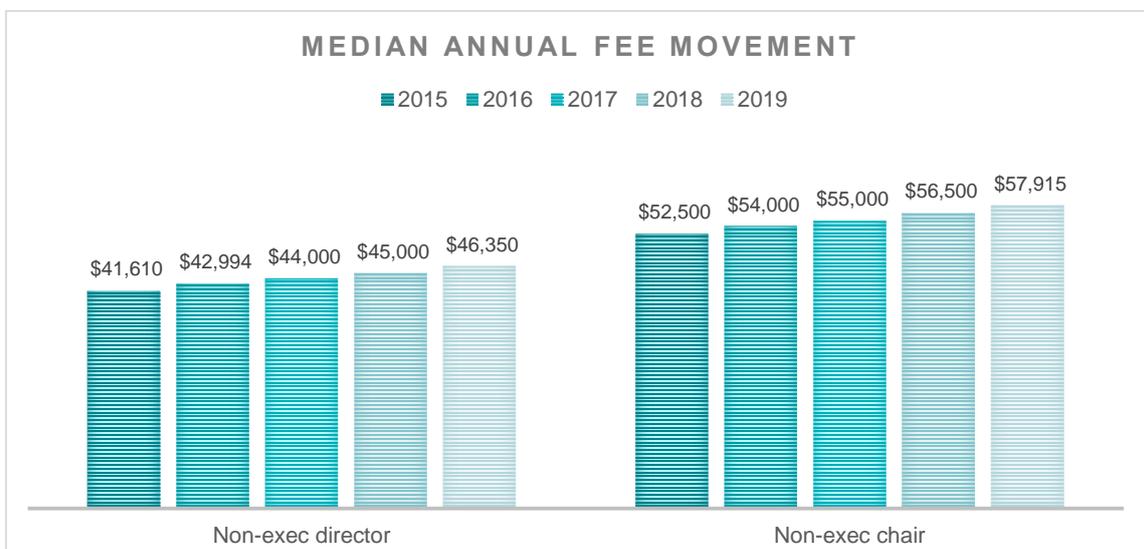
The principle underlying a benchmarking exercise such as this is that fees paid to the board of each GWRC CCO be assessed taking into account the remuneration levels generally paid to directors in New Zealand and relative to the market. The fees should reflect the benefit directors bring to the organisation and adequately compensate them for their time, effort and skill level.

Whilst this overall data contains a broad range of organisations, many not directly comparable, it does provide valuable insights into market fee movements and trends.

Median annual fee movements

Our latest and most comprehensive data on the remuneration of New Zealand directors is the 2019-20 IoD Directors' Fees Report.

The following graph shows the median annual fee movement across the entire survey data, which includes New Zealand organisations of all types and sizes and across all industries.

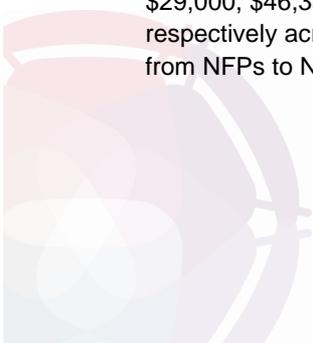


The 5-year movement of fees is approximately 11% for non-executive directors and 10% for non-executive chairs.

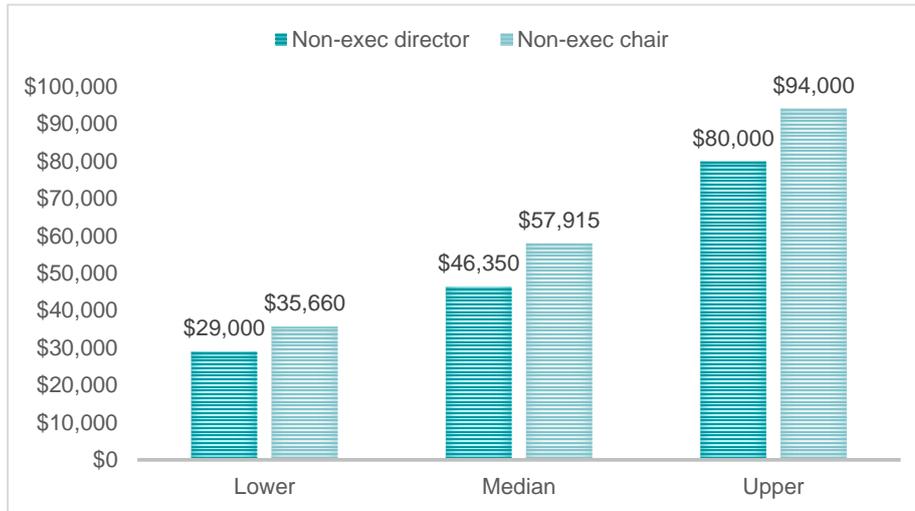
In the last 12 months, the median fee received by non-executive directors has increased by 3%, which is above the 2.3% movement in 2018. Non-executive chair fees have increased by 2.5%, which is slightly lower than the 2.7% movement in 2018.

Overall survey quartiles

The lower, median and upper quartiles for non-executive director remuneration in the most recent survey are \$29,000, \$46,350 and \$80,000 and for non-executive chairs, they are \$35,660, \$57,915 and \$94,000 respectively across the whole survey sample. The survey incorporates a very wide sample of organisations from NFPs to NZX listed companies.



2019 non-executive chair and director remuneration
(Across entire survey sample)



Other relevant fee movement data over the last 12 months

Our fee data uses the ANZSIC (Australian and New Zealand Standard Industrial Classification) groups.

Fee Category	12 month fee movement
Organisation type – council controlled	14.1%
Organisation type – not-for-profit	5.5%
Industry – utilities	7.1%
Industry – transport	1.0%
Industry – arts and recreation	5.1%



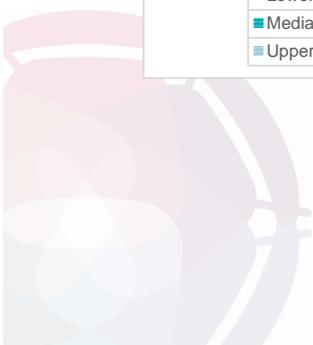
6. Wellington Water Limited

Wellington Water Limited is a high profile essential service with a moderate risk profile. It has undergone significant revenue growth (from \$26m in 2016 to \$154m in 2019). It has a board of five independent directors. Current fees were last set in 2016 and are low against comparator market data.

Director fees - comparator breakdown

The graph below shows director fees in various fee categories, considered appropriate comparators to Wellington Water Limited based on the information provided by the organisation. Each fee category is a subset of our latest directors' fees survey, showing data most relevant to the organisation.

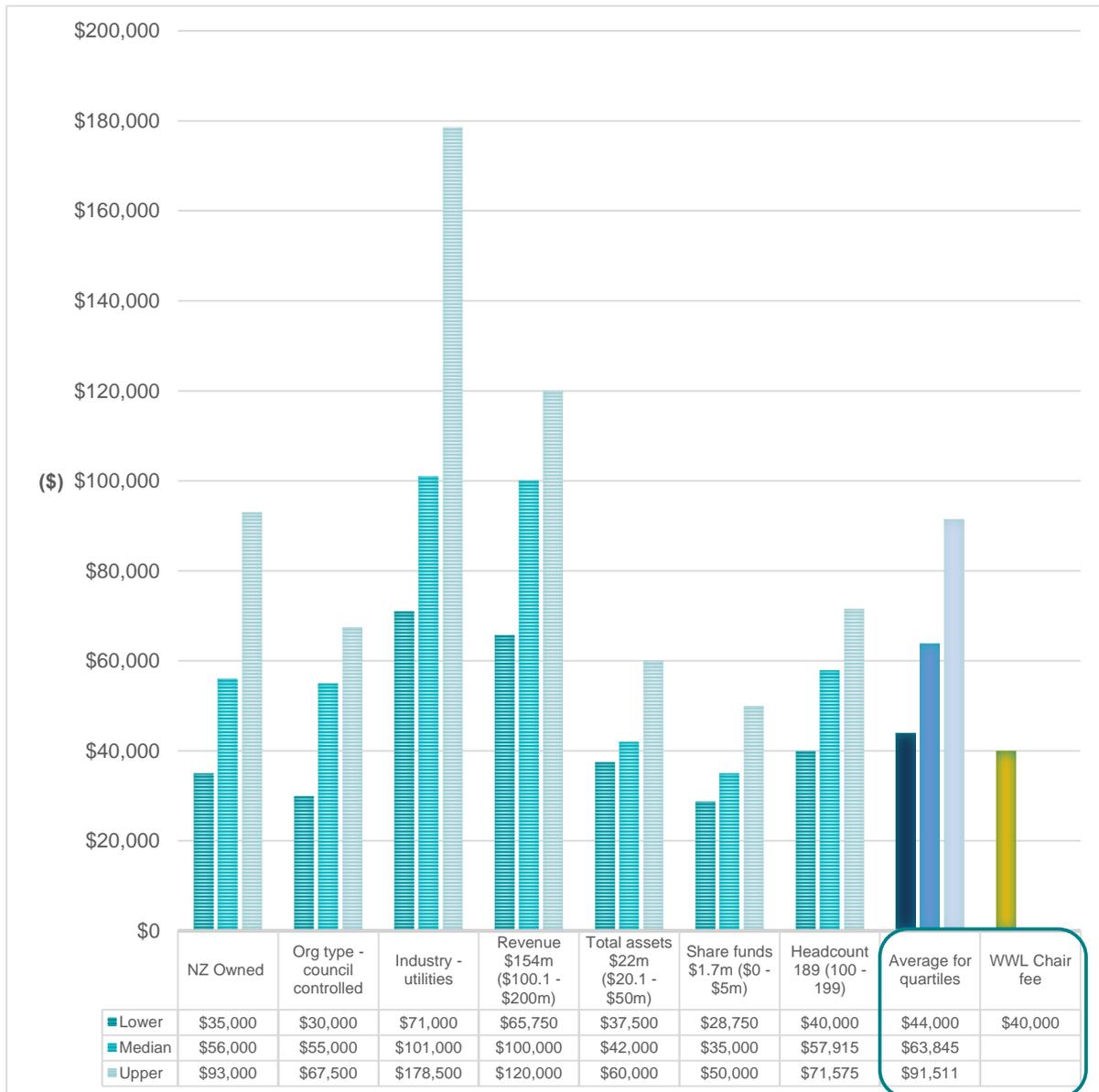
It demonstrates that the organisation's current director fee aligns to the lower quartile against the comparator fee categories.



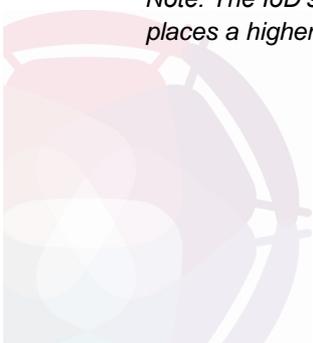
Chair fees - comparator breakdown

This graph shows chair fees in various fee categories, considered appropriate comparators to Wellington Water Limited based on the information provided by the organisation. Each fee category is a sub-set of our latest directors' fees survey, showing data most relevant to the organisation.

It demonstrates that the organisation's current chair fee aligns to the lower quartile against the comparator fee categories.



Note: The IoD's data for director roles is considerably deeper than for chairs; therefore our methodology places a higher reliance on director data as a basis for estimating fees for all board members.



Time commitments analysis

The following table compares the governance time commitments in Wellington Water Limited to commitments in comparator organisations. It indicates that annual hours for the board members align at the lower quartile of our survey data.

	Director Time Commitments			Chair Time Commitments		
	Lower quartile	Median quartile	Upper quartile	Lower quartile	Median quartile	Upper quartile
NZ Owned	85	143	225	109	172	293
Org type - council controlled	119	166	238	136	173	290
Industry - utilities	106	173	274	84	207	370
Revenue \$154m (\$100.1 - \$200m)	136	187	281	153	224	346
Total assets \$22m (\$20.1 - \$50m)	100	148	230	138	186	286
Share funds \$1.7m (\$0 - \$5m)	58	101	156	89	139	216
Headcount 189 (100 - 199)	110	165	219	131	180	233
Average time commitments	102	155	232	120	183	291
Wellington Water Limited	70			95		

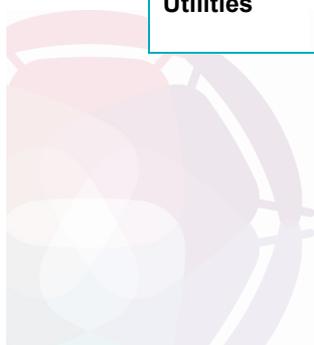
Further comparator research

Fee information from latest available annual reports.

Organisation	Revenue	Assets	Director fee	Chair fee
Watercare Ltd	\$642m	\$10b	Range of fees from base of \$54,000 to \$67,000	\$108,000
City Care Ltd	\$313m	\$113m	Range of fees from \$39,373 to \$43,465	\$63,649 (but not a full year) – the chair fee in 2017 was \$109,587

These organisations are un-named because the information is provided from the IoD's confidential database of clients.

Sector	Revenue	Assets	Benchmark director fee	Benchmark chair fee
Utilities	\$72m	\$280m	\$47,000 - \$51,000	\$85,000 - \$90,000
Utilities	\$96m	\$442m	\$45,000 - \$50,000	\$85,500 - \$95,000
Utilities	\$100m	\$62m	\$42,500 - \$47,500	\$76,500 - \$86,500



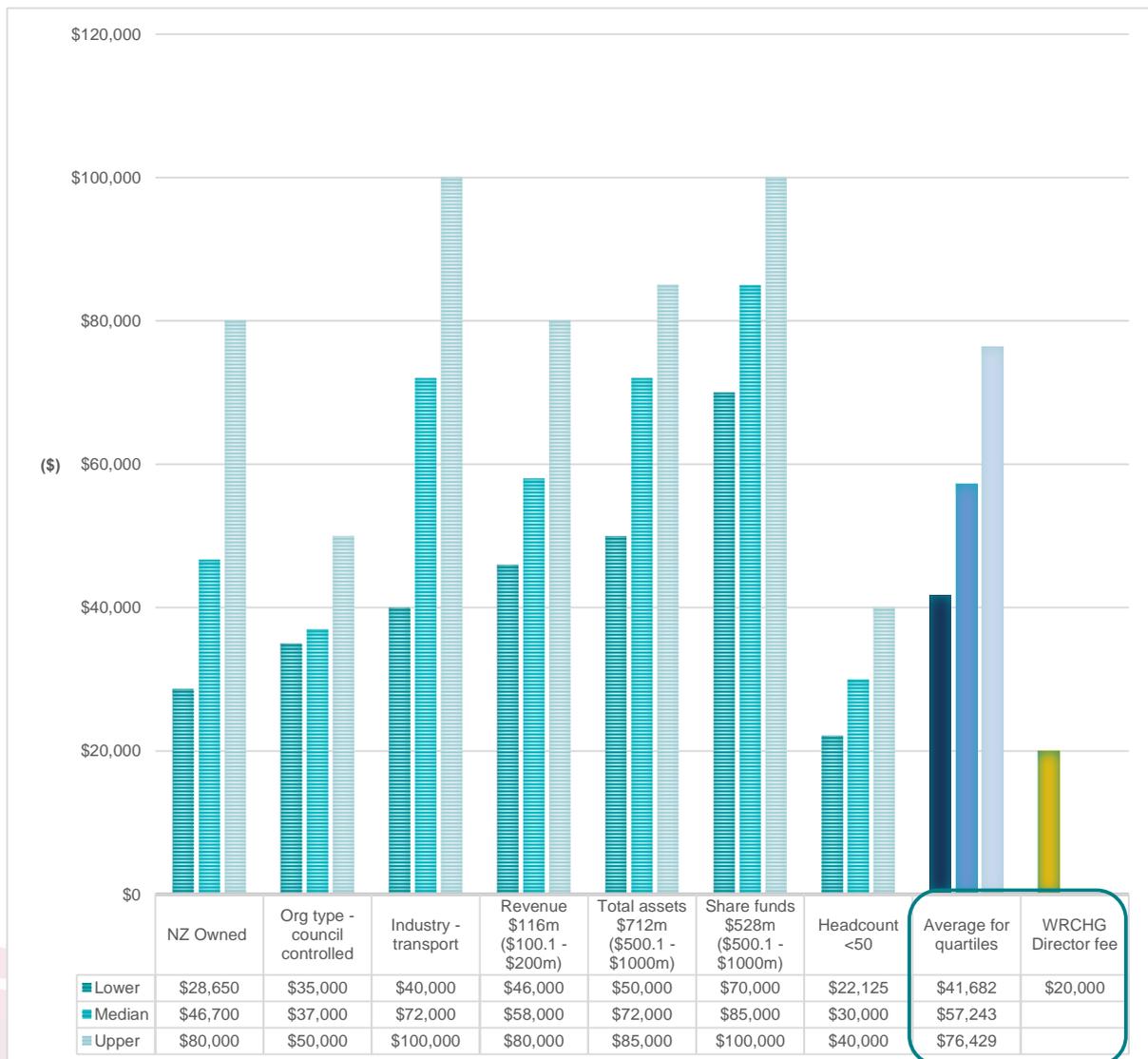
7. WRC Holding Group

WRC Holding Group is an investment holding company with subsidiary entities Port Investments Limited, Greater Wellington Rail and CentrePort. The organisation has increased revenue by \$20m since 2016. It has a board of six. The roles cover governance across all entities except CentrePort. Board fees were last set in 2007 and are significantly behind comparative market data.

Director fees - comparator breakdown

The graph below shows director fees in various fee categories, considered appropriate comparators to WRC Holding Group based on the information provided by the organisation. Each fee category is a sub-set of our latest directors' fees survey, showing data most relevant to your organisation.

