



If calling, please ask for Democratic Services

Council

Thursday 21 September 2023, 9.30am

Taumata Kōrero, Council Chamber, Greater Wellington Regional Council,
100 Cuba St, Te Aro, Wellington

Quorum: Seven Councillors

Members

Councillors

Daran Ponter (Chair)

Adrienne Staples (Deputy Chair)

David Bassett

Ros Connelly

Quentin Duthie

Penny Gaylor

Chris Kirk-Burnnand

Ken Laban

David Lee

Thomas Nash

Hikitia Ropata

Yadana Saw

Simon Woolf

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

Council

Thursday 21 September 2023, 9.30am

Taumata Kōrero - Council Chamber, Greater Wellington Regional Council
100 Cuba St, Te Aro, Wellington

Public Business

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17.	WRC Holdings - Director appointments	PE23.481	228
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Please note these minutes remain unconfirmed until the Council meeting on 21 September 2023.

Report 23.402

Public minutes of the Council meeting on Thursday 17 August 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council
100 Cuba Street, Te Aro, Wellington at 1.00pm.

Members Present

Councillor Ponter (Chair)
Councillor Staples (Deputy Chair)
Councillor Bassett
Councillor Connelly
Councillor Duthie
Councillor Gaylor
Councillor Kirk-Burnnand
Councillor Laban (from 1.03pm)
Councillor Lee
Councillor Nash
Councillor Ropata
Councillor Saw
Councillor Woolf

Karakia timatanga

The Council Chair opened the meeting with a karakia timatanga.

Public Business

1 Apologies

Moved: Cr Staples / Cr Bassett

That the Council accepts the apology for lateness from Councillor Laban.

The motion was **carried**.

2 Declarations of conflicts of interest

There were no declarations of conflicts of interest.

3 Public participation

There was no public participation.

Strategy, policy or major issues

4 Natural Resources Plan, Draft Plan Change 1 provisions – Report 23.362

Fathima Iftikar, Director Strategy, Policy and Regulation, and Alastair Smail, Transitional Programme Lead, spoke to the report.

Moved: Cr Lee / Cr Staples

That Council:

- 1 Approves the Natural Resources Plan, Draft Plan Change 1 for limited statutory consultation.
- 2 Notes that this draft will be provided to territorial authorities in line with Schedule 1 of the RMA.
- 3 Notes that this draft will be provided to Ministers and Tangata Whenua (through iwi authorities) in line with Schedule 1 of the Resource Management Act 1991.
- 4 Notes that the draft will be provided to Wellington Water Ltd in line with Schedule 1 of the RMA as an important affected party to this Plan Change 1.
- 5 Notes that an options question box has been added into Draft Plan Change 1 (Attachment 1), at page 54, where Council wishes to consult on two timeline options for achievement of the *E. coli* target attribute state and Enterococci coastal water objective.
- 6 Notes that this version of Plan Change 1 is still a draft, and it will be amended through the outcomes of the statutory consultation, and from further refinement and integration of the provisions.
- 7 Notes that Officers will provide an update to Council on the feedback received through statutory consultation and how that feedback has been addressed, including any other amendments; this will be done before Council decides to notify the Natural Resources Plan, Proposed Plan Change 1 on 27 October 2023.

The motion was **carried**.

Councillor Laban arrived at 1.03pm during questions of the above item.

Resolution to exclude the public

5 Resolution to exclude the public – Report 23.386

Moved: Cr Gaylor / Cr Laban

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

Appointment of Mana Whenua Member to the Te Awa Kairangi / Hutt River Valley Subcommittee – Report PE23.338

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

Appointment of Mana Whenua Member to the Te Awa Kairangi / Hutt River Valley Subcommittee – Report PE23.338	
<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 includes personal and identifying information about a candidate for appointment to the Te Awa Kairangi / Hutt River Valley Subcommittee. Release of this information is likely to prejudice the privacy of natural persons as releasing this information would disclose their consideration for appointment as a Committee member.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act, to protect the privacy of natural persons.</p>

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

The motion was **carried**.

The public part of the meeting closed at 1.10pm.

Councillor D Ponter

Chair

Date:



Please note these minutes remain unconfirmed until the Council meeting on 21 September 2023.

The matters referred to in these minutes were considered by Council in Public Excluded business. These minutes do not require confidentiality and may be considered in the public part of the meeting.