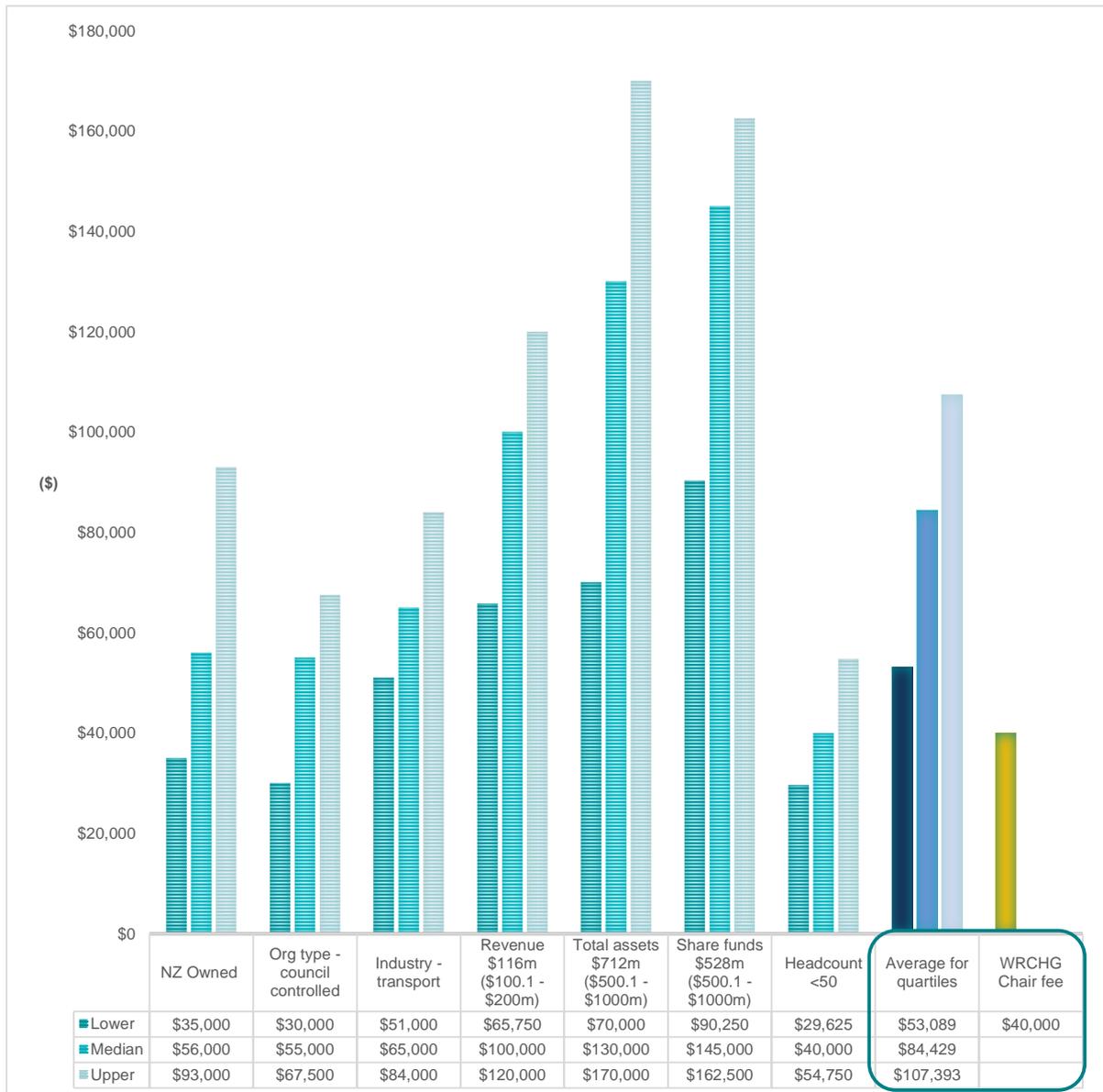
It demonstrates that the organisation's current director fee aligns to the lower quartile against the comparator fee categories.



Chair fees - comparator breakdown

This graph shows chair fees in various fee categories, considered appropriate comparators to WRC Holding Group based on the information provided by the organisation. Each fee category is a sub-set of our latest directors' fees survey, showing data most relevant to the organisation.

It demonstrates that the organisation's current chair fee aligns to the lower quartile against the comparator fee categories.



Note: The IoD's data for director roles is considerably deeper than for chairs; therefore our methodology places a higher reliance on director data as a basis for estimating fees for all board members.



Time commitments analysis

The following table compares the governance time commitments in WRC Holding Group to commitments in comparator organisations. It indicates that annual hours for the board members aligns at the lower quartile of our comparator data.

	Director Time Commitments			Chair Time Commitments		
	Lower quartile	Median quartile	Upper quartile	Lower quartile	Median quartile	Upper quartile
NZ Owned	85	143	225	109	172	293
Org type - council controlled	119	166	238	136	173	290
Industry - transport	140	196	251	123	153	312
Revenue \$116m (\$100.1 - \$200m)	136	187	281	153	224	346
Total assets \$712m (\$500.1 - \$1000m)	115	219	292	203	264	499
Share funds \$528m (\$500.1 - \$1000m)	133	230	302		290	
Headcount <50	64	108	167	96	154	240
Average time commitments	113	178	251	137	204	330
WRC Holding Group	48			96		

Further comparator research

These organisations are anonymous because the information is provided from the IoD's confidential database of clients.

Sector	Turnover	Assets	Benchmark director fee	Benchmark chair fee
Utilities and transport	\$80m	\$350m	\$38,000	\$68,400
Utilities and transport		\$183m	\$30,000 - \$35,000	\$54,000 - \$63,000
Transport, postal and warehousing	\$47m	\$192m	\$45,000 - \$48,000	\$81,000 - \$86,000
Transport, postal and warehousing	\$120m	\$1b	\$65,000 - \$75,000	\$130,000 - \$150,000



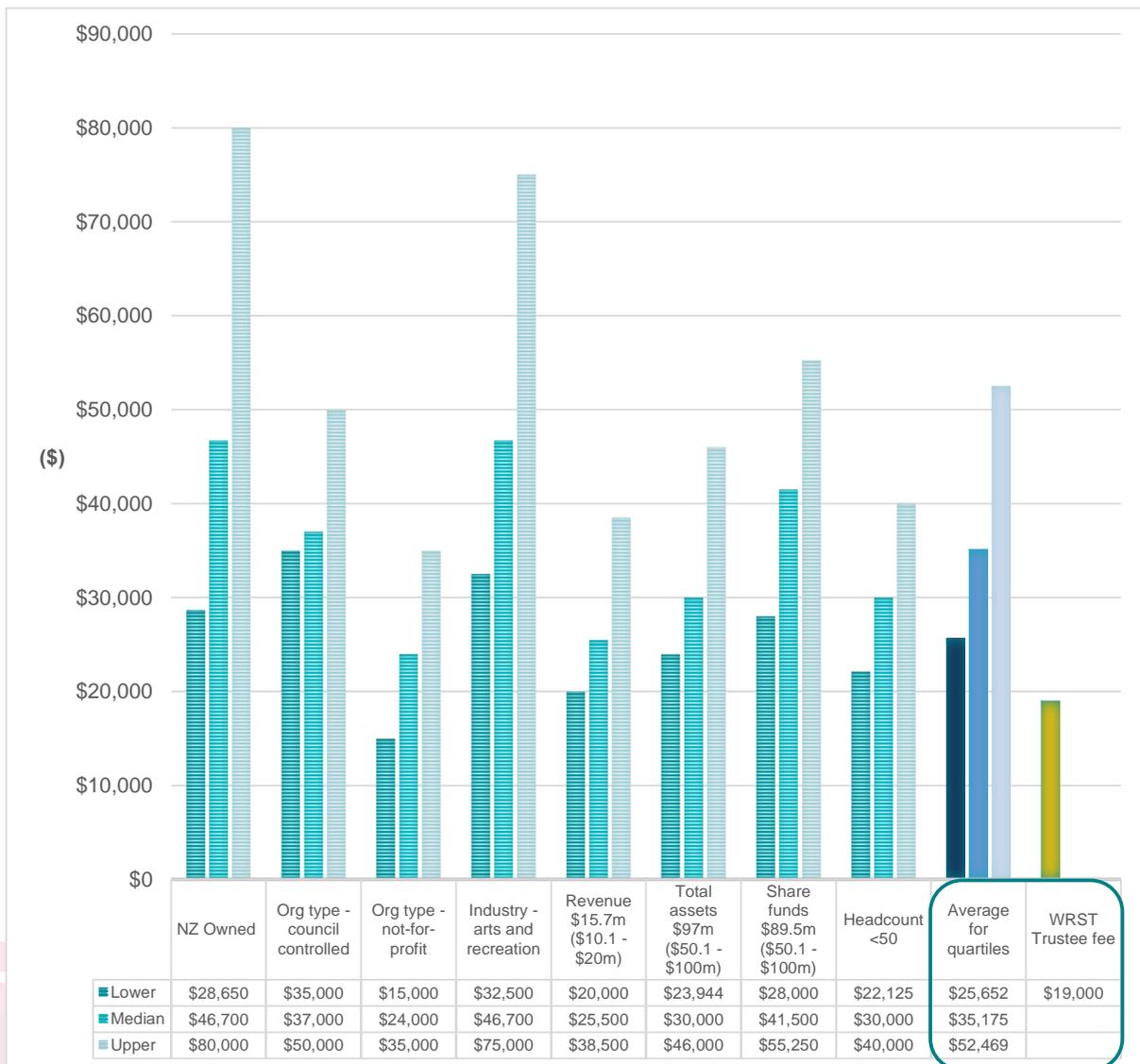
8. Wellington Regional Stadium Trust

The Wellington Regional Stadium Trust is responsible for the planning, development, construction, ownership, operation and maintenance of the Stadium as a sporting and cultural venue. The risk profile is moderate although the stadium is a major infrastructure asset in a seismic prone area. The board consists of eight members and fees were last set in 2016.

Director fees - comparator breakdown

The graph below shows director fees in various fee categories, considered appropriate comparators to Wellington Regional Stadium Trust based on the information provided by the organisation. Each fee category is a sub-set of our latest directors' fees survey, showing data most relevant to your organisation.

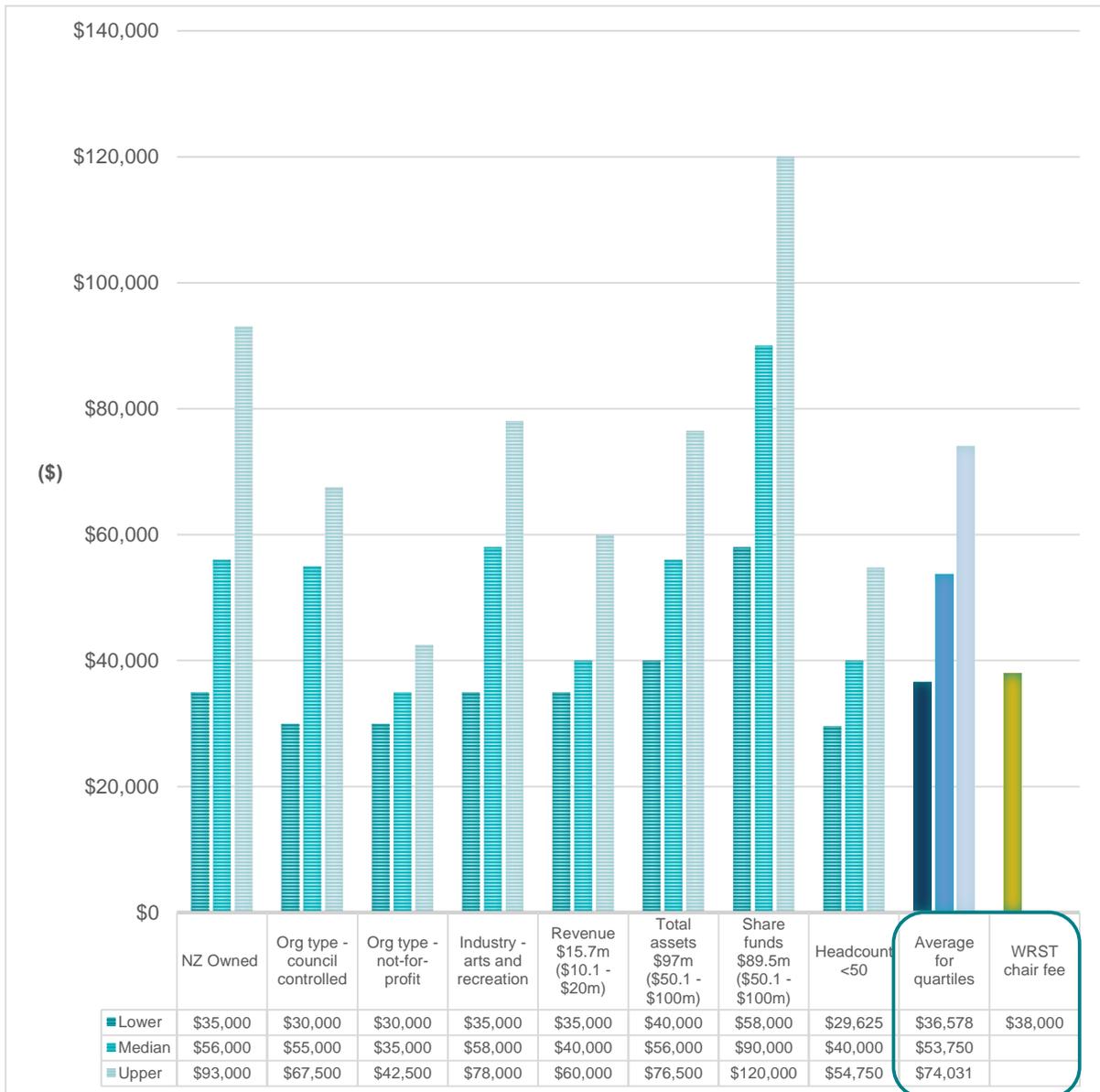
It demonstrates that the organisation's current trustee fee aligns to the lower quartile against the comparator fee categories.



Chair fees - comparator breakdown

This graph shows chair fees in various fee categories, considered appropriate comparators to Wellington Regional Stadium Trust, based on the information provided by the organisation. Each fee category is a sub-set of our latest directors' fees survey, showing data most relevant to the organisation.

It demonstrates that the organisation's current chair fee aligns to the lower quartile against the comparator fee categories.



Note: The IoD's data for director roles is considerably deeper than for chairs; therefore our methodology places a higher reliance on director data as a basis for estimating fees for all board members.



Time commitments analysis

The following table compares the governance time commitments in Wellington Regional Stadium Trust to commitments in comparator organisations. It indicates that annual hours for the board members align at the lower quartile of our comparator data.

	Director Time Commitments			Chair Time Commitments		
	Lower quartile	Median quartile	Upper quartile	Lower quartile	Median quartile	Upper quartile
NZ Owned	85	143	343	109	172	293
Org type - council controlled	119	166	238	136	173	290
Org type - not-for-profit	58	106	184	124	178	290
Industry - arts and recreation	56	122	197	155	214	334
Revenue \$15.7m (\$10.1 - \$20m)	98	132	192	141	168	261
Total assets \$97m (\$50.1 - \$100m)	102	163	218	128	210	374
Share funds \$89.5m (\$50.1 - \$100m)	130	187	216	162	291	366
Headcount <50	64	108	167	96	154	240
Average time commitments	89	141	219	131	195	306
WRST	64			128		

Further comparator research

Fee information from latest available annual reports.

Organisation	Revenue	Assets	Director fee	Chair fee
Dunedin Venues Management			\$18,000	\$26,000
Eden Park Trust			Individual fees not reported – total trustee fees for the year \$144,000 (in 2015 \$110,000). Board of 9 members – we estimate approx. \$14k per trustee and x2 (\$29k) chair*	
Regional Facilities Auckland			Individual fees not reported – total governance fees of \$416,000. Board of 8 members – we estimate approx. \$46k per director and x2 (\$92k) chair*	

*This is an estimate only and we cannot be held accountable for accuracy



9. WREDA

WREDA is the regional economic development agency for the lower North Island, combining the economic development activities of Wellington City Council and Greater Wellington Regional Council to advance the prosperity and liveability of the Wellington region. The risk profile is low. A board of eight governs WREDA, and fees were last set in 2014.

Director fees - comparator breakdown

The graph below shows director fees in various fee categories, considered appropriate comparators to WREDA based on the information provided by the organisation. Each fee category is a sub-set of our latest directors' fees survey, showing data most relevant to your organisation.

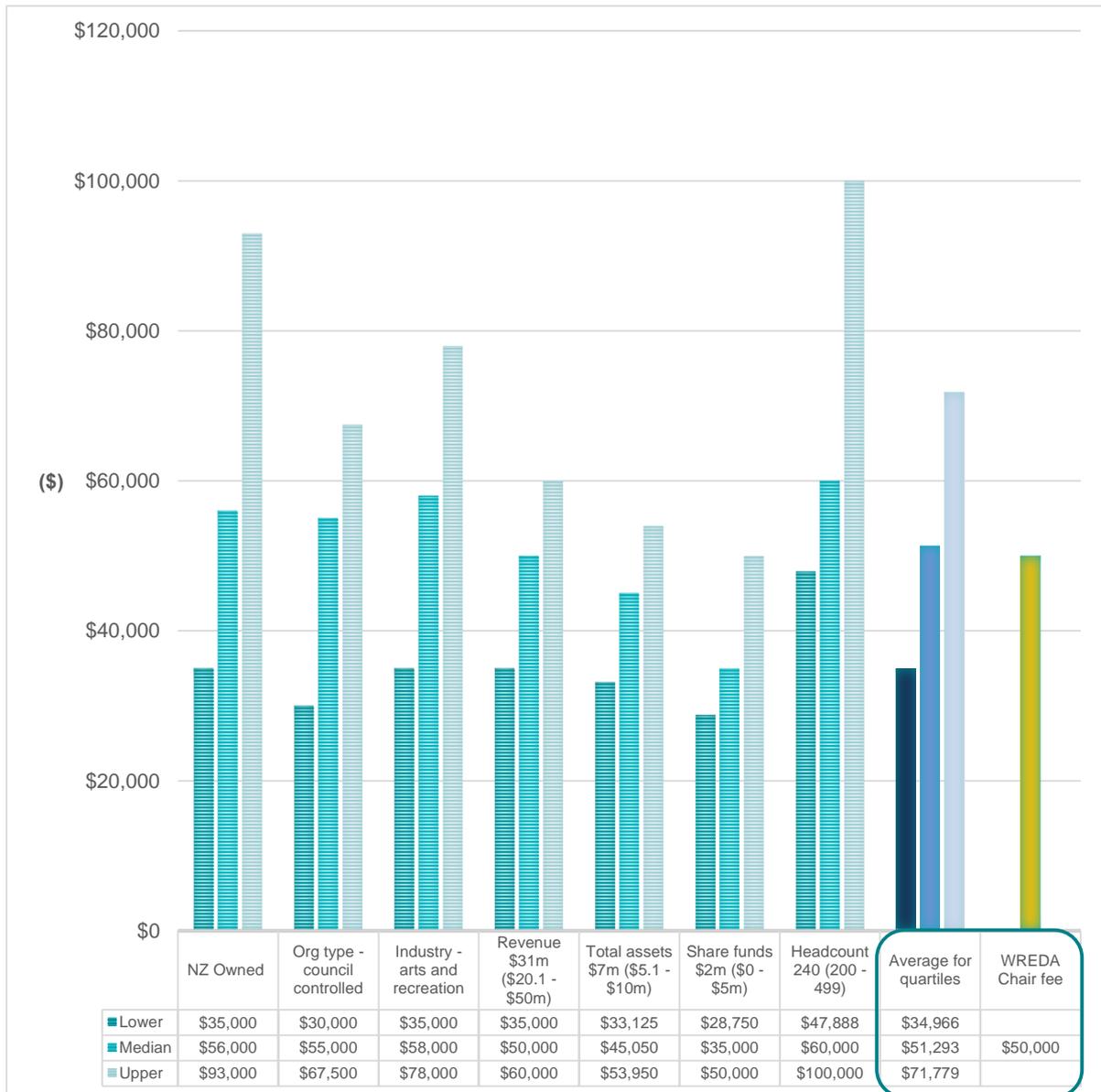
It demonstrates that the organisation's current trustee fee aligns to the lower quartile against the comparator fee categories.



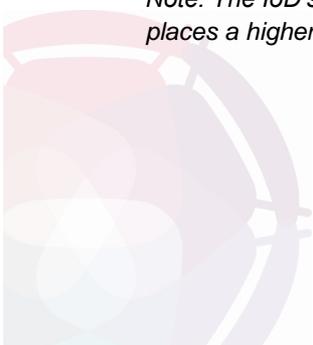
Chair fees - comparator breakdown

This graph shows chair fees in various fee categories, considered appropriate comparators to WREDA based on the information provided by the organisation. Each fee category is a sub-set of our latest directors' fees survey, showing data most relevant to your organisation.

It demonstrates that the organisation's current chair fee aligns to the median quartile against the comparator fee categories.



Note: The IoD's data for director roles is considerably deeper than for chairs; therefore our methodology places a higher reliance on director data as a basis for estimating fees for all board members.



Time commitments analysis

The following table compares the governance time commitments in WREDA to commitments in comparator organisations. It indicates that annual hours for the board members align at the lower quartile or our survey data.

	Director Time Commitments			Chair Time Commitments		
	Lower quartile	Median quartile	Upper quartile	Lower quartile	Median quartile	Upper quartile
NZ Owned	85	143	225	109	172	293
Org type - council controlled	119	166	238	136	173	290
Industry - arts and recreation	56	122	197	155	214	334
Revenue \$31m (\$20.1 - \$50m)	112	159	226	134	206	345
Total assets \$7m (\$5.1 - \$10m)	76	129	190	126	153	237
Share funds \$2m (\$0 - \$5m)	58	101	156	89	139	216
Headcount 240 (200 - 499)	130	205	306	175	244	435
Average time commitments	91	146	220	132	186	307
WREDA	86			168		

Further comparator research

Fee information from latest available annual reports.

Organisation	Revenue	Assets	Director fee	Chair fee
ATEED			\$41,000 - \$48,000	\$82,000



10. Recommendations

Context

There is no absolute right or wrong when setting director fees. We endeavour to view the market as widely as possible, taking into account a variety of comparator data as well as the time commitments of the roles, in order to provide you with data and advice to support your governance fee decisions. However, a remuneration recommendation is part of an evaluative process and the final decision on fees is the ultimate responsibility of the organisation.

Before reaching a final decision, you should consider where each CCO sees itself within the market (e.g. lower, median, upper quartile). In addition, consider such factors as complexity of role and operating environment, risk and liability, beneficiary expectations, as well as ensuring a level of remuneration that will attract and retain the calibre of director to drive long-term value for your business.

Commentary

We have considered the size and nature of each organisation, the indicated time commitments of the roles, the current level of fees and last fee increase.

There is a 'public good' expectation relating to these council entities that also needs to be taken into consideration, whilst balanced against fair and appropriate remuneration.

Current director/trustee fees in all of these entities are low, and would require increases to bring them closer to market rates. Our recommended benchmark fee ranges below do reflect significant increases, whilst still being aligned to lower quartile comparator data.

The organisations should decide whether to implement fee increases at these levels, or opt for a transition to higher levels over time. Should more moderate increases be preferred at this time, the organisations should be mindful that the fee gap between current and benchmark fees will widen again over time.

Fee range recommendations

Organisation	Role	Current fee	Benchmark fee range	Pages
Wellington Water Limited	Director	\$22,500	\$32,000 - \$37,000	11-13
	Chair	\$40,000	\$55,000 - \$60,000	
WRC Holding Group	Director	\$20,000	\$35,000 - \$40,000	14-16
	Chair	\$40,000	\$60,000 - \$65,000	
Wellington Regional Stadium Trust	Trustee	\$19,000	\$25,000 - \$30,000	17-19
	Chair	\$38,000	\$45,000 - \$50,000	
Wellington Regional Economic Development Agency (WREDA)	Director	\$25,000	\$28,000 - \$33,000	20-22



Chair, committee chair and deputy chair premiums

An appropriate chair fee makes an allowance for additional hours spent in meeting preparation and follow-up and for other demands and expertise required of the role. A loading over the base director fee is usually used to calculate the chair fee.

The IoD's data for director roles is considerably deeper than for chairs; therefore our methodology places a higher reliance on director data as a basis for estimating fees for all board members.

In our 2018 survey, chair premiums can range from x1.04 to x2.3. However, we generally advise that a good rule of thumb is a premium of around x1.8 to x2.0. Lower or higher loadings may be used depending on the individual circumstances of the organisation.

In addition, we generally recommend a loading of between x1.1 to x1.2 for committee chairs and a x1.25 loading for the deputy (vice) chair of the board.

It would not be normal for the board chair or deputy chair to be paid additional fees for their involvement with committees.

Ongoing fee review policy

Because of movements in the market and other factors, such as inflation and CPI, fees are not static. They should be assessed for market appropriateness regularly.

When a fee structure is on or near the market benchmark, one option is to review fees against annual fee movements – for example using the appropriate industry sector or the overall fee movement for a particular role (eg. non-executive director). This information is available from the IoD.

We would, however, encourage a discipline to update the benchmark data regularly. Best practice would be to review director fees annually, and it should be no longer than 3 years. This should identify if the fees remain competitive or if the fee gap is widening. A significant fee gap against benchmark may indicate the need for a further fee review at this stage.



11. Appendix 1 – Market insights for boards

Legislative and regulatory developments

New NZX Listing Rules now in force

The new NZX Listing Rules came into effect on 1 July 2019 for all listed issuers. A significant change relevant to directors is the extension of the continuous disclosure rules to include constructive knowledge of directors and senior managers. That is a director or senior executive will be deemed to be aware of information when they ought reasonably to have come into possession of it in the course of the performance of their duties. For more information on the changes see the brief *What Directors Need to Know About the New NZX Listing Rules* by the IoD and MinterEllisonRuddWatts.

Other updated rules and guidance relevant to listed entities include:

- *NZX Corporate Governance Code* and associated Guidance Notes (including on Continuous Disclosure)
- ASX Listing Rules (effective in December 2019) and the *ASX Corporate Governance Council's Corporate Governance Principles and Recommendations* (for ASX listed entities)

Capital Markets 2029

The NZX and FMA initiated the Capital Markets 2029 review, which is industry-led and aimed at delivering a 10 year vision for growth and wider industry participation in the sector. There has been considerable change in New Zealand's capital markets in the last ten years including significant governance related developments. The findings are expected to be published in 2019.

Refocused FMA Corporate Governance Handbook

The Financial Markets Authority refreshed its corporate governance handbook, *Corporate governance in New Zealand: Principles and guidelines* in 2018 (last updated in 2014) to ensure it is up to date with developments and trends in corporate governance. The handbook has been refocused to apply to non-listed and public sector entities, moving away from listed issuers which are covered by the *NZX Corporate Governance Code*. There are eight high-level corporate governance principles in the handbook, and boards are asked to explain on a voluntary basis how they have applied each principle.

New criminal offence for cartel conduct

In 2019, the Commerce (Criminalisation of Cartels) Amendment Bill received Royal assent introducing a criminal offence for people engaged in cartel conduct. This offence is in addition to the existing civil prohibition on cartels and it will form part of the Commerce Act 1986. Individuals convicted of the new offence will be liable to up to 7 years imprisonment and/or a fine not exceeding \$500,000 (the financial penalty is the same as the existing civil penalty). There's a two-year transitional period before criminalisation comes into effect (in April 2021). Directors and organisations should familiarise themselves with the changes and the Commerce Commission is expected to publish guidance.

State Sector governance

The State Sector and Crown Entities Reform Act 2018 introduced key changes relevant to Crown entity boards and CEOs including:

- Statutory Crown entity boards need to gain consent from (rather than consult with) the State Services Commissioner regarding their CEO's terms and conditions of employment
- Fixed terms of appointment for statutory Crown entity CEOs have been introduced
- Boards and board members will be subject to a code of conduct (expected to be released in 2019)
- The Commissioner's inquiry and investigation powers have been expanded.

The Government is also proposing the most significant overhaul of New Zealand's Public Service in 30 years by replacing the State Sector Act with a new Public Service Act. A Public Service Bill is expected to be introduced into Parliament in 2019.



Reform on the horizon

Banking and finance related law reform

Directors of financial institutions and lenders should be closely following a number of reforms including:

- The Ministry of Business, Innovation & Employment's review on regulating the conduct of financial institutions. New duties have been proposed with director accountability.
- The second phase of the Reserve Bank Act review which also considers director accountability
- Regulatory reform of governance and risk management practices following recommendations of the Independent Review for the RBNZ of the Supervision of CBL Insurance Ltd
- Credit Contracts Legislation Amendment Bill which is intended to address issues in the credit market including strengthening requirements to lend responsibly and addressing harm to vulnerable customers. The Bill imposes a new duty on directors and senior managers of a lender to exercise due diligence to ensure that the lender complies with its duties and obligations under the Credit Contracts and Consumer Finance Act 2003.

A new Privacy Bill on the way

It has been 25 years since the Privacy Act 1993 came into force. Since then, the rise of the internet and the digital economy have transformed organisations and the use of personal information. The Privacy Bill (introduced into Parliament in 2018) aims to modernise the privacy landscape in New Zealand, while retaining the 12 information privacy principles under the current Act with some alterations and additions. A key proposed change is the introduction of mandatory privacy breach notification to the Privacy Commissioner and affected individuals.

Raising the standards of governance in charities

The Charities Act 2005 is being reviewed for the first time since it was enacted. A key question in the review is whether introducing governance standards would help charities to be more effective. New Zealand doesn't have governance standards or a code specifically for charities or NFPs and is out of step in this regard with other similar jurisdictions.

Educational reforms expected to impact boards

A series of educational reforms are underway to the schooling and vocational education systems that include governance related proposed changes:

- The Independent Taskforce's 2018 report (*Our Schooling Futures: Stronger Together | Whiria Ngā Kura Tūātitini*) on the review of Tomorrow's Schools recommended significant changes to the schooling system, including in relation to how schools are governed
- The Government put forward a discussion document in 2019 with proposals including creating a new institution that would bring together 16 Institutes of Technology and Polytechnics (ITPs) as a single entity. The document also proposed to redefine the roles of education providers (ie ITPs, Wānanga and private training establishments) and Industry Training Organisations) and implement a unified funding system.

Stronger whistleblowing laws coming

The State Services Commission is leading a review of the Protected Disclosures Act 2000 to ensure it is fit for purpose and in line with international best practice. The Act facilitates the disclosure of serious wrongdoing in and by organisations and protects those who make such disclosures. It applies to both the public and private sector.

Reform of trust law

There are an estimated 300,000 to 500,000 trusts in New Zealand including commercial, charitable and family trusts. The most significant trust reform in 60 years is underway with the Trusts Bill. The reform aims to improve accessibility to the law of trusts and help parties better understand their legal rights and obligations. It is intended that all express trusts will be governed by the new law, except to the extent that some types of trusts are governed by specific legislation. Mandatory and default trustee duties are set out in the Bill.



12. Appendix 2 - Board size considerations

The interests of shareholders of a company will be best served if its board acts with maximum efficiency and effectiveness. The optimum number of directors required to attain maximum efficiency and effectiveness on any given board will depend on such factors as the company's size, nature, diversity and complexity of its business and its ownership structure.

A board that is too large may not give its members the opportunity of participating in discussions and decisions to the best of their abilities. It may result in board proceedings being unnecessarily prolonged. On the other hand, a board that is too small will limit the breadth of knowledge, experience and viewpoints that would otherwise be available to it and from which it could usefully benefit.

As a general rule, a board numbering between six and eight members is usually found to be the most appropriate in the case of medium to large-sized companies. This also takes the relatively small size of New Zealand companies in international terms into account. Smaller companies may operate quite satisfactorily with a lower number. Under NZX listing rules, the minimum number for a listed company (disregarding alternate directors) is three.

It is not really possible or practical to specify an ideal and optimal number for all boards. What every board needs to do is to achieve the right balance to suit the circumstances and requirements of the company and the board itself.

Average number of directors

(From the 2019 IoD Directors' Fees Report)

Across all entity types, the median and average number of directors appointed to a board is 6. Only 0.99% of our sample has more than 12 directors appointed to the board.

Board size for comparator organisation type:

Organisation type	Number of directors on board			
	Lower Quartile	Median	Upper Quartile	Average
Council controlled	5	5	7	6
Not-for-profit	6	7	8	7



13. Appendix 3 – IoD Services for boards

We will help you build a better board

Whether you are setting up a new board and looking for help with recruiting board members and establishing good processes, or you're on an established board looking to fine tune your performance, our suite of Board Services can be tailored to your requirements, supporting you in building the best possible board.

Board Appointments

DirectorSearch

Find and appoint directors with the skills and experience that meet your board needs.

- Access New Zealand's largest database of independent directors
- Use our additional recruitment support services such as refinement of candidate criteria, recruitment templates documents, involvement in the selection committee and administration of the external application process

DirectorVacancies

Advertise your board vacancy with us.

- Reach New Zealand's largest pool of director talent
- Cost-effective exposure across multiple channels
- No time limit – list your vacancy until the deadline closes or you find a suitable candidate

Board fees

DirectorRem

Attract, motivate and retain the best board members by ensuring the right level of director remuneration

- Drive growth and performance
- Range of services suited to your needs and budget

Board Evaluation

Assess the performance of your board using our online evaluation tool, BetterBoards.

- Identify your board's strengths, weaknesses and opportunities for improvement against The Four Pillars of Governance Best Practice
- Comprehensive, easy to follow reports that can track improvements over subsequent years

Facilitation services

- Conducting a board evaluation is a first step in assessment but the real value lies in how you use those findings. We can provide a facilitation service for your board to discuss strengths, challenges



13. Appendix 4 – Understanding the data measures

Lower Quartile

This represents the point at which, when ranked from the lowest value to the highest value, 25% of the sample is lower and 75% of the sample is higher. The Lower Quartile is also known as the 25th percentile.

Median

When data is ranked from the lowest value to the highest value, the median represents the middle point of the data. At the median, 50% of the sample is lower and 50% of the sample is higher. The median is also known as the 50th percentile.

Upper Quartile

This represents the point at which, when ranked from the lowest value to the highest value, 75% of the sample is lower and 25% of the sample is higher. The Upper Quartile is also known as the 75th percentile.

Average

Indicates the average value of remuneration or benefit in any given sample. The average is calculated by adding the numbers in a sample and then dividing by the count of the sample.





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Council
27 February 2020
Report 20.61



For Decision

COUNCILLOR APPOINTMENTS – FEBRUARY 2020

Te take mō te pūrongo

Purpose

1. To seek Council's approval to change two recent Councillor appointments due to changes in circumstances.

He tūtohu

Recommendations

That the Council:

Transport Committee

- 1 **Removes** Councillor Ponter as the designated spokesperson for the Transport Committee.
- 2 **Notes** that Councillor Blakeley, as part of this role as Chair of the Transport Committee, then assumes the role of spokesperson.

Wellington Region Waste Management and Minimisation Plan Joint Committee

- 3 **Removes** Councillor Connelly as Council's member on the Wellington Region Waste Management and Minimisation Plan Joint Committee.
- 4 **Appoints** Councillor Lee as Council's member on the Wellington Region Waste Management and Minimisation Plan Joint Committee.

Te horopaki

Context

Transport Committee

2. On 20 November 2019 Council appointed Councillor Ponter as the spokesperson for the Transport Committee. This appointment enabled me to engage with key stakeholders prior to the first meeting of the Transport Committee.
3. As the Transport Committee met on 20 February 2020, it is now considered appropriate for the spokesperson role to revert to the Chair of the Transport Committee, Councillor Blakeley. As the spokesperson role is normally part of a Committee Chair's responsibilities, there is no need to separately appoint Councillor Blakeley to this role.

Wellington Region Waste Management and Minimisation Plan Joint Committee

4. On 20 November 2019, Council appointed Councillor Connelly to the Wellington Region Waste Management and Minimisation Plan Joint Committee.
5. Due to Councillor workload considerations, after discussing the matter with the Councillors concerned and with their agreement, I propose that Councillor Lee replace Councillor Connelly on the Wellington Region Waste Management and Minimisation Plan Joint Committee.

**Ngā hua ahumoni
Financial implications**

6. There are no financial implications from the matters for decision.

**Te huritao ki te huringa o te āhuarangi
Consideration of climate change**

7. The matters requiring decision in this report were considered in accordance with the process set out in Greater Wellington's *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

8. There is no need to conduct climate change assessments.

**Ngā tikanga whakatao
Decision-making process**

9. The matters requiring decision in this report were considered against the decision-making requirements of Part 6 of the Local Government Act 2002.

**Te hiranga
Significance**

10. The significance (as defined by Part 6 of the Local Government Act 2002) of the matters for decision has been considered, taking into account Council's *Significance and Engagement Policy* and *Decision-making Guidelines*. It is considered that these matters are of low significance, as these are internal changes to designations within Council committees.

**Te whakatūtakitaki
Engagement**

11. Given the level of significance, no external engagement was needed on these matters.

Ngā tūāoma e whai ake nei

Next steps

12. Greater Wellington will update its internal records and website to reflect Council's decisions. Wellington City Council will be advised of the change in appointment to the Wellington Region Waste Management and Minimisation Plan Joint Committee.

Ngā kaiwaitohu

Signatory

Writer	Cr Daran Ponter, Council Chair
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He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> Council has responsibility for appointing, removing, and changing appointments to its Committees.
<i>Implications for Māori</i> There are no implications for Māori.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> The matters for decision do not contribute to Council's or Greater Wellington's strategies and policies.
<i>Internal consultation</i> Relevant Councillors, and the Chair of the Transport Committee, were consulted.
<i>Risks and impacts: legal / health and safety etc.</i> There are no known risks or impacts from the matters for decision.

Council
27 February 2020
Report 20.48



For Information

REPORT OF THE REGIONAL TRANSPORT COMMITTEE MEETING - 18 FEBRUARY 2020

Te take mō te pūrongo

Purpose

1. To inform Council of the deliberations of the Regional Transport Committee (the Committee) meeting held on 18 February 2020.

Te horopaki

Context

2. The business considered by the Committee is set out in the following paragraphs.

Reports

Strategic Framework for the Wellington Regional Land Transport Plan 2021

3. The report outlined the vision, headline targets and objectives of the Wellington Regional Land Transport Plan (RLTP) 2021. These provide the foundation for the development of the next RLTP and the long-term 30 year direction. The Committee agreed to the core elements of the draft strategic framework provide that long-term 30 year direction and the foundation for ongoing development of the Wellington Regional Land Transport Plan 2021.