Report PE23.403

Public Excluded minutes of the Council meeting on Thursday 17 August 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council
100 Cuba Street, Te Aro, Wellington at 1.10pm.

Members Present

Councillor Ponter (Chair)
Councillor Staples (Deputy Chair)
Councillor Bassett
Councillor Connelly
Councillor Duthie
Councillor Gaylor
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lee
Councillor Nash
Councillor Ropata
Councillor Saw
Councillor Woolf

Public excluded Business

1 Appointment of Mana Whenua Member to Te Awa Kairangi / Hutt River Valley Subcommittee – Report PE23.338

Moved: Cr Connelly / Cr Bassett

That Council:

- 1 Appoints Benjamin Wynyard-Terry, on the nomination of Port Nicholson Block Settlement Trust, to Te Awa Kairangi / Hutt River Valley Subcommittee.

The motion was **carried**.

Karakia whakamutunga

The Council Chair closed the meeting with a karakia whakamutunga.

The meeting closed at 1.11pm.

Councillor D Ponter

Chair

Date:



Please note these minutes remain unconfirmed until the Council meeting on 21 September 2023.

Report 23.423

Public minutes of the Council meeting on Thursday 24 August 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council
100 Cuba Street, Te Aro, Wellington at 9.31am.

Members Present

Councillor Ponter (Chair)
Councillor Staples (Deputy Chair)
Councillor Bassett
Councillor Connelly
Councillor Duthie
Councillor Gaylor
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lee
Councillor Nash
Councillor Saw
Councillor Woolf (from 10.59am)

Karakia timatanga

The Council Chair opened the meeting with a karakia timatanga.

Public Business

1 Apologies

Moved: Cr Bassett / Cr Nash

That the Council accepts the apologies for absence from Councillor Ropata and for lateness from Councillor Woolf.

The motion was **carried**.

2 Declarations of conflicts of interest

There were no declarations of conflicts of interest.

3 Public participation

Rev Stephen King, national Chair, Living Wage Movement of Aotearoa NZ, spoke to agenda item 9 – Accredited Living Wage Employer requirements – Report 23.398.

Blair Bradley, Procurement Manager, KiwiBank, spoke to agenda item 9 – Accredited Living Wage Employer requirements – Report 23.398.

4 Confirmation of the Public minutes of the Council meeting on 29 June 2023 – Report 23.279

Moved: Cr Gaylor / Cr Kirk-Burnnand

That the Council confirms the Public minutes of the Council meeting on 29 June 2023 – Report 23.279.

The motion was **carried**.

5 Confirmation of the Restricted Public Excluded minutes of the Council meeting on 29 June 2023 – Report RPE23.302

Moved: Cr Staples / Cr Saw

That the Council confirms the Restricted Public Excluded minutes of the Council meeting on 29 June 2023 – Report RPE23.302

The motion was **carried**.

The chair accorded priority to agenda item 9 – Accredited Living Wage Employer requirements – Report 23.398 in accordance with standing order 3.5.2.

Strategy, policy or major issues

9 Accredited Living Wage Employer requirements – Report 23.398

Donna Hickey, Group Manager, People & Customer and Deborah Kessell-Haak, Head of Legal & Procurement, spoke to the report.

Moved: Cr Nash / Cr Ponter

That Council:

- 1 Agrees that the matters for decision in the report have a medium degree of significance
- 2 Having regard to both the significance of the matters for decision in this report and the matters in section 79 (2) of the Local Government Act 2002:
 - a Agrees that the extent to which different options have been identified is appropriate;