Proposed variation to the Wellington Regional Land Transport Programme 2018-2021

4. The Committee agreed to recommend to Council that the Wellington Regional Land Transport Plan Programme 2018-21 be varied to include the Porirua City Council Transport Activity Management Plan.

Progress report on the Wellington Regional Land Transport Plan Programme 2018-2021 (July to December 2019)

5. This report provided the Committee with an update on the progress for the large, new projects included and prioritised in the Wellington Regional Land Transport Plan programme 2018-21.

Oral items

New Zealand Transport Agency update

6. Emma Speight, Director General Relationships (Lower North Island), updated the Committee on New Zealand Transport Agency (Transport Agency) programmes. Ms Speight informed the Committee that the Transport Agency has been holding National

Land Transport Programme (NLTP) information sessions with local government in February 2020 (the Wellington information session was held on 5 February 2020). These sessions discussed:

- a The proposed changes to the Investment Decision-Making Framework (IDMF)
 - b Arataki, the ten year plan on what is needed to deliver the Government's objectives for the land transport system
 - c What is needed for the Transport Agency Investment Proposal (TAIP)
 - d How the Transport Agency is supporting the development of the next RLTP.
7. Ms Speight explained Arataki. It is strategy-led approach and provides a broad view of the needs of the whole land transport system. It looks at all of the levers available to the Transport Agency to achieve the Government's long-term objectives.
 8. The Transport Agency is also looking at mode shift and plans to grow the share of people walking, cycling and using public transport. It is a critical role in improving the wellbeing of New Zealanders by providing a safer, more accessible and sustainable transport system. The Transport Agency launched the 'Keep Cities Moving' plan to help deliver on social, environmental and economic outcomes. The Minister of Transport asked the Transport Agency to work with the major urban centres to develop mode shift plans for Auckland, Hamilton, Tauranga, Wellington, Christchurch and Queenstown. For Wellington, the Transport Agency is building off the work underway through the RLTP and the Wellington Regional Growth Framework.
 9. *Road to Zero* is the Government's new road safety strategy for 2020-2030. It focuses on reducing deaths and serious injury by 40 percent on roads, cycleways and footpaths over the next 10 years. It adopts a Vision Zero approach – to have no deaths or serious injuries in road crashes. There are five focus areas:
 - a Infrastructure improvements and speed management
 - b Vehicle safety
 - c Work-related road safety
 - d Road user choices
 - e System management.
 10. The Tackling Unsafe Speeds package includes the introduction of safer speeds around schools (maximum of 40km/h around urban schools and 60km/h around rural schools) and encouragement for reduction of speeds in the wider school area. The package also changes how speed limits are set. It also increases the number of safety cameras on the network, and transfers the ownership and operation of speed cameras from New Zealand Police to the Transport Agency.
 11. The Melling Interchange was included as part of the New Zealand Upgrade Programme. A new intersection will be built to improve safety, access to walking, cycling and public transport. It supports flood protection and the revitalisation of Lower Hutt. It will mean the relocation of the railway station and new park and ride facilities. Construction will start late 2022, with an expected completion of 2026. Further details of the programme will be available in March.

12. State Highway 58 safety improvements includes road widening, roadside and median safety barriers, two new roundabouts and bridge widening. Construction of Stage 2 is expected to be completed by mid-2023. The current Stage 1 programme is delivering safety improvements for Hayward's Interchange to Mt Cecil Road and is expected to be completed by mid-2022.
13. The rail upgrades announced in the package provides for capacity growth in passenger and freight services. It'll improve the network capacity and safety through additional tracks, level crossing upgrades and removals and introducing a modern safety system. It includes refurbishing current rolling stock, and safety and capacity improvements for the Wellington Railway Station junction. A second platform at Featherston and passing infrastructure at Carterton and Maymorn will also be built.
14. The Transport Agency has been investigating the way people will travel and navigate the regional network when Transmission Gully opens. Modelling shows that local roads and intersections will operate at the same or better levels of service in both the morning and evening peaks. The Transport Agency is developing communications plans to advise travellers about the changes to the Wellington regional network and what to expect. Transmission Gully is scheduled to open to traffic before Christmas 2020.

KiwiRail update

15. Michael McKeon, Programme Director, Wellington Metro, presented on the Wellington Metro Rail Network: relationships and upgrades. The Wellington Network Agreement 2011 is an 85 year term contract between Greater Wellington and KiwiRail. The Metropolitan Rail Operating Model reset and defined the roles and responsibilities of each organisation. Greater Wellington is responsible for "above rail" (train and passenger) and KiwiRail is responsible for "below rail" (infrastructure).
16. The principles of the Wellington Network Agreement are that the parties (KiwiRail and Greater Wellington) pay for the access they use and service standard they require. Greater Wellington pays for all of the functions required to accommodate Metlink operations, at full overhead costs. There is no KiwiRail profit margin, but meeting agreed service standards earns a "Performance Fee". The principles are designed to ensure a focus on service and continuous improvement.
17. KiwiRail is replacing the remaining legacy traction overhead line systems and the remaining 3300 volt signals power supplies. The renewals are currently 67 percent complete, and have a completion date of June 2021. The renewals are needed before the system becomes unviable. KiwiRail is also renewing tracks, and upgrading drainage on the Upper Hutt to Masterton line, Tawa and Rimutaka tunnels, and replacing sleepers in the Johnsonville and Paekakariki tunnels. This work is fully funded through to financial year 2026, but working to a financial year 2024 completion. Other upgrades are to increase capacity and resilience with double tracking Trentham to Upper Hutt, upgrading the Plimmerton station to terminal, strengthen traction power supply.
18. The Government's infrastructure investment package is worth \$211 million. The first component is \$126 million to prepare the network for new trains and increased services. This removes the need to include infrastructure investment in Greater Wellington's business case for new trains and increased services. This is currently in the

planning phase with financial year 2025 as the target for new trains and enhanced services.

19. Package two is for \$70 million. This package provides for increase capacity and safety on Wellington Railway Station approaches by streamlining track layout, and providing additional trackage paths and new signalling. The package is in the early planning phase. There is also an additional \$15 million for KiwiRail-owned regional passenger rail rolling stock, including existing Capital Connection until it is replaced.
20. Complete re-signalling of the Wellington Metro Network is a future project expected to gain funding approval in the next few years. This will eliminate all remaining legacy signalling systems. The re-signalling will provide a new system configured to support future service aspirations. The re-signalling will integrate information from other systems to assist with management of train and rail operations and assets.

Let's Get Wellington Moving update

21. Andrew Body, Programme Director, updated the Committee on the Let's Get Wellington Moving project. Mr Body advised that the *Let's Get Wellington Moving* programme team will be going out to the other councils in the Wellington Region to discuss what delivery means for them. Mr Body advised that *Let's Get Wellington Moving* programme team will approach the councils in February 2020 to coordinate their visits.
22. The Golden Mile, Thorndon Quay/Hutt Road, and State Highway 1 East were identified as early deliverables. From 24 February 2020, online consultation on the central Wellington city speeds will begin. Wellington City Council will consider submissions in April 2020 and will be looking to mid-2020 to implement any changes. Early engagement on the proposal (6 November to 15 December 2019) showed a general support for a reduction of most streets to be reduced to 30km on inner city streets.

Regional Growth Framework update

23. Kim Kelly, Programme Director, Wellington Regional Growth Framework (WRGF), updated the Regional Transport Committee on the role of the WRGF, and explained the phases of reporting.
24. The Foundation Report has two key parts - context and challenges. The context is the situation now and has been developed from available data sources. It will be updated with census data, collated (WRGF) regional information and any new information that comes available.
25. The challenges have been developed from engagement with staff from central and local government and other stakeholders, and those involved in Māori economic development planning. There are four key challenges:
 - a The region lacks sufficient and affordable housing supply and choice
 - b Many of the urban areas in the region are vulnerable to the impacts of natural hazards and climate change
 - c There is inequitable access to social, educational and economic opportunities
 - d Mana whenua and Māori in the Wellington Region have poor access to affordable housing choices.

26. The next phase is to develop the Options Report. The methodology will have four phases:
- a Scenarios – what urban form and activities will be enable each scenario
 - b Develop plan and programme options – refine ideas and options and build realistic programmes that deliver on multiple outcomes
 - c Assess the options – assessment of programmes against project objectives using relevant criteria
 - d Identify preferred spatial plan and programme – identify a preferred urban form and programme of activities.

Ngā kaiwaitohu

Signatories

Writers	Lucas Stevenson – Kaitohutohu/Advisor, Democratic Services
Approvers	Francis Ryan – Kaiwhakahaere Matua/Manager, Democratic Services Luke Troy –Kaiwhakahaere Matua Rautaki/General Manager Strategy Cr Adrienne Staples – Chair, Regional Transport Committee

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> It is appropriate for Council to be kept informed of the business conducted by its committees.
<i>Implications for Māori</i> There are no known implications for Māori.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> The report contains updates on key strategies – Regional Land Transport Plan, <i>Let's Get Wellington Moving</i> , and the Wellington Regional Growth Framework.
<i>Internal consultation</i> There was no internal consultation needed.
<i>Risks and impacts: legal / health and safety etc.</i> There are no risks or impacts.

Council
27 February 2020
Report 20.47



For Information

**REPORT OF THE WELLINGTON REGIONAL STRATEGY COMMITTEE MEETING -
18 FEBRUARY 2020**

Te take mō te pūrongo

Purpose

1. To inform Council of the deliberations of the Wellington Regional Strategy Committee (the Committee) meeting held on 18 February 2020.

Te horopaki

Context

2. The business considered by the Committee is set out in the following paragraphs.

Reports

Appointment of the Chairperson and Deputy Chairperson

3. The Committee appointed Mayor Foster (Wellington City Council) as Chairperson and Mayor Barry (Hutt City Council) as Deputy Chairperson.

Wellington Regional Economic Development Agency second quarter report (October to December 2019)

4. The Committee was updated on the Wellington Regional Economic Development Agency's performance for the second quarter of 2019/20 (October to December 2019).

Appointment of director to the Wellington Regional Economic Development Agency

5. In public excluded business the Committee recommended to the shareholding councils (Council and Wellington City Council) that they appoint a director to the Wellington Regional Economic Development Agency (WREDA) for a period of three years ending 31 December 2022.

Oral item

Update on Māori economic strategy

6. Te Puritanga Jefferies, Senior Māori Economic Advisor, Strategic and Corporate Planning, spoke to the Committee on Ruruku – developing a strategy for the Māori economy in Te Upoko o Te Ika a Māui. Ms Jefferies advised that Ara Tahi agreed to establish an ohu and to develop a work programme for a Māori Economic Development Strategy and Action Plan. The purpose of the strategy and action plan is to provide a point of coordination for the economic activity at the local, regional, iwi, and organisational levels. The strategy and action plan will focus on greater self-

determination for Māori in realising outcomes, and will also highlight what is needed to ensure successful implementation.

7. Ara Tahi appointed three mana whenua representatives onto the Ohu. They join representatives from Māori business and rangatahi on a wider advisory board. A team from Victoria University of Wellington’s Business School has also been contracted to support the development of the strategy and action plan.
8. Communication is ongoing with the territorial authorities in the Wellington Region, WREDA and certain central government agencies. There have been regular hui held with both Māori and economic development units from across the region’s local government organisations. Planning is underway to organise hui to engage with local and central government staff.
9. Victoria University of Wellington hosted a Dean’s lecture. There was a panel which included a range of perspectives on the Māori economy and how an economy strategy could be developed and shaped to best suit the Wellington Region.
10. Greater Wellington engaged with Māori communities with six workshops held across the region (Lower Hutt, Masterton, Featherston, Wellington, and Plimmerton). These hui sought input from Māori communities on a draft strategy for the Māori economy in the Wellington Region. Over 120 individuals participated and 600 pieces of feedback were received.
11. The strategy is due to be finalised in May 2020.

Ngā kaiwaitohu

Signatory/Signatories

Writer	Lucas Stevenson – Kaitohutohu/Advisor, Democratic Services
Approvers	Francis Ryan – Kaiwhakahaere Matua/Manager, Democratic Services Luke Troy – Kaiwhakahaere Matua Rautaki/General Manager Strategy Cr David Lee – Council’s representative on the Wellington Regional Strategy Committee

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> It is appropriate for Council to be kept informed of the business conducted by its committees.
<i>Implications for Māori</i> The Committee was informed of the Māori economic strategy.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> This report does not contribute to any of Council's or Greater Wellington's key strategies and policies.
<i>Internal consultation</i> There was no internal consultation.
<i>Risks and impacts: legal / health and safety etc.</i> There are no risks and impacts.

Council
27 February 2020
Report 20.60



For Decision

GREATER WELLINGTON'S QUARTERLY PERFORMANCE REPORT – AS AT 31 DECEMBER 2019

Te take mō te pūrongo **Purpose**

1. To provide Council with a summary of Greater Wellington's performance as at 31 December 2019 (the end of the second quarter of the 2019/20 financial year) ([Attachment 1](#)).

He tūtohu **Recommendation**

That the Council **accepts** Greater Wellington's performance report as at 31 December 2019 (the end of the second quarter of the 2019/20 financial year) (Attachment 1).

Te tāhū kōrero **Background**

2. Quarterly reporting is an internal monitoring tool for tracking progress against Greater Wellington's work programme, reflecting on what is going well, and what issues and risks need to be managed to enable us to achieve what is set out in the Long Term Plan, Annual Plan and internal business plans. Quarterly reporting provides interim opportunities for management and Council oversight of performance before Greater Wellington completes the statutory Annual Report.
3. Quarterly reporting is not a statutory requirement, but is best practice for ensuring Greater Wellington remains on track with our Long Term Plan and Annual Plan activities. The quarters of each financial year are as follows: Q1: 1 July – 30 September; Q2: 1 October – 31 December; Q3: 1 January – 31 March; Q4: 1 April – 30 June.
4. A performance summary is presented to Council after the end of the related period (e.g. each quarter), and the draft Annual Report is presented as a full-year wrap up in lieu of a fourth quarter report.
5. For the July to September 2019 quarter, a summary performance report was prepared for Council's 12 December 2019 meeting. Due to time constraints at that meeting, this report was instead provided separately to Councillors through the Councillors' Bulletin on 5 December 2019.

6. **Attachment 1** provides an update on performance during the period 1 October to 31 December 2019 (the second quarter of the 2019/20 financial year). The summary report includes a year-to-date update on the Chief Executive's key performance indicators; a high-level summary of our activity and a health, safety and wellbeing update for the second quarter; and a year-to-date financial summary. The summary report also provides an update on progress of our Major Projects, and the current status of our non-financial measures as outlined for Year 2 of the Long Term Plan 2018-28 (the Annual Plan 2019/20).

Te tātaritanga

Analysis

7. Our major projects are tracking well, with 80 percent of the 12 current major projects tracking to target.
8. The vast majority of the 63 Long Term Plan non-financial measures are currently on-track, with only eight being off-track.
9. **Attachment 1** summarises Greater Wellington's activities during the second quarter.

Ngā hua ahumoni

Financial implications

10. The operating surplus for Greater Wellington, as at 31 December 2019, is \$4.0 million higher than projected.
11. Full details of Greater Wellington's financial performance as at 31 December 2019 are contained in pages 15 to 20 of **Attachment 1**.

Te huritao ki te huringa o te āhuarangi

Consideration of climate change

12. The matters addressed in the summary performance report (**Attachment 1**) were considered by officers in accordance with the process set out in Greater Wellington's *Climate Change Consideration Guide*.

Mitigation and adaptation assessments

13. The matters addressed are of an administrative nature, and there is no need to conduct climate change assessments.

Ngā tikanga whakatau

Decision-making process

14. The matter requiring decision in this report was considered by officers against the decision-making requirements of Part 6 of the Local Government Act 2002.

**Te hiranga
Significance**

- 15. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matter for decision, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*.
- 16. Officers recommend that this matter is of low significance as the matter for decision will not impact on the Wellington Region or have particular community interest; is consistent with Greater Wellington's policies and strategies, and does not impact on Greater Wellington's capability or capacity.

**Te whakatūtakitaki
Engagement**

- 17. Due to the low significance of the matter for decision, no engagement was considered necessary.

**Ngā tūāoma e whai ake nei
Next steps**

- 18. No further action is required.

**Ngā āpitihanga
Attachment**

Number	Title
1	Greater Wellington's Quarterly Performance Report as at 31 December 2019

**Ngā kaiwaitohu
Signatories**

Writers	Zofia Miliszewska – Advisor Planning and Reporting Scott Summerfield – Team Leader Corporate Planning and Reporting
Approvers	Tracy Plane – Strategic and Corporate Planning Manager Luke Troy – General Manager Strategy

<p>He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or Committee's terms of reference</i></p> <p>One of Council's key governance functions is to review the effectiveness of Greater Wellington's performance. It is also important for public transparency that this review occurs at a Council meeting.</p>
<p><i>Implications for Māori</i></p> <p>The relevant impacts for Māori are addressed in Attachment 1.</p>
<p><i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i></p> <p>Attachment 1 reports on how Greater Wellington is achieving against the expected results for Year 2 of our Long Term Plan 2018-28 (the Annual Plan 2019/20).</p>
<p><i>Internal consultation</i></p> <p>All departments contributed to the summary performance report, which was also reviewed by the Executive Leadership Team and the Chief Executive.</p>
<p><i>Risks and impacts: legal / health and safety etc.</i></p> <p>The nature and management of relevant risks is covered in Attachment 1.</p>

Greater Wellington's Quarterly Summary Performance Report to 31 December 2019



Greater Wellington's Performance Report

2019/20 Quarter Two

(1 October 2019 – 31 December 2019)

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EXECUTIVE SUMMARY

After the first six months of the 2019/20 financial year Greater Wellington's activity is tracking well against targets. We are achieving, or on track to achieve, 85 percent of the Long Term Plan non-financial measures which can be reported on quarterly (see Appendix Two). Our financial position for the six months to 31 December 2019 shows a \$4.0m favourable operating surplus (see pages 15-20).

During the second quarter (1 October – 31 December 2019) the triennial local government elections were held and we welcomed six new councillors onto the Greater Wellington Regional Council. Post the election, the main focus was an extensive Councillor Induction process, and the establishment of the new governance structure.

We commenced development of the regional spatial plan (Regional Growth Framework), and several workshops have been undertaken, to input to the Framework, with officers from across the partner agencies.

We hosted Māori relationship officers from around the country for Hui with councils focussed on our collective roles in collaborating and influencing future outcomes for Māori within our organisations. We also progressed our Māori Economic Development programme – building relationships with Māori business, iwi, territorial authorities and central agencies as we lead the development of a strategy for the Māori economy.

Following Council's declaration of a climate emergency and a 2030 carbon neutral target during the first quarter, the climate change programme established a programme structure to manage the regional mitigation and adaptation plans.

Relatively stable weather through the first two quarters has enabled good progress on maintenance of our river channel designs, in accordance with our Flood Management Plan objectives, due to few damaging floods having occurred during this period.

Public Transport patronage continues to increase at a higher rate than forecast. While this is pleasing to see, it has an unintended consequence of placing strain on available resources (drivers and fleet). This strain is likely to be further impacted by the commencement of Employment Relations Amendment Act in 6 May 2020. Officers continue to work closely with operators and unions on this issue.

The Wellington City Bus Network Review was completed, with recommendations and an action plan for implementation agreed to by Council on 12 December 2019. This review involved significant and successful community consultation. Bus Priority work reached a significant milestone with Council endorsing the draft programme of bus priority measures to improve reliability and travel times for bus users on 12 December 2019. Bus priority was a joint project involving officers from Greater Wellington, Wellington City Council and NZTA.

Behind the scenes we concluded our activity review, which took a line by line review of our budgets ahead of the preparation of our 2020/21 Annual Plan; progressed to the next phase of our refresh of core finance, HR and asset management systems; and made progress on our move to new accommodation in both Wellington and Masterton.

The majority of our major projects are tracking well against milestones with 70 percent of projects currently on track. Most of the risk is around resourcing and issues outside of our control when working with external partners.

Our current headcount is 557 permanent and fixed-term employees, and 42 percent of these employees identify as female while 58 percent identify as male.

KEY METRICS

The CE's key performance indicators – for the six months to 31 December 2019

Freshwater Quality and Biodiversity

Improved or maintained quality of freshwater

Our communities enjoy access to water and waterways that enhance their quality of life.

This is measured by: deposited fine sediment.

2019/20 TARGET: Deposited fine sediment is improved or maintained at each site for at least 10 of the 12 months.

YTD STATUS:
On Track.
Maintained for all monitored sites

Water Supply

Maintained quality of potable water

Our communities enjoy safe drinking water.

This is measured by: Zero contamination of drinking water from the tap.

2019/20 TARGET:
Zero contamination of drinking water from the tap within the metropolitan Wellington region.

YTD STATUS:
On Track



Public Transport

High Quality Public Transport Services

Our communities use and recommend public transport because it is affordable, efficient and safe.

This is measured by: Percentage of services on-time at origin.

2019/20 TARGET: 95% of Bus services are on-time at origin

YTD STATUS:
94.2%

2019/20 TARGET: 95% of Rail services are on-time at key interchange stations and final destination (Kapiti, Hutt, Johnsonville)

YTD STATUS:
88.4%

2019/20 TARGET: 80% of Rail services are on-time at key interchange stations and final destination (Wairarapa)

YTD STATUS:
59.9%

This is also measured by: Customer satisfaction for overall trip.

2019/20 TARGET:
>90%

Only reported annually
Will be reported on at 30 June 2020

Growth in Public Transport Patronage

Our communities consider public transport their first choice in getting from A to B.

This is measured by: Percentage increase in number of passenger boardings.

2019/20 TARGET: 2.0% increase in BUS boardings

YTD STATUS:
7.5%

2019/20 TARGET: 4.5% increase in RAIL boardings

YTD STATUS:
2.5%
(peak increase of 4.5%)

KEY:  Achieved / On Track  Partially Met / At Risk  Not Achieved / Off Track



Organisational Excellence



Compliance with statutory requirements under the Local Government Act

Our organisation fulfils its obligations fully and with passion to deliver value for money to its communities.



This is measured by: Approval of Annual Plan within statutory timeframes.

2019/20 TARGET:

Annual Plan is approved by 30 June 2020.

YTD STATUS:

On Track – activity review completed. Draft Plan underway.

Improved perception and understanding of Greater Wellington's relevance by the community (Effective Communication from Greater Wellington)

Our communities trust Greater Wellington to focus on the right issues and deliver value for money.

This is measured by: Community perception of trust, leadership, fairness, and social responsibility, as measured by the Colmar Brunton Brand Tracker; and Improvement in community awareness of Greater Wellington functions.

2019/20 TARGET:

Greater Wellington reputation score greater than baseline (88/100 in 2018/19)

Only reported annually
Will be reported on at 30 June 2020

2019/20 TARGET:

Metlink reputation score greater than baseline (81/100 in 2018/19)

Only reported annually
Will be reported on at 30 June 2020

Diversity and gender equality within Greater Wellington

Our workforce represents the communities we work for resulting in greater diversity of thought and improved outcomes for Greater Wellington.



This is measured by: Leadership at Greater Wellington increasingly reflects the region's gender, bicultural, ethnic and cultural diversity make up.

2019/20 TARGET:

ELT (and leaders at all levels) in its composition increasingly reflects the region's gender, bicultural, ethnic and cultural diversity make up.

YTD STATUS:

Off Track. Gender diversity continues to be a challenge, and ethnic diversity cannot be measured at present. The Diversity and Inclusion strategy has been developed to address this issue going forward.

2019/20 TARGET:

A diversity and inclusion strategy is launched in 2019 and progressively implemented over the next five years.

YTD STATUS:

On Track – the strategy was launched for consultation with staff in late 2019. The majority of feedback supported the strategy. It will be finalised in February 2020.

Improved wellbeing and health and safety

Our people return home each day in the same or better state than they started the day.



This is measured by: Lost time injury frequency rate – Number of incidents per 100k hours worked.

2019/20 TARGET:
0.9

YTD STATUS:
0.46

Engaged staff

Our people feel valued and engaged in Greater Wellington's purpose resulting in a productive Greater Wellington.

This is measured by: Gallup overall employee engagement index.

2019/20 TARGET:
4.0 out of 5

Only reported annually
Will be reported on at 30 June 2020

Engaged Staff

Environment fosters innovation.

This is measured by: Gallup Assessment of progress towards developing a culture of innovation.

2019/20 TARGET:
4.0 out of 5

Only reported annually
Will be reported on at 30 June 2020

Effective project management

Our work delivers value for money through professional project management of our key activities.



This is measured by: Percentage of major projects with overall "Green" rating – i.e. on track overall in terms of schedule, budget, managing risks and issues, health & safety, stakeholders, and resources.

2019/20 TARGET:
70%

YTD STATUS:
75%

- RiverLink on track
- Let's Get Wellington Moving on track
- Metlink Network: Post-Implementation Review on track
- Project NEXT ongoing challenges
- Plan Change One - pNRP on track
- Wellington Regional Investment plan on track
- Central NZ Supply Chain ongoing challenges
- Optimus on track

KEY: Achieved / On Track Partially Met / At Risk Not Achieved / Off Track

ACTIVITY GROUP SUMMARIES

Summary of Performance by activity group for the period 1 October 2019 – 31 December 2019

How to read this section:

For each Activity Group we report:

1. A high-level summary of quarter two performance related to the activity group
2. A few activity highlights from quarter two
3. Status of Long Term Plan Non-Financial measures related to the activity group

We divide our core business into six activity groups as follows:



Te Taiao | Environment



Ngā Papa Whenua | Regional Parks and Forests



Ngā Puna Wai | Water Supply



Te Tiaki me te Arahi Waipuke | Flood Protection and Control Works



Ngā Waka Tūmatanui | Metlink Public Transport



Ngā Kaihautū | Regional Leadership



TE TAI AO | ENVIRONMENT

This Activity Group contributes to the following Priority Areas:

- Freshwater Quality and Biodiversity

The Environment Group includes the following activities:

- Resource management
- Biodiversity management
- Land management
- Pest management
- Harbour management

Summary for Quarter Two

Involvement of community groups in catchment plan development continues to gather momentum. Understanding what behaviour changes are required to meet the objectives of the proposed Natural Resources Plan (pNRP) and Whaitua Implementation Plans (WIPs') remain a key driver behind this movement.

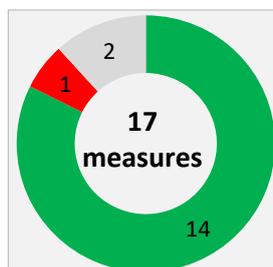
A substantial work programme continues in natural resources policy development with a focus on setting up for pNRP Appeals pre-mediation engagement (across a range of appellants), and good progress of Te Whanganui-a-tara Whaitua committee's work programme, under a co-chair structure. We are also continuing to provide leadership in Wairarapa Water Resilience Strategy thinking and formulation, alongside partnering Councils.

Highlights from Quarter Two

- Relatively stable weather through quarter one (Q1) and quarter two (Q2) has enabled most programmes to remain on target.
- We progressed the implementation of the Wellington Regional Erosion Control Initiative (WRECI). The 2019 winter planting works, with the help of 1 Billion Trees funding, delivered a significantly larger winter programme than in past years. Erosion control work completed in Q2 included: over 62,000 native trees planted, nearly 30,000 poplar and willow poles planted, and over 180,000 other exotic trees planted. Aligning investment with NRP objectives is a key focus.
- We commenced the implementation of the new Regional Pest Management Plan, including enhancing biodiversity through the Key Native Ecosystem (KNE) and Regional Predator Control (RPC) programmes across the region. The KNE programme includes integrated pest management over 50 individual sites, whilst the RPC programme will cover over 95,000ha this year.
- Implementation of the wetland programme continued to gain momentum with 85 wetlands managed across 56 individual properties.
- We made a strong response to all reforms around the raft of government national proposals across freshwater, urban development, Resource Management Act and high class soils - all at once and within limited time. Our range of submissions included strong engagement with rural stakeholders in particular.
- We further integrated our 'safe to swim' programme into national Land and Water Aotearoa 'Can I swim here' database. A nationally-connected and superior product for easier public access and use.
- New and refurbished harbour navigation aids were installed, including the Hinds Point light; and we provided a rapid and highly effective response to Ovation of the Seas breakdown at the Wellington Heads.

Long Term Plan Non-Financial Measures, status as at 31 December 2019

A full description of the Non-Financial Measures, and their results can be read in Appendix 2.



	On Track / Achieved
	Off Track / Not Achieved
	Only measured Annually in June



NGĀ PAPA WHENUA | REGIONAL PARKS AND FORESTS

This Activity Group contributes to the following Priority Areas:

- Freshwater Quality and Biodiversity

The Regional Parks and Forests Group includes the following activities:

- Parks planning
- Visitor services

Summary for Quarter Two

Quarter two saw a well-managed assets management programme of asset replacements and maintenance ahead of, and in time for, the summer peak in Parks visitor numbers.

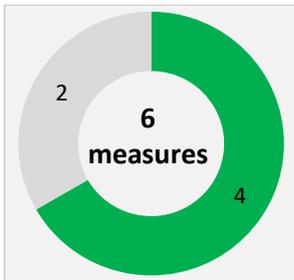
Development of the Regional Parks Network Plan continued with a series of workshops with staff from across the organisation to develop key directions for the network as a whole and individual parks.

Highlights from Quarter Two

- We advanced our assets development programme with the construction of the Top Terrace facility building at Kaitoke Regional Park.
- Over 6,500 on-park volunteer hours given over the first two quarters.
- We continued our leadership of the Remutaka Cycle Trails initiatives and work, supported by other agencies.

Long Term Plan Non-Financial Measures, status as at 31 December 2019

A full description of the Non-Financial Measures, and their results can be read in Appendix 2.



	On Track / Achieved
	Off Track / Not Achieved
	Only measured Annually in June



NGĀ PUNA WAI | WATER SUPPLY

This Activity Group contributes to the following Priority Areas:

- Water Supply
- Regional Resilience

Greater Wellington is responsible for collecting, treating and distributing safe and healthy drinking water to Wellington, Hutt, Upper Hutt and Porirua cities. This work is carried out by Wellington Water Limited, a jointly owned council controlled organisation.

Summary for Quarter Two

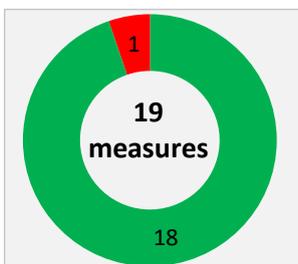
System reliability and resilience continues to be a theme of work being done on our assets. Various investigations and analysis underway will inform business cases for Long Term Plan funding – including in relation to Cross Harbour Pipeline and Te Marua Water Treatment Plant upgrade.

Highlights from Quarter Two

- The Regional Water Safety Plan has reached its next strategic milestone and is now with Regional Public Health for the formal approval step. This provides a ‘source to tap’ risk based management approach for the metropolitan supplies and is a key compliance and management instrument.
- Our analysis shows that the forecast increase of existing demand will require a new source in the next 7-15 years. We have completed a proposed policy and action plan to reduce demand so that this investment can be deferred.
- Cross Harbour Pipeline investigations continue, including an option assessment with the goal of developing a full business case. There is a risk costs will exceed the current budget.
- Two key projects to increase the system reliability and resilience were completed, the Porirua Branch Extension – provides higher flow capacity to the Mana / Plimmerton / Pukerua Bay area and parallels the existing service, allowing one pipe to be taken out while maintaining supply to Porirua. Installation of an emergency take and pumping arrangement to provide water into Macaskill Lakes if the Kaitoke intake and supply infrastructure is compromised.
- At the end of the last financial year we reviewed growth projections against our existing water capacity. This confirmed the existing position that we are not meeting the target for bulk water drought security and that funding be sought for the proposed Te Marua Water Treatment Plant upgrade.

Long Term Plan Non-Financial Measures, status as at 31 December 2019

A full description of the Non-Financial Measures, and their results can be read in Appendix 2.



	On Track / Achieved
	Off Track / Not Achieved
	Only measured Annually in June

TE TIAKI ME TE ARAHI WAIPUKE | FLOOD PROTECTION AND CONTROL WORKS



This Activity Group contributes to the following Priority Areas:

- Regional Resilience
- Freshwater Quality and Biodiversity

The Flood Protection and Control Works Group includes the following activities:

- Understanding flood risk
- Maintaining flood protection and control works
- Improving flood security

Summary for Quarter Two

Good progress has been made with Community Project teams involved in developing the draft Waiohine Flood Management Plan (FMP); the Mangatarere Catchment River Plan and reviewing the Waipoua River urban reach section of the recently approved Te Kauru (Upper Ruamahanga) FMP. We anticipate achieving more resilient, sustainable plans following extensive community involvement.

We have been fortunate that few damaging floods have occurred during Q1 and Q2, enabling good progress on maintenance of our river channel designs in accordance with our FMP objectives.

One of our key community obligations is providing a timely and accurate flood warning service. In 2019 we commenced a review of our flood risk management programme in partnership with WREMO. A consultant has been appointed to deliver the review and alignment of cross-Greater Wellington group response procedures for flood events, and negotiations are being closed for the review of our flood forecast modelling. This project aims to deliver a more integrated and accurate response to flood events across multiple agencies.

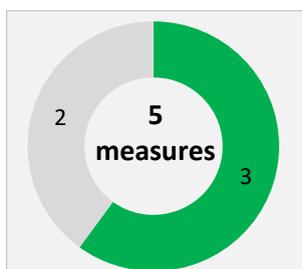
We have deferred a number of flood protection projects in 2019/20, however, we believe the risks associated with these decisions are manageable.

Highlights from Quarter Two

- NZTA made a public announcement they would fund the design and consenting for the Melling Transport Improvement. Design and Consent services are not yet formally engaged, however, this is expected to be resolved and completed in quarter three. NZTA will need to formally sign a deed of accession to join the Hutt City Council, Greater Wellington partnership agreement.
- The first draft of the Waiohine FMP was completed, embodied in the communities “Waiohine River Plan”, including presentation by the Chair of the Project Team to the Environment Committee.
- The Barrage Gates (Lower Wairarapa Valley Scheme) and Hutt River Operational Consents were resolved with all submitters withdrawing, paving the way for the consents to be granted without a hearing.

Long Term Plan Non-Financial Measures, status as at 31 December 2019

A full description of the Non-Financial Measures, and their results can be read in Appendix 2.



	On Track / Achieved
	Off Track / Not Achieved
	Only measured Annually in June



NGĀ WAKA TŪMATANUI | METLINK PUBLIC TRANSPORT

This Activity Group contributes to the following Priority Areas:

- Public Transport

The Metlink Public Transport Group includes the following activities:

- Metlink network planning and operations (an integrated and accessible network)
- Bus and ferry operations (frequent, reliable bus and ferry services)
- Rail operations (a high capacity rail system)

Summary for Quarter Two

Public Transport patronage continues to increase at a higher rate than forecast. While this is pleasing to see, it has an unintended consequence of placing strain on available resources (drivers and fleet). This strain is likely to be further impacted by the commencement of Employment Relations Amendment Act in 6 May 2020. Officers continue to work closely with operators and unions on this issue. In addition, officers are exploring options to increase capacity on rail – including submission of business case (see 'Highlights' below).

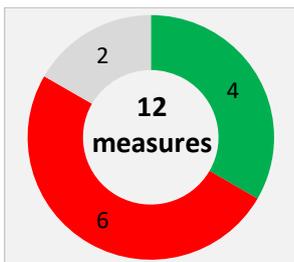
We are currently not achieving against 50 percent of our Long Term Plan non-financial measures. Several major network disruptions have affected overall performance for Rail during the quarter, while Bus performance continues to be a focus of the Bus Network Review and the Bus Priority work highlighted below.

Highlights from Quarter Two

- Bus Network Review (Wellington City) was completed with recommendations and an action plan for implementation agreed to by Council on 12 December 2019. This review involved significant and successful community consultation.
- Bus Priority work reached a significant milestone – on 12 December 2019 the Council endorsed the draft programme of bus priority measures to improve reliability and travel times for bus users. Bus priority was a joint project involving officers from Greater Wellington, Wellington City Council (WCC) and NZ Transport Agency.
- Business case for Longer Distance Rolling Stock submitted to NZ Transport Agency on 28 November 2019 (and has been presented to a number of other Crown agencies).
- Interim customer satisfaction survey undertaken in November to measure satisfaction with Wellington city bus services. A significant improvement in all aspects of satisfaction achieved over Q1 and Q2. Satisfaction with the trip for bus users in Wellington City has increased to 90 percent from 85 percent six months ago. Similarly, satisfaction levels for train users have risen from 89 percent to 93 percent.

Long Term Plan Non-Financial Measures, status as at 31 December 2019

A full description of the Non-Financial Measures, and their results can be read in Appendix 2.



	On Track / Achieved
	Off Track / Not Achieved
	Only measured Annually in June



NGĀ KAIHAUTŪ O TE ROHE | REGIONAL LEADERSHIP

This Activity Group contributes to the following Priority Areas:

- Water Supply
- Public Transport
- Regional Resilience
- Fresh Water Quality and Biodiversity

The Regional Leadership Group includes the following activities:

- Wellington Regional Strategy
- Democratic Services
- Regional Transport Planning and Programmes
- Emergency management
- Relationships with Māori and mana whenua
- Regional initiatives

Summary for Quarter Two

A key focus of the quarter was the establishment of the new governance structure for Greater Wellington post the elections in October 2019.