- b Agrees that the degree to which advantages and disadvantages have been quantified is appropriate;
 - c Agrees that the extent and detail of the information before Council is appropriate for the decision being made.
- 3 Notes that pursuant to the previous decisions made by Council as detailed in Report 21.92, funding of transport operators to enable payment of the living wage to drivers is managed separately from, but is complementary to, this potential project and will be accounted for in current Annual and Long Term Plan budgets.
- 4 Notes that all of Greater Wellington's direct employees are paid at or above living wage.
- 5 Notes that the Council's knowledge of the views and preferences of the affected suppliers and other persons likely to be affected by, or have an interest in, the matters for decision in this report have not yet been sought or considered.
- 6 Notes that due to a lack of available information on the wages and salaries paid by Greater Wellington's suppliers to their employees, officers are unable to provide estimated costs to Council for any additional expenditure that may be necessary to provide an uplift of all relevant indirect employees and, therefore, immediately seeking accreditation is not considered to be a reasonably practicable option.
- 7 Notes that the funding required to both support a project team to seek accreditation with a staged approach to implementation (option 2) and to potentially make additional payments to suppliers, other than in relation to transport operator contracts, to bring indirect employees' wages up to living wage is not included in the FY23/24 Annual Plan budget and if this option is sought, depending on the timeframes for implementation, could require reconsideration and reallocation of funding from other projects with an unknown effect on those projects at this time.
- 8 Notes that given recommendations 4 through 6 the main options are:
 - a Option 1 – not to seek accreditation at this time. This would not exclude seeking accreditation in the future but enables a considered, evidence based approach through the usual Council decision making processes in the Annual and Long Term Plans;
 - b Option 2 – to seek Living Wage accreditation with a staged approach to implementation. This comes with unknown costs and effects, especially if the employees of Council Controlled Organisations are captured within the definition of 'indirect employee'.
- 9 Determines its preferred option as Option 2 – to seek Living Wage accreditation with a staged approach to implementation
- 10 Agrees that Greater Wellington officers will work with representative of Living Wage Aotearoa on a staged implementation approach.

- 11 Authorises the Chief Executive to:
 - a Establish a working group with Living Wage Aotearoa to assist in the implementation of accreditation;
 - b Develop and implement a survey, communications and engagement plan with affected parties;
 - c Receive and consider any supplier pool/cost impact analysis subsequent to supplier surveys;
 - d Consider, on the basis of the information gathered through the steps mentioned in a), b), and c) above, the implications, including cost implications of Living Wage accreditation on council's Annual and Long Term Plans;
 - e Identify and present to Council options to manage these implications, including any significant changes to the Annual Plans and Long Term Plans in place at the time of accreditation; and
 - f Negotiate any terms associated with seeking accreditation.
- 12 Notes that officers will provide biannual updates to Council on:
 - a Progress on supplier engagement and feedback;
 - b The steps being taken by Greater Wellington to support suppliers to improve employee terms and conditions (including living wage) that are important to ensuring a stable and productive work force;
 - c Any further steps required to ensure that those suppliers that do not qualify for the additional funding (as they already pay living wage) are not materially disadvantaged;
 - d The status of any implementation plan; and
 - e The financial implications for Council associated with any uplift of payments required under any of the available options, to enable reconsideration of any decisions made in relation to this report as appropriate.

Moved as an amendment (as an additional motion, to be motion 1): Cr Gaylor / Cr Bassett

That Council:

- 1 Supports the principle of the Living Wage.

The amendment was **carried** and became part of the substantive motion.

The substantive motion was put:

That Council:

- 1 Supports the principle of the Living Wage.

- 2 Agrees that the matters for decision in the report have a medium degree of significance.
- 3 Having regard to both the significance of the matters for decision in this report and the matters in section 79 (2) of the Local Government Act 2002:
 - a Agrees that the extent to which different options have been identified is appropriate;
 - b Agrees that the degree to which advantages and disadvantages have been quantified is appropriate;
 - c Agrees that the extent and detail of the information before Council is appropriate for the decision being made.
- 4 Notes that pursuant to the previous decisions made by Council as detailed in Report 21.92, funding of transport operators to enable payment of the living wage to drivers is managed separately from, but is complementary to, this potential project and will be accounted for in current Annual and Long Term Plan budgets.
- 5 Notes that all of Greater Wellington's direct employees are paid at or above living wage.
- 6 Notes that the Council's knowledge of the views and preferences of the affected suppliers and other persons likely to be affected by, or have an interest in, the matters for decision in this report have not yet been sought or considered.
- 7 Notes that due to a lack of available information on the wages and salaries paid by Greater Wellington's suppliers to their employees, officers are unable to provide estimated costs to Council for any additional expenditure that may be necessary to provide an uplift of all relevant indirect employees and, therefore, immediately seeking accreditation is not considered to be a reasonably practicable option.
- 8 Notes that the funding required to both support a project team to seek accreditation with a staged approach to implementation (option 2) and to potentially make additional payments to suppliers, other than in relation to transport operator contracts, to bring indirect employees' wages up to living wage is not included in the FY23/24 Annual Plan budget and if this option is sought, depending on the timeframes for implementation, could require reconsideration and reallocation of funding from other projects with an unknown effect on those projects at this time.
- 9 Notes that given motions 5 through 7 the main options are:
 - a Option 1 – not to seek accreditation at this time. This would not exclude seeking accreditation in the future but enables a considered, evidence based approach through the usual Council decision making processes in the Annual and Long Term Plans;
 - b Option 2 – to seek Living Wage accreditation with a staged approach to implementation. This comes with unknown costs and effects, especially if

the employees of Council Controlled Organisations are captured within the definition of 'indirect employee'.