Work is underway on several key elements of the regional strategic framework that together will form a more integrated approach to the future development of the region. The region started development of a regional spatial plan (Regional Growth Framework). Greater Wellington is one of the partners and funders and is assisting with programme coordination. The review of economic development was finalised and discussions held with our partners on the problem and options. The development of the Regional Land Transport Plan commenced through the Regional Transport Committee and the TAG group.

Council works on a wide range of policy and planning issues that may require some form of Māori and or iwi engagement. In some cases, Greater Wellington Regional Council has statutory obligations to engage with Māori and iwi organisations. In other cases, Māori and iwi organisations may be engaged with because of the importance they hold within the regional community (either by population size, or as landowners, water and natural resource managers and users, resource developers or business owners). In all cases, Greater Wellington is committed to growing its partnership with iwi Māori through considered collaborative engagement as befitting a true partner.

Key outcomes from this quarter include hosting Māori relationship officers from around the country for hui with councils focussed on our collective roles in collaborating and influencing future outcomes for Māori within our organisations. Joining our hui to identify opportunities to partner with us were Department of Internal Affairs – *Community Partnership Team*, Local Government NZ, Society of Local Government Managers and the Chief Executive of Te Taura Whiri. We also progressed our Māori Economic Development programme – building relationships with Māori business, iwi, territorial authorities and central agencies as we lead the development of a strategy for the Māori economy.

Highlights from Quarter Two

- Elections were successfully held in October, with overall turnout of 43.4 percent. Post the election an extensive induction process was implemented, including the Councillor Guide, written briefings and induction workshops. The Council governance structure was agreed and appointments made.
- The Regional Transport Committee commenced the development of the Regional Land Transport Plan – the initial priority is the development of a long term strategic framework.
- The climate change programme established a programme structure to manage the regional mitigation and adaptation plans.
- A steering group and programme integration group were established for the Regional Growth Framework. Several workshops were undertaken to input to the Framework with officers from across the partner agencies. All Councils in the region were briefed on the project.
- Whakatau held at Wharewaka and hosted by Taranaki Whānui and Ngāti Toa Rangatira welcoming Elected Members in this new triennium. A key address from the Chair of Ara Tahi noted the enduring partnership and the intention of iwi to build on this relationship.

- Councillors and the Māori caucus of Ara Tahi have confirmed their commitment to implement a strengthened governance partnership built on the review of Ara Tahi attended by Councillors, mana whenua and staff from across the council to ensure that the relationship meets the future needs of all.
- Co-designing outcomes – mana whenua representation and participation informing the outcomes of some key pieces of work across Council including:
 - Te Whanganui a Tara Whaitua Development
 - Ngāti Kahungunu ki Wairarapa and Rangitāne ki Wairarapa in addressing the complexities of implementing Recommendation One of the Ruamāhanga Whaitua Implementation Plan
 - Ara Tahi – *a partnership model for the future*
 - Lets Get Wellington Moving – formulating a process for mana whenua participation and representation at various levels
 - OHU nominated by Ara Tahi overseeing regional mana whenua technical expertise in Biodiversity, Climate Change, Māori Economy and Emergency management
 - Mahi Waiora – emergent pieces of work focused on improving water quality, build biodiversity and resilience through systemitised, inter-team practice internally and with mana whenua. Work is established in Ōtaki with Ngā Hapū o Ōtaki and is embedding in Porirua with Ngāti Toa Rangatira and Wairarapa with Ngāti Kahungunu and Rangitāne ki Wairarapa.

Long Term Plan Non-Financial Measures, status as at 31 December 2019

A full description of the Non-Financial Measures, and their results can be read in Appendix 2.



	On Track / Achieved
	Off Track / Not Achieved
	Only measured Annually in June



HEALTH, SAFETY AND WELLBEING

Everyone, every day – home, safe and well

Emerging trends in Q2

- Seasonal related injuries (minor) due to increase in field e.g. slips, trips and falls, contact with noxious plants and insect stings.
- Increase in near miss reporting related to vehicles and driving.

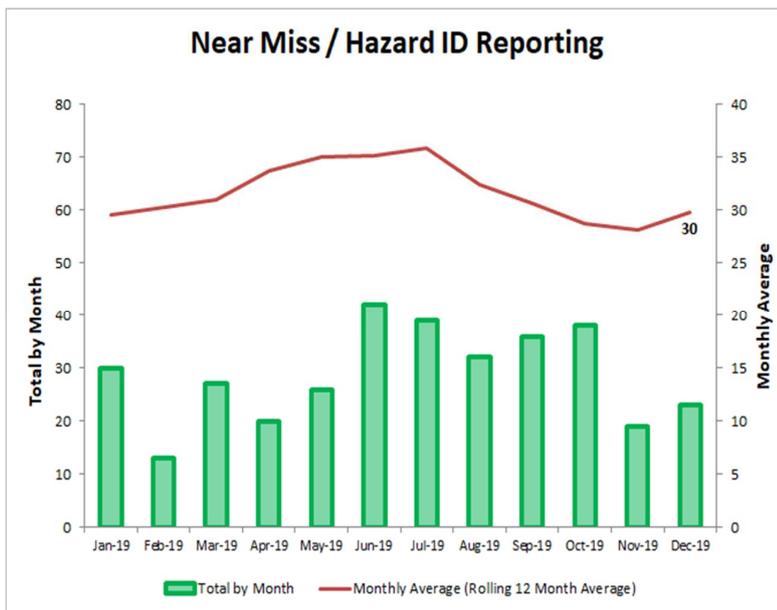
Progress against key HSW work streams in Q2

- KESAW – mobile incident / hazards reporting app tested with field workers ahead of go live in January 2020.
- Fatal and Severe Risk (FSR) Transportation – Draft standards and guidelines developed completed following workshops with staff working with various transportation risks (on road, off road, trailers).
- HSW training and competence matrix – with specific focus on FSR essential controls completed.
- Wellbeing – a five year wellbeing plan developed, with healthy minds, healthy bodies, empowering our people and prepared for the future identified as the four key work streams.

Three scheduled **Pause to Talk** resources covering topical HSW issues (e.g. seasonal - working in heat) went out to managers for discussion with teams in Q2.

Thirteen staff from across the GW were trained as **mental health first aiders** in Q2, which equipped them with skills to recognise mental health issues, confidently support someone in mental distress and champion mental health discussions, reinforcing mental health first aid is just as important as physical first aid in the workplace.

Near miss and hazard reporting



Five **Work injury claims** for sprains strains and cuts were accepted in Q2, two with five days lost between them.

Lost time injury rate to the end of Q2 was .43 / 100,000 hours worked, a slight increase due to two minor lost time injuries in Q2.

HSW leadership training in Q2 built on concept of 'safety differently', introduced to ELT in Q1, and focussed on 'identifying what goes right and doing more of it' using GW examples and feedback from ELT safety walk around following the Q1 training .

FINANCIAL POSITION FOR GREATER WELLINGTON REGIONAL COUNCIL

For the six months ended 31 December 2019

The following five pages provide an update on the financial position of Greater Wellington Regional Council:

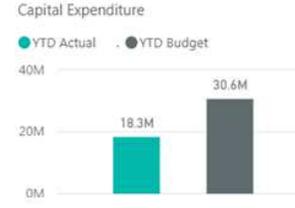
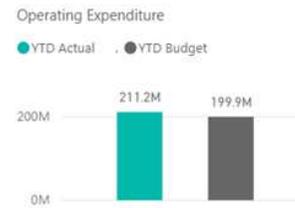
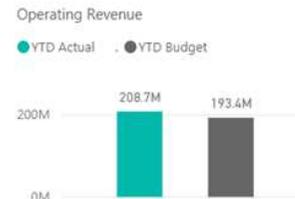
1. **Funding Impact Statement** – Financial summary, Actual vs Budget year-to-date, for the six months ended 31 December 2019
2. **Revenue** – Revenue variance, Actual vs Budget year-to-date, for the six months ended 31 December 2019
3. **Operational Expenditure** – Expense variance, Actual vs Budget year-to-date, for the six months ended 31 December 2019
4. **Capital Expenditure** – Capital expenditure, Actual vs Budget year-to-date, for the six months ended 31 December 2019
5. **Balance Sheet** – Balance sheet as at 31 December 2019

Funding Impact Statement, for the six months ended 31 December 2019

Internal Funding Impact Statement | December-2019

Wellington Regional Council

Total1	YTD Actual	YTD Budget	YTD Budget Variance
Operating surplus/(deficit)			
Operating Revenue			
Rates	87,248K	87,235K	12K
Grants & Subs	51,870K	40,152K	11,718K
Fees charges & other	69,578K	66,035K	3,543K
Total	208,696K	193,422K	15,273K
Operating Costs			
Personnel	-27,863K	-26,067K	-1,796K
Materials,Supplies & Services	-25,706K	-17,138K	-8,568K
Contractor & Consultants	-25,706K	-25,505K	-201K
Grants and Subsidies Expenditure	-102,171K	-101,605K	-566K
Other	-4,215K	-3,350K	-865K
Interest	-11,422K	-12,020K	598K
Depreciation	-14,106K	-14,228K	122K
Total	-211,188K	-199,913K	-11,275K
Total	-2,492K	-6,490K	3,998K
Other Funding			
Other Funding			
Valuation adjustments	3,706K		3,706K
Net Capital expenditure	-18,112K	-30,248K	12,136K
Debt Repayment	0K	5,510K	-5,510K
Investment additions	-34,848K	-11,728K	-23,120K
Loan Funding	39,168K	19,214K	19,954K
Capital grants & subs	3,705K	9,329K	-5,624K
Reserve Movements	944K	300K	643K
Non Cash Items	10,399K	14,228K	-3,829K
Total	4,962K	6,605K	-1,642K
Total	4,962K	6,605K	-1,642K
Total	2,470K	115K	2,355K



Operating surplus is \$4.0m favourable

\$15.3m Revenue ahead of budget

- **\$10.2m** KiwiRail pass through payment
- **\$1.4m** Higher fare revenue
- **\$1.6m** Predator Free Wellington – Un-budgeted

\$11.3m Expenditure ahead of budget

- **\$10.2m** KiwiRail pass through payment
- **\$1.4m** Predator Free Wellington – Un-budgeted
- **\$2.3m** Public Transport higher spend
- **\$2.6m** Various timing differences

\$17.2m Capital Expenditure

- **\$5.0m** Project Next.
- **\$3.0m** Station Renewals
- **\$1.9m** Other PT underspends
- **\$2.5m** RiverLink
- **\$1.8m** Environment - timing

Valuation adjustments relates to interest rate swaps revaluation.

Loan Funding and Capital grants lower due to lower capital expenditure.

Debt repayments and investment additions reflect cash flow movements.

Key issues impacting the 2019/20 financial result:

- Personnel costs currently running ahead of budget partially offset by savings in contractors & consultants in People & Customer and Public Transport due to higher staffing levels than budgeted.
- Snapper service cost increase of \$2.3m over the year
- Other cost increases within Public Transport
- RiverLink: lower rental revenue and higher property maintenance costs \$0.4m
- Natural Resource Plan: higher plan preparation and appeal costs \$0.4m
- Public Transport fare revenue volatility
- NB: Increases in Public Transport costs are partially offset by higher fare revenue and higher NZTA payments

Revenue, for the six months ended 31 December 2019

Revenue Variance

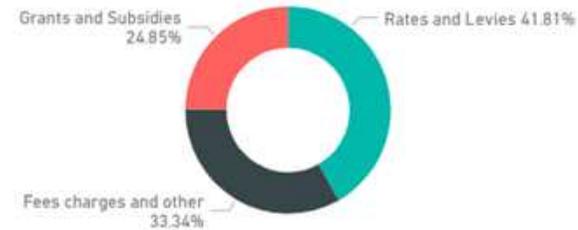
-208,695,517
YTD Actual

-193,422,378
YTD Budget

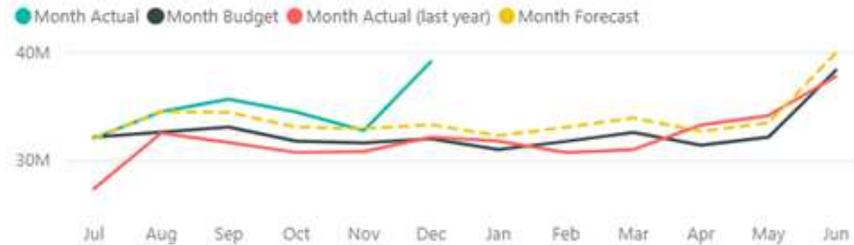
-15,273,138
YTD Budget Variance

December-2019

YTD Actual



Monthly Forecast



YTD Budget Variance



Monthly Variance



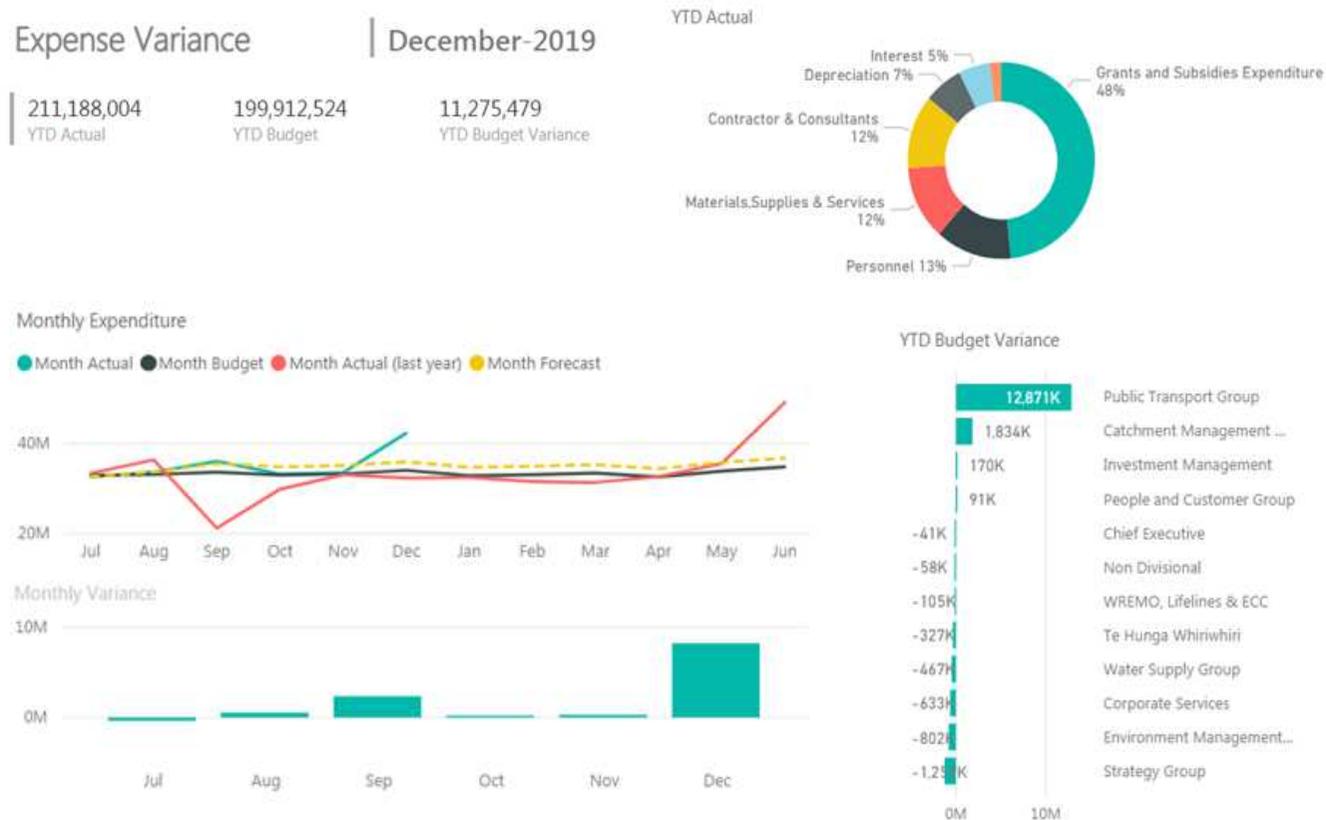
\$10.2m KiwiRail pass-through payment, fully offset by higher expenditure - *Permanent difference*

\$1.4m Fare Revenue – higher patronage growth than expected in annual plan - *Permanent difference*

\$1.3m Grants & Subs re PT due to increased operation claimable expenditure. More expenditure equates to higher Grants and Subsidies revenue. This is partly due to timing- *Temporary difference*

\$1.6m Biosecurity, due to unbudgeted Predator free Wellington pest eradication work. Offset by unbudgeted expenditure - *Permanent difference*

Operational Expenditure, for the six months ended 31 December 2019



\$10.2m Public Transport - Higher rail pass-through costs to KiwiRail (offset by revenue) - *Permanent difference*

\$1.4m Unbudgeted Predator Free Wellington pest eradication work. (Offset by unbudgeted revenue) - *Permanent difference*

\$2.3m Public Transport operating costs - *Permanent difference*

- \$0.9 Rail – mainly network maintenance carried out during Christmas break.
- \$0.6 Policy, plan and design – workplace change costs.
- \$0.7 Bus – phasing of bus network enhancements and snapper contract increases offset by underspend on bus shelters and signage maintenance.

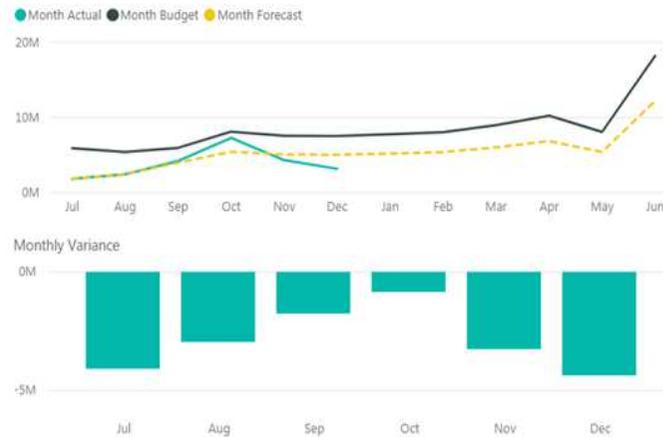
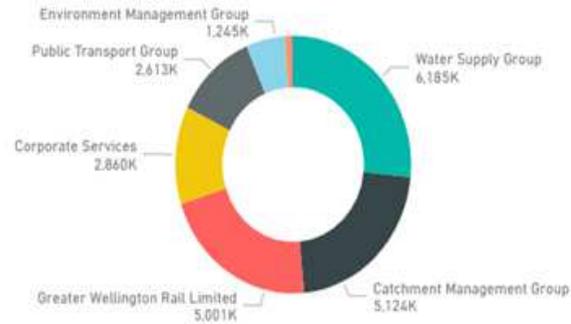
\$2.6m Various timing variances across a range of groups - *Temporary difference*

Capital Expenditure, for the six months ended 31 December 2019

December-2019

23,292,069 YTD Actual 40,529,433 YTD Budget -17,237,364 YTD Budget Variance

YTD Actual



YTD Budget Variance



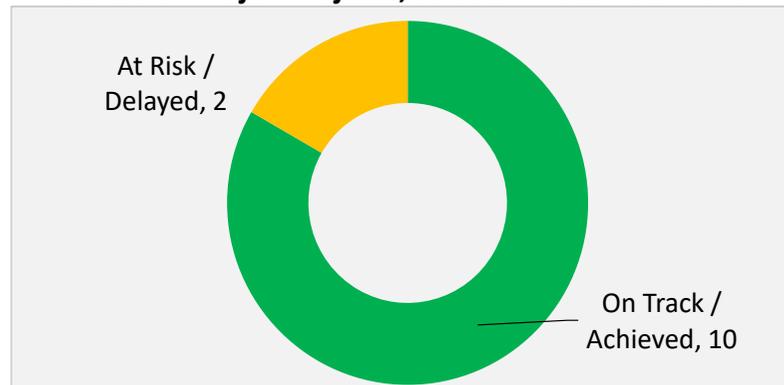
- \$5.0m** Project Next – Project is still in the procurement phase, therefore it is likely no capital expenditure will happen in FY19/20 (full year budget \$10m). *Permanent difference this year.*
- \$3.0m** Station renewals & upgrades – *Temporary difference due to resource/3rd party constraints*
- \$1.0m** Heavy Maintenance - *Temporary difference- 3rd party appointed to manage maintenance*
- \$1.2m** Other rail underspends - *Temporary difference*
- \$2.5m** Flood Protection - RiverLink design and property acquisitions underspent- *Temporary difference*

Balance Sheet, as at 31 December 2019

	Note	Actual 31 Dec 2019 \$'000	Council	Actual 30 June 2019 \$'000
ASSETS				
Current assets				
Cash and cash equivalents		10,050		16,857
Trade and other receivables		36,323		38,452
Other financial assets		-		79,382
Inventories		3,058		3,059
Other current assets		-		-
Total current assets		<u>49,431</u>		<u>137,750</u>
Non-current assets				
Other financial assets		184,994		69,557
Property, plant and equipment		1,222,218		1,217,790
Intangible assets		9,998		10,419
Investment in subsidiaries		274,145		269,295
Investment properties		-		-
Derivatives		-		1,056
Investments accounted for under the equity method		-		-
Deferred tax assets		-		-
Investments in joint ventures		-		-
Total non-current assets		<u>1,691,355</u>		<u>1,568,117</u>
Total assets		<u>1,740,786</u>		<u>1,705,867</u>
LIABILITIES				
Current liabilities				
Derivatives		-		1,247
Trade and other payables		46,158		47,171
Interest bearing liabilities		-		64,713
Employee benefits liabilities and provisions		2,870		3,324
Income tax payable		-		-
Total current liabilities		<u>49,028</u>		<u>116,455</u>
Non-current liabilities				
Interest bearing liabilities		504,638		402,800
Derivatives		62,658		66,173
Deferred tax liabilities		-		-
Employee benefits liabilities and provisions		-		137
Service concession liability		28,668		29,425
Total non-current liabilities		<u>595,964</u>		<u>498,535</u>
Total liabilities		<u>644,992</u>		<u>614,990</u>
Net assets		<u>1,095,794</u>		<u>1,090,877</u>
EQUITY				
Retained earnings		303,151		302,966
Other reserves		792,643		787,911
Minority interest		-		-
Total equity		<u>1,095,794</u>		<u>1,090,877</u>

APPENDIX ONE – MAJOR PROJECTS¹

Status of Major Projects, as at 31 December 2019



Greater Wellington-only Projects

Major Project	Significant Milestones for 2019/20	What was achieved during Quarter Two	Status
Metlink Network: Post-Implementation Review		<ul style="list-style-type: none"> The Bus Network Review (BNR) recommendation report and action plan for the Wellington City Bus Review was generally well received. It was delivered to schedule and under budget. The remaining budget will be able to fund the majority of the rest of region bus network review. A handover of the Wellington City BNR to BAU has been completed. Due to some uncertainty around the approach for Rest of Region the Programme team resources have reduced meaning delays while new resources are sought. The Rest of Region engagement will be managed by the Public Transport CX team. Their plan supports the delivery of a report to the Transport Committee in August 2020 rather than June 2020 as anticipated. 	On Track to Achieve

¹ Note: This section details the 12 Major Projects currently being delivered by Greater Wellington, while only eight of these are monitored in the Chief Executive's Key Performance Indicators (see page 5).

Major Project	Significant Milestones for 2019/20	What was achieved during Quarter Two	Status
Proposed Natural Resources Plan (pNRP) – finalisation and Implementation	<p><i>Q1: Prepare material for and publicly notify as per the Resource Management Act the decision version of the Proposed Natural Resources Plan</i></p> <p>Q2: Manage appeals process and continue developing Plan Variation 1</p> <p><i>Q3: Begin Appeals mediation and continue developing Plan Variation 1</i></p> <p><i>Q4: Continue Appeals process, possibly notification of Variation 1 (dependent on central government developments)</i></p>	<ul style="list-style-type: none"> • 30 appeals received and 314 s274 notices (from 45 parties). • Court directed mediation commences on 3 March 2020 and is set down until 30 June 2020 (matters which remain unresolved will proceed to Court Hearings). • Officers directly engaging with parties ahead of Court mediation to clarify, and in some circumstances resolve, appeals in the interim. • Size of appeals process is requiring significant officer resource meaning that work is not progressing currently to develop Plan Variation 1. 	On Track to Achieve
Project Optimus	<p><i>Q1: Draft new RFP document and undertake Market Research</i></p> <p>Q2: Complete RFP</p> <p><i>Q3: Complete selection process & form new implementation team</i></p> <p><i>Q4: Start implementation</i></p>	<ul style="list-style-type: none"> • Scope confirmed • Procurement approach agreed • Contract with Technology One signed in December 2019 	On Track to Achieve
GW Cuba – new accommodation project	<p><i>Q1: Finalise design and approval of fit out budget</i></p> <p>Q2: Construction underway</p> <p><i>Q3: Hard fit out commences</i></p> <p><i>Q4: Soft fit out commences</i></p>	<ul style="list-style-type: none"> • Construction contract for tenancy hard fit out agreed • Decision to move to activity based working environment 	On Track to Achieve
GW Masterton – new accommodation project	<p><i>Q1: Budget approval and building consenting</i></p> <p>Q2: Design underway</p> <p><i>Q3: Construction begins</i></p> <p><i>Q4: Construction continues</i></p>	<ul style="list-style-type: none"> • Development agreement signed December 2019 	On Track to Achieve
Cross Harbour Pipeline	Note: This project is delivered by Wellington Water Limited.	<ul style="list-style-type: none"> • Drilling for site investigations in harbour to confirm pipeline landing routes has commenced. • The investigations in Evan's Bay are complete and the barge has re-located to Lowry Bay. • Route options assessment are planned with Hutt and Wellington City Councils for landside pipe lengths. • Modelling of the bulk water network continuing to confirm pipe sizes. • Revisiting options for alternatives to cross harbour pipeline to provide resilience. • Risk that the Concept cost estimate exceeds the budget. 	On Track to Achieve

Multi-Agency Projects

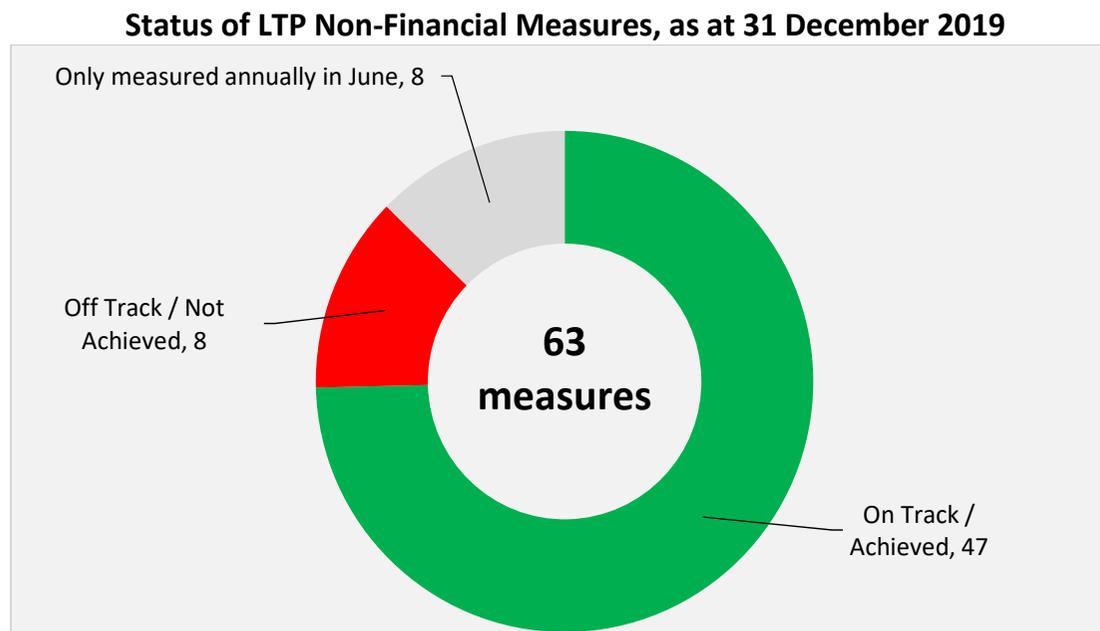
Major Project	Significant Milestones for 2019/20	What was achieved during Quarter Two	Status
RiverLink – Hutt river flood protection	<p><i>Q1: Establishment of Project Office and recruitment for roles; Scoping for flood model update and audit; Belmont Wetland Pilot Consent</i></p> <p>Q2: Procurement for flood model update; Decision from NZTA regarding Melling transport DBC and future consenting; Decision for Greater Wellington/Hutt City Council to proceed with joint or separate from NZTA consents; Completion of Belmont Wetland Pilot earthworks</p> <p><i>Q3: Resource consent and designation application</i></p> <p><i>Q4: Completion of flood model and audit actions; Completion of Belmont Wetland Pilot Planting Stage 2; 86% property acquisitions (voluntary sales and purchase approach)</i></p>	<ul style="list-style-type: none"> • Flood model update to 2D model procured. • NZTA have publicly announced the funding of design and consent for the Melling Transport Improvement. Design and Consent services are not yet engaged, however this is expected to be resolved and completed in quarter three. • Greater Wellington/Hutt City Council have decided to proceed with joint consents, NZTA will sign deed of accession to join partnership agreement in due course. • Belmont Wetland Pilot construction completed with local communities involved in planting. • Resource consent application is likely to be deferred from quarter three 2019/20 to quarter two 2020/21 (Dec 2020) once NZTA have signed deed of accession to partnership agreement. 	On Track to Achieve
Project NEXT – A single national; integrated fares and ticketing system – agree, procure, develop and implement with national and regional stakeholders	<p><i>Q1: Contract award for preferred tenderers for the three financial services (note deferred to Q2); Workshops with shortlisted respondents for the ticketing solution.</i></p> <p>Q2: Progress negotiations with preferred respondents to the RFT; Progress the RFP process; Consideration of the nature of the ticketing SSO</p> <p><i>Q3: Finalise RFT contracts; Release of the RFP; Decisions on the nature of the SSO.</i></p> <p><i>Q4: Support the RFP procurement; Preparation for evaluation of the RFP responses; Further development of the SSO.</i></p>	<ul style="list-style-type: none"> • Negotiations ongoing with the financial services providers. • Development of Requirements (Ticketing Services Request for Proposal) ongoing. • A new proposal for the ticketing Shared Services Organisation (SSO) identified. 	Delayed / At Risk
Regional Land Transport Plan (RLTP)	<p><i>Q1: Initial stakeholder engagement, visioning & objective setting with elected members and Territorial Authorities, evidence base development.</i></p> <p>Q2: Develop the Strategic context/regional story, develop policies and targets, socialise vision and objectives with new Regional Transport Committee (RTC).</p> <p><i>Q3: Investment Logic Mapping with senior managers and Identification of investment priorities.</i></p> <p><i>Q4: Prepare for release of draft strategic framework.</i></p>	<ul style="list-style-type: none"> • Strategic context/regional story, policies and targets work well underway. • Draft vision and objectives socialised with new RTC. • Initial targeted engagement completed. • ILM approach agreed and workshop scheduled. • Challenges/risks include: resourcing generally; lack of internal comms/engagement resource; and iwi engagement timeframes. • Delayed start to mana whenua engagement due to Ara Tahi meeting 10 December 2019 being cancelled. 	On Track to Achieve

Major Project	Significant Milestones for 2019/20	What was achieved during Quarter Two	Status
Wellington Regional Investment Plan and Regional Growth Framework	<p><i>Q1: Finalise the draft plan as agreed by the Mayoral Forum and present to all councils; Scope out requirements for an agreed regional growth plan and develop a terms of reference; Development of options for ongoing structure, support and funding.</i></p> <p>Q2 & Q3: Agreement on a structure, governance, terms of reference and funding; Confirmation of Greater Wellington's role going forward; Project manage data collection and research across Greater Wellington for the development of the regional growth plan.</p> <p><i>Q4: Final growth plan and recommendations agreed.</i></p>	<ul style="list-style-type: none"> Regional Growth Framework was set up as an independent project with an external project director. A terms of reference was agreed by all councils in the region (including Horowhenua) and central government. Iwi engagement is ongoing. Representatives of all partners attended a workshop to map constraints and opportunities. Meetings took place with each Council to outline the purpose and scope and get input to the strategic challenges. Regional (Greater Wellington) data and mapping has been collected for use in the foundation report which will be completed in early quarter three. A whole of Greater Wellington workshop will be held in January to look at scenarios. A steering group and implementation group have been set up and Greater Wellington is represented on both. 	On Track to Achieve
Multi-User Ferry Terminal	<p><i>Q1: Partners endorse the Programme Business Case</i></p> <p>Q2: Seismic resilience investigations completed and decision on preferred site confirmed</p> <p><i>Q3: Phase 2 investigations commenced. Interim works for Kaiwharawhara assessed</i></p> <p><i>Q4: Phase 2 investigations progressed</i></p>	<ul style="list-style-type: none"> All partners except NZTA endorsed the Programme Business Case (NZTA delay was related to their internal timeframes). Work commenced by KiwiRail to better understand the seismic issues at Kaiwharawhara – they commenced this work to inform their interim solution which is planned to be delivered ahead of the MUFT solution. Issues were reported by a GNS/Beca team that led to delay in their interim solution. Potential for scale of interim solution to undermine case for final solution. The Programme Control Group was asked for a decision from four options for next steps and a decision was made to re-evaluate site options and update MCA for four sites (being Kaiwharawhara, Kings Wharf, Aotea and Container). This work is now underway. 	Delayed / At Risk

Attachment 1 to Report 20.60
 Greater Wellington's Quarterly Summary Performance Report to 31 December 2019

Major Project	Significant Milestones for 2019/20	What was achieved during Quarter Two	Status
Let's Get Wellington Moving (LGWM)	Specific milestones to be confirmed	<ul style="list-style-type: none"> • Consultant teams appointed to lead the first two Early Delivery Projects – Golden Mile and Thorndon Quay/Hutt Road – work underway. • Initial public engagement completed on how the Golden Mile could be improved for public transport and to be more attractive and safer place for people to walk and visit. Initial engagement on a proposal to lower speed limits in the central city to 30km/h, except for main roads. Both engagements received good levels of feedback from the public. • Tender documents were released for business case work on Mass Rapid Transit and State Highway Improvements (Basin Reserve and extra Mt Victoria tunnel). These contracts will be awarded early in 2020. • Council support received for the LGWM relationship and funding agreement, confirming partners' commitment to work together to successfully deliver LGWM (subject to ongoing approval of business cases and funding for aspects of the programme as it develops). • Agreement also received to bring forward funding for the LGWM programme in 2019/20 and 2020/21, and for the councils' jointly commissioned Bus Priority Action Plan to be funded and delivered through LGWM. 	On Track to Achieve

APPENDIX TWO – LONG TERM PLAN NON-FINANCIAL MEASURES



ENVIRONMENT

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Resource Management					
Customer satisfaction	Level of overall satisfaction with consent processing services ²	>4	N/A	Not Measured	Survey completed six-monthly
Process resource consents in a timely manner	Percentage of non-notified resourced consents processed within statutory timeframes	100%	100%	Achieved	

² On a scale of 1 (very dissatisfied) to 5 (very satisfied)

Attachment 1 to Report 20.60
Greater Wellington's Quarterly Summary Performance Report to 31 December 2019

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Monitor compliance with resource consents	Rates of compliance for high risk activities ³ where historical compliance rates are below 80%	>80%	<ul style="list-style-type: none"> • Water Takes: 70.8% • Earthworks: N/A • Municipal activities: N/A 	Not Achieved	Water Takes – majority of non-compliance is minor (e.g. incomplete water use record, overdue water meter verification). Earthworks, and municipal activities are reported in quarter four.
Effective response to environmental incidents	Rate of detection ⁴ and associated action taken on non-complying incidents ⁵	Maintain or increase against prev. year (33.8% in 2018/19)	34.60%	On track to achieve	
Land Management					
Implement farm plans to reduce nutrient and sediment discharges from erosion-prone land	Erosion prone hill-country covered by an active ⁶ farm plan	62%		On track to achieve	
Deliver planting programme on identified erosion-prone land	Erosion-prone hill country planted	550 hectares		Achieved	
Deliver farm environment plans to reduce nutrient and sediment loss	Over 50% of all contestable funding is allocated to priority catchments identified in the proposed Natural Resources Plan	Achieved		On track to achieve	
Provide high quality goods and services to landowners from the Akura nursery	Survival of poles planned under the Wellington Regional Erosion Control Initiative (WRECI)	85%		Not Measured	Will be measured in quarter three, or early quarter four.
Biodiversity Management					
Plan and deliver a programme to maintain or improve the ecological condition of identified high biodiversity value sites ⁷	Percentage of management actions ⁸ achieved to improve the habitat for native plants and animals	95%		On track to achieve	

³ The activities defined as high risk are potentially subject to change if risk profile changes

⁴ 'Detection' - a discharge or activity is attributed to a specific source (i.e. non-compliance by a specific person(s) is confirmed)

⁵ This is only measured against those incidents in which environmental effects are rated minor or higher

⁶ "active" is assessed by whether a farm plan has led to some delivery of erosion mitigation work in the past three years.