- 10 Determines its preferred option as Option 2 – to seek Living Wage accreditation with a staged approach to implementation
- 11 Agrees that Greater Wellington officers will work with representative of Living Wage Aotearoa on a staged implementation approach.
- 12 Authorises the Chief Executive to:
 - a Establish a working group with Living Wage Aotearoa to assist in the implementation of accreditation;
 - b Develop and implement a survey, communications and engagement plan with affected parties;
 - c Receive and consider any supplier pool/cost impact analysis subsequent to supplier surveys;
 - d Consider, on the basis of the information gathered through the steps mentioned in a), b), and c) above, the implications, including cost implications of Living Wage accreditation on council's Annual and Long Term Plans;
 - e Identify and present to Council options to manage these implications, including any significant changes to the Annual Plans and Long Term Plans in place at the time of accreditation; and
 - f Negotiate any terms associated with seeking accreditation.
- 13 Notes that officers will provide biannual updates to Council on:
 - a Progress on supplier engagement and feedback;
 - b The steps being taken by Greater Wellington to support suppliers to improve employee terms and conditions (including living wage) that are important to ensuring a stable and productive work force;
 - c Any further steps required to ensure that those suppliers that do not qualify for the additional funding (as they already pay living wage) are not materially disadvantaged;
 - d The status of any implementation plan; and
 - e The financial implications for Council associated with any uplift of payments required under any of the available options, to enable reconsideration of any decisions made in relation to this report as appropriate.

The motion was taken in parts: Motions 1 to 9 were put and **carried**, motions 10 to 12 were put and **carried**, and motion 13 was put and **carried**.

Noted: Councillor Lee requested that his vote against motions 10 to 12 were recorded.

The meeting adjourned at 10.30am and resumed at 10.45am.

6 Proposed Regional Policy Statement Change 1 – Appointment of additional member to the Part 1, Schedule 1 Hearing Panel – Report 23.374

Fathima Ifitkar, Director Strategy, Policy and Regulation, spoke to the report.

Moved: Cr Staples / Cr Lee

That Council:

- 1 Appoints Gillian Wratt to the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel to hear, deliberate and make recommendations on Part 1, Schedule 1 provisions of Proposed Change 1 to the Regional Policy Statement.
- 2 Amends the Terms of Reference of the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel to increase the Panel Membership from 3 to 4 members.

The motion was **carried**.

7 Proposed Strategic Public Transport Asset Control Strategy – for consultation – Report 23.380

Tim Shackleton, Senior Manager, Commercial, Strategy & Investments and Nicki Lau Young Programme Director, Metlink Operating Model, spoke to the report.

Moved: Cr Saw / Cr Bassett

That Council:

- 1 Notes that in June 2021 Council submitted to the Ministry of Transport on the Public Transport Operating Model Review in relation to public transport asset ownership and operating model.
- 2 Notes that the Proposed Public Transport Asset Control Strategy has been developed as a result of Council's position in its June 2021 submission to the Ministry of Transport on the Public Transport Operating Model Review.
- 3 Approves the Proposed Public Transport Asset Control Strategy as set out at Attachment 1 to this report.
- 4 Notes that following (and subject to) Council approval, the Proposed Public Transport Asset Control Strategy will be:
 - a Presented to public transport operators in the Region for their comment
 - b Formally consulted on as part of the upcoming Long Term Plan in accordance with the Local Government Act 2002 requirements.
- 5 Notes that the Proposed Public Transport Asset Control Strategy will be brought back to Council as part of the Long Term Plan process for final approval.
- 6 Notes that the Proposed Public Transport Asset Control Strategy does not commit Council to any financial investment.

- 7 Notes that any financial investment will be required to follow normal approval processes, which may include consultation under the Long Term Plan and/or Council financial approval.
- 8 Notes that while the proposed Land Transport Management (Regulation of Public Transport) Bill 2023 will help enable Council ambitions, Greater Wellington control of strategic assets is currently possible under the existing legislative framework (Public Transport Operating Model).
- 9 Notes that ownership, or interest in, future public transport assets will be held by the entity that best meets legislative requirements and Council interests.

The motion was **carried**.

Councillor Woolf arrived at 10.59am at the conclusion of the above item.

8 RiverLink Construction – Implications for Public Transport Services – Report 23.212

Samantha Gain, Group Manager, Metlink, and Wayne O'Donnell, Programme Manager, spoke to the report.

Moved: Cr Duthie / Cr Connelly

That Council:

- 1 Endorses the temporary closure of the Melling Line (for up to 18 months), subject to a public transport mitigation plan being agreed between Greater Wellington and Te Wai Takamori o Te Awa Kairangi prior to the closure.
- 2 Notes that delivering RiverLink will cause significant traffic disruption, with the closure of the Melling Line having the potential to exacerbate traffic congestion, and that a well-designed mitigation plan with public transport and active modes can help to alleviate that congestion.
- 3 Notes that while the Melling Line is closed, Metlink will provide a range of travel options for Melling Line customers, informed by an understanding of customer travel preferences in line with principles set out in paragraphs 36 to 39 of Report23.212.
- 4 Notes that the public transport mitigation plan will include consideration of:
 - a Initiatives such as new and targeted bus services, free or discounted services, and additional Park and Ride
 - b Measures to optimise use of the public transport network and active transport modes, in order to provide options for residents (particularly those in the western hills) to travel to the Wellington CBD, while avoiding the Melling Interchange as far as possible and not increasing vehicle kilometres travelled.
 - c Measures to encourage public transport use in the Hutt Valley, in order to reduce traffic congestion and transport emissions, and assist motorists from Wairarapa and Upper Hutt who must travel through Melling to get to and from Wellington City

- 5 Notes that the Greater Wellington Chief Executive will agree to the public transport mitigation plan on Greater Wellington's behalf, with the input of Councillors, the intent of which will be to maintain a similar or enhanced level of customer service to that currently being experienced, reduce traffic congestion and transport emissions, and allowing for flexibility to change the mitigation measures to achieve this.

The motion was **carried**.

Governance

10 Amended Wellington Regional Leadership Committee joint committee agreement – Future Development Strategy – Report 23.344

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

Moved: Cr Staples / Cr Gaylor

That Council:

- 1 Notes that:
 - a On 25 February 2021 (Report 21.21), Council resolved to establish the Wellington Regional Leadership Committee and for Council to become a member of that Committee
 - b The Wellington Regional Leadership Committee is a joint committee of all local authority parties to the current Wellington Regional Leadership Committee Joint Committee Agreement (the Joint Committee Agreement), and includes members representing iwi and the Crown
 - c The matters addressed by Wellington Regional Leadership Committee now need updating
 - d The amended Joint Committee Agreement takes effect from the date it is signed by all local authority parties.
- 2 Notes the main proposals in the amended Joint Committee Agreement provide for the Wellington Regional Leadership Committee to:
 - a Undertake the work necessary to inform, prepare and finalise the Future Development Strategy in accordance with the National Policy Statement on Urban Development 2020
 - b Establish a Joint Committee Subcommittee for the Future Development Strategy to:
 - i. Hear submissions on the draft Future Development Strategy (and any updates), and
 - ii. Make recommendations on those submissions to the Wellington Regional Leadership Committee, which will make the final decision on the Future Development Strategy.
 - c Undertake regular reviews of the Future Development Strategy

- d Prepare the implementation plan in support of the Future Development Strategy
 - e Implement the Future Development Strategy.
- 3 Notes the proposed amendments outlined in Recommendation 2 are included in the amended Joint Committee Agreement as a track changed version (Attachment 1) and a clean version (Attachment 2).
 - 4 Notes that, as required by the current Joint Committee Agreement, the Wellington Regional Leadership Committee has endorsed the proposed amendments to the functions and powers of the Joint Committee.
 - 5 Agrees that the Wellington Regional Leadership Committee continues as a joint committee under clause 30(1)(b) of Schedule 7 to the Local Government Act 2002 on the terms set out in the amended Joint Committee Agreement (Attachment 2).
 - 6 Approves the amended Joint Committee Agreement (Attachment 2), including the amended Terms of Reference for the Joint Committee and the new Terms