⁷ High biodiversity value sites are those managed under the Key Native Ecosystem programme and within collaborative biodiversity projects carried out within Porirua Harbour and Wairarapa Moana catchments.

⁸ Management actions can include improving legal protection, fencing and undertaking the control of pest plants and animals.

Attachment 1 to Report 20.60

Greater Wellington's Quarterly Summary Performance Report to 31 December 2019

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Pest Management					
Provide possum control services in bovine TB free areas	Number of possums in the Regional Possum Predator Control Programme area	Low (<5% Residual Trap Catch)	Kopuranga RTC 0.3% Clareville RTC 0.0%	On track to achieve	
Provide pest species control services in Greater Wellington Key Native Ecosystems (KNE)	Deliver in accordance with KNE plans	Achieved	Delivered as per KNE plans	On track to achieve	
Provide pest control services across the region	Deliver in accordance with the Regional Pest Management Plan	Achieved		On track to achieve	
Harbour Management					
Manage the safety of marine activities in the region's waters	Beacon Hill Communications station is staffed and operational 24 hours a day, seven days a week	100%	100%	On track to achieve	
Manage the safety of marine activities in the region's waters	All navigation aids are working 24 hours a day, seven days a week	100%	99.90%	On track to achieve	Inner channel marker at Porirua out briefly due to dead battery.
Manage the safety of marine activities in the region's waters	Operate in accordance with the current Port and Harbour Marine Safety Code	Compliant with standard	Compliant with standard	On track to achieve	
Manage the safety of marine activities in the region's waters	Warnings and infringements issued	Decrease	5 infringements issued	On track to achieve	
Manage the safety of marine activities in the region's waters	Meet obligations to Maritime NZ for oil spill response equipment maintenance and exercises	4 equipment checks 2 exercises	1 equipment check 1 exercise	On track to achieve	

REGIONAL PARKS AND FORESTS

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Provide facilities and services that support the community enjoying, valuing and participating in regional parks	Percentage of regional population that has visited a regional park in last 12 months	≥70%	N/A	Not Measured	Data collected and reported annually at end of financial year.
Provide facilities and services that support the community enjoying, valuing and participating in regional parks	Number of visits to a regional park in the last 12 months	Increase on baseline (1.7m)	743,000	On track to achieve	

Attachment 1 to Report 20.60
Greater Wellington's Quarterly Summary Performance Report to 31 December 2019

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Provide facilities and services that support the community enjoying, valuing and participating in regional parks	Percentage of regional park visitors that are satisfied with their experience	95%	N/A	Not Measured	Data collected and reported annually at end of financial year.
Provide facilities and services that support the community enjoying, valuing and participating in regional parks	On-park volunteer hours	15,000	6,562	On track to achieve	
Provide facilities and services that support the community enjoying, valuing and participating in regional parks	Average asset condition (1 = excellent; 5 = very poor)	≤3	2.04	On track to achieve	
Protect and care for the environment, landscape and heritage	Restore significant degraded environments	35,000	N/A	On track to achieve	Planning work is underway in relation to the winter 2020 planting season.

WATER SUPPLY

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Provide water that is safe and pleasant to drink	Number of waterborne disease outbreaks ⁹	0	0	Achieved	
	Customer satisfaction: Number of taste complaints related to bulk water supply	<5	0	Achieved	
	Customer satisfaction: Number of complaints from Territorial Authorities (TAs) on drinking water clarity	<5	0	Achieved	
	Customer satisfaction: Number of complaints from TAs on drinking water odour	<5	0	Achieved	
	Customer satisfaction: Number of complaints from TAs on drinking water pressure or flow	<5	0	Achieved	

⁹ The outcome of the Havelock North Inquiry into water supply and safety is likely to result in changes to reporting requirements

Attachment 1 to Report 20.60
 Greater Wellington's Quarterly Summary Performance Report to 31 December 2019

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
	Customer satisfaction: Number of complaints per 1000 connections (end consumers) to the bulk water supply system ^{10 11}	<0.2	0	Achieved	
	Safety of drinking water: ¹² Compliance with part 4 of the drinking-water standards (bacteria compliance criteria)	Yes	On Track	Achieved	
	Safety of drinking water: ¹³ Compliance with part 5 of the drinking-water standards (protozoal compliance criteria)	Yes	On Track	Achieved	
Provide a continuous and secure bulk water supply	Number of events in the bulk water supply preventing the continuous supply of drinking water to consumers	0	0	Achieved	
	Sufficient water is available to meet normal demand except in a drought with a severity of greater than or equal to 1 in 50 years ^{14 15}	<2%	6.90%	Not Achieved	A capacity limitation at Te Marua WTP is affecting the drought resilience of the bulk water network. A preferred upgrade option has been identified. Investigations will continue into 2019/20 to improve the cost estimate of the preferred option. This will be used to inform Smart Investment and the next LTP consultation process.
	Attendance for urgent call-outs: ¹⁶ Time from local authority receiving notification to service personnel reaching site	<60 minutes	0	Achieved	

¹⁰ Non-Financial Performance Measures Rules 2013, Water supply measure [4(a-e)]

¹¹ Using the Water NZ survey data for the number of end consumers provided with drinking water (145,224).

¹² Non-financial Performance Measures Rules 2013, Water supply measure [1(a)-(b)]

¹³ Non-financial Performance Measures Rules 2013, Water supply measure [1(a)-(b)]

¹⁴ Normal demand includes routine hosing restrictions

¹⁵ Assessed using a probability model of annual water supply shortfall

¹⁶ Non-Financial Performance Measures Rules 2013, Water supply measure [3(a)-(b)]

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Greater Wellington's Quarterly Summary Performance Report to 31 December 2019

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
	Attendance for urgent call-outs: ¹⁷ Time from local authority receiving notification to service personnel confirming resolution	<4 hours	0	Achieved	
	Attendance for non-urgent call-outs: ⁸ Time from local authority receiving notification to service personnel reaching site	<36 hours	0.5 hours	Achieved	
	Attendance for non-urgent call-outs: ¹⁸ Time from local authority receiving notification to service personnel confirming resolution	<15days	0.7 hours	Achieved	
	Average drinking water consumption per resident per day within the TA districts supplied by the bulk water system ¹⁹	<374 L/p/d	361	Achieved	
	Maintenance of the reticulation network: Percentage of real water loss from the networked reticulation system ^{20 21}	+/- 2%	0.10%	Achieved	
Provide bulk water in compliance with all resource consents and environmental regulations	Full compliance with resource consents ²²	Yes	On Track	Achieved	
	Annual review of relevant environmental legislation	Yes	On Track	Achieved	
	HSNO location and stationary container test certificates are current	Yes	On Track	Achieved	

¹⁷ Non-Financial Performance Measures Rules 2013, Water supply measure [3(a)-(b)]

¹⁸ Non-Financial Performance Measures Rules 2013, Water supply measure [3(c)-(d)]

¹⁹ Non-Financial Performance Measures Rules 2013, [5] Greater Wellington cannot technically report due to the wording of the measure, but will report the average of all residents' consumption for the district it supplies with bulk water.

²⁰ Non-Financial Performance Measures Rules 2013, Water supply measure [2]

²¹ All connections are metered, production flows are subtracted from supply flows and weekly mass balance checks carried out to identify losses. Differences in metering accuracy account for the loss or gain of water supplied rather than leakage or unauthorised use

²² Full compliance means no notices/convictions (abatement notices, infringement notices, enforcement orders, or convictions).

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FLOOD PROTECTION AND CONTROL WORKS

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Provide the standard of flood protection agreed with communities	Major flood protection and control works are maintained, repaired and renewed to the key standards defined in relevant planning documents	Yes		On track to achieve	
	Percentage of Floodplain Management Plans (FMP) recommended structural improvements implemented	Hutt – 33% Ōtaki – 47% Waikanae – 56% Pinehaven – 33%	Hutt – 33% Ōtaki – 47% Waikanae – 56% Pinehaven – 0%	On track to achieve	
	Percentage completion of Lower Wairarapa Valley Development Scheme work programme (2007/2021)	99%		On track to achieve	
Provide information and understanding of flood risk in the community ²³	Percentage of identified vulnerable floodplains with a FMP in place	35%	N/A	Not Measured	This is only measured annually at end of financial year.
	Percentage of identified vulnerable floodplains with flood hazard mapping available via online portal	83%	N/A	Not Measured	This is only measured annually at end of financial year.

METLINK PUBLIC TRANSPORT

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Transform and elevate customer experience and use of Metlink passenger services	Percentage of rail users who are satisfied with their trip overall ²⁴	>92.0%	Interim half year result: 93%	Achieved	
	Percentage of bus users who are satisfied with their trip overall ²⁵	>92.0%	Interim half year result, Wellington City bus only: 90%	Not Achieved	This is the interim Wellington City bus result only, the annual measure for all bus is due June 2020

²³ These measures are based on a list of vulnerable floodplains, and targets for FMPs/mapping.

²⁴ Satisfied = score of 6-10 on a scale of 0-10

²⁵ Satisfied = score of 6-10 on a scale of 0-10

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Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
	Annual public transport boardings per capita	75.7 Rebased to excl. commercial boardings ²⁶ : 73.0	YTD Dec: 78.1%	Achieved	YTD result may not be indicative of the year end result due to patronage fluctuations throughout the year & NZ Statistics population estimates at year end
Deliver services in accordance with the published timetable	Percentage of scheduled services delivered (reliability)	Bus 99.5%	YTD 99.0%	Not Achieved	The target of 99.5% drew on self-reported pre-PTOM reliability figures, which appear to have over-stated what is achievable under PTOM and with a national driver shortage. The current transition KPI regime, active until June 2020, sets a target of 95%, subject to review. We are supporting bus driver recruitment campaigns, analysing the achievability of targets and developing tools like Snapper Insights to identify and share causes of performance failures.
		Rail 99.5%	YTD 95.7%	Not Achieved	Despite a generally improving trend December results suffered from several major network disruptions including an overhead power fault, flooding and storms (if network impacts were removed reliability was at 99.1%)
	Percentage of scheduled bus services on-time at origin (punctuality) - to 5 minutes ²⁷	²⁸ Bus 95%	YTD 94.2%	Not Achieved	Officers continue to work with operators to improve punctuality
	Percentage of scheduled bus services on-time at destination (punctuality) - to 5 minutes ²⁹	Bus N/A ³⁰	YTD 58.2%	On track to achieve	

²⁶ Performance prior to 2018/19 included boardings for commercial trips, which are no longer reported to Greater Wellington as these services are now defined as exempt services under the LTMA 2003. The baseline (2017) is 74.5 but the baseline (2017) excluding these exempt services is 71.8.

²⁷ This measure is based on services that depart from origin, departing between one minute early and five minutes late.

²⁸ This measure has changed from the previous Long Term Plan, moving from 10 to 5 minutes punctuality with the new bus contracting environment.

²⁹ This measure is based on bus services that arrive at destination, arriving between one minute early and five minutes late.

³⁰ No target was provided in the 2018-28 Long Term Plan for bus punctuality at destination.

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Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
	Percentage of scheduled rail services on-time (punctuality) - to 5 minutes ³¹	Rail 91%	YTD 87.8%	Not Achieved	Despite a generally improving trend, Dec results suffered from several major network disruptions including an overhead power fault, flooding and storms (if network impacts were removed metro punctuality was 93.0% and Wairarapa 76.4%).
Provide accessible and accurate information on Metlink services to the public	Percentage of users who are satisfied with the provision of Metlink information - about delays and disruptions	≥71%	Interim half year result, rail & Wellington City bus only: 57%	Not Achieved	This is the interim rail & Wellington City bus result only, the annual measure for all modes and areas is due June 2020
Maintain and improve the performance and condition of Metlink assets	Percentage of passengers who are satisfied with overall station/stop/wharf	≥92%	Interim half year result for rail & Wellington City bus: 93%	Achieved	This is the rail & Wellington City bus result only, the annual measure for all modes and areas is due June 2020
	Average condition rating of all bus shelters maintained by Metlink (1 = very good and 5 = very poor)	Improvement on previous year (1.6)	N/A	Not Measured	This is an annual measure - results are expected June 2020
Provide a subsidised taxi service to customers unable to use buses or trains	Percentage of users who are satisfied with the overall service of the scheme ³²	≥99%	N/A	Not Measured	This is an annual measure - results are expected June 2020

REGIONAL LEADERSHIP

Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Regional Transport Planning and Programmes					
Coordinate and deliver programmes which promote and encourage sustainable and safe transport choices	Number of adults participating in Sustainable Transport initiatives and promotions ³³	Increase (4,403 for 2018/19)	298	On track to Achieve	Aotearoa Bike Challenge runs annually in February and will boost our overall participation numbers

³¹ The rail punctuality measure is based on rail services arriving at key interchange stations and final destination, within five minutes of the scheduled time.

³² Satisfied = score of 3-5 on a scale of 1-5. In 2017/18 the satisfaction scale changed from 1-10 points to 1-5 points.

³³ Aotearoa Bike Challenge – Wellington, national cycle skills courses, Smart Travel Challenge, Smart Travel registrations, and bus/bike workshops.

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Level of Service	Performance Measures	2019/20 Target	YTD Result at 31 Dec 2019	Status of Result	Commentary against variance
Emergency Management					
Work with the regional community to improve resilience to, and preparedness for, major emergency events	Percentage of households with sufficient emergency food and water to last at least seven days	12%		On track to achieve	The Community Resilience Team have been working on a number of initiatives to increase the number of households who are prepared for an emergency
	Annual activation test for each Emergency Operations Centre (EOC) and Emergency Coordination Centre (ECC)	100%	100%	Achieved	
	Number of published Community Response Plans	95%	10/16 completed	On track to achieve	

Council
27 February 2020
Report 20.28



For Decision

RESOLUTION TO EXCLUDE THE PUBLIC

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 12 December 2019
- Forestry cutting rights (consent to change of ownership)
- Project NEXT – structural arrangements
- Wellington Regional Economic Development Agency – appointment of director
- Wellington Regional Stadium Trust – appointment of trustee
- Appointment of non-elected member to the Climate Committee
- Non-councillor appointments to committees and advisory bodies
- Confirmation of the restricted public excluded minutes of the Council meeting 12 December 2019
- Transit integrated development proposal – Johnsonville
- Interim review of the Chief Executive’s performance for 2019/20.

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 grounds 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 12 December 2019	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
The information contained in these minutes relates to a proposed contractual arrangement regarding land owned by Greater Wellington. The report outlines the terms of a proposed agreement, including details of the commercial terms. Having this part of the meeting open to the public would disadvantage Greater Wellington in that it would reveal Greater	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 holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).

<p>Wellington’s expectations as to the final terms and conditions that would be acceptable to Greater Wellington. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override this prejudice.</p>	
<p>Forestry cutting rights (consent to change of ownership)</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>The information contained in this report relates to due diligence information obtained in relation to the holder of the Forestry Rights, RMS FGI New Zealand Limited and the proposed new shareholder in RMS FGI New Zealand. The disclosure of this information would likely to unreasonably prejudice the commercial positions of the persons supplying or the subject of the information. It may also prejudice or disadvantage Council in the negotiation of the proposed Deed of Covenant and the Ancillary Deed that Council is seeking to secure as a condition of Council consenting to the Proposed Transaction. Good reason also exists for withholding the legally privileged advice summarised within the report and annexed to the report in the legal due diligence report. Council has not been able to identify a public interest favouring disclosure of this 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)(b)(ii) of the Act (to protect information where making available of the information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information) and 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)) and section 7(2)(g) of the Act (to maintain legal professional privilege).</p>
<p>Project Next – structural arrangements</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>The information contained in this report relates to negotiations with the New Zealand Transport Agency and other public transport authorities in New Zealand. Release of this information would be likely to prejudice or disadvantage the ability of Council to carry on negotiations with the New Zealand Transport Agency and public transport</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 holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).</p>

<p>authorities. In addition, information in the report relates to procurement processes for a ticketing solution provider and associated financial service providers that are underway. Release of this information would be likely to prejudice or disadvantage the ability of the New Zealand Transport Agency and public transport authorities (including Council) to carry on negotiations with parties participating in the procurement process. Council has not been able to identify a public interest favouring disclosure of this information in public proceedings of the meeting that would override the need to withhold the information.</p>	
Wellington Regional Economic Development Agency – appointment of director	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>The information contained in this report includes personal and identifying information about the proposed candidate. Withholding the information prior to Council’s decision is necessary to protect the privacy of that natural person, as releasing this information would disclose their consideration as a director of the Wellington Regional Economic Development Agency. Council 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)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).</p>
Wellington Regional Stadium Trust trustee appointment	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>The information contained in this report includes personal and identifying information about the proposed candidate. Withholding this information prior to Council’s decision is necessary to protect the privacy of that natural person, as releasing this information would disclose their consideration as a Trustee of the Wellington Regional Stadium Trust. Council has</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, including that of deceased natural persons).</p>

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.	
Appointment of non-elected member to the Climate Committee	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
The information contained in this report includes personal and identifying information about the preferred candidate. Withholding this information prior to Council's decision is necessary to protect the privacy of that natural person, as releasing this information would disclose their consideration as an appointed member to the Climate Committee. Council 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.	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, including that of deceased natural persons).
Non-councillor appointments to committees and advisory bodies	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
Information contained in this report includes personal and identifying information about proposed candidates for appointment. Withholding this information prior to Council's decision is necessary to protect the privacy of those natural persons, as releasing the information would disclose their consideration for appointment as members of Te Upoko Taiao – Natural Resources Plan Committee and the Farming Reference Group. Council 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.	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, including that of deceased natural persons).

Confirmation of the restricted public excluded minutes of the Council meeting 12 December 2019	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
Information contained in these minutes relates to negotiations with NZ Bus and Tranzurban. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington to carry on negotiations with NZ Bus and Tranzurban. Council 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.	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 holding the information to carry on, without prejudice or disadvantage, negotiations).
Transit integrated development proposal – Johnsonville	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
Information contained in this report relates to negotiations with Stride and Wellington City Council. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington to carry on negotiations with Stride and Wellington City Council. Council 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.	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 holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).
Chief Executive’s interim performance review	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
The information in this report contains information relating to the Chief Executive’s interim performance review for the year 2019/20. Release of this information would prejudice Greg Campbell’s privacy by disclosing details of his interim performance review for 2019/20. Council has not been able to identify a public interest favouring disclosure of this	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, including that of deceased natural persons).

particular information in public proceedings of the meeting that would override the need to withhold the information.	
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This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 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.

Council also moves that Nick Crang, Partner, Duncan Cotterill, be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of matters related to consent of ownership for forestry cutting rights. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because it is the subject of the report on forestry cutting rights (consent to change of ownership).

**APPENDIX FOUR: DRAFT DEED OF COVENANT (AND ATTACHED ANCILLARY DEED)
[Removed from Report as duplicated in Council Report dated 27 February 2020 and titled
Forestry Cutting Rights (Consent to Change of Ownership)]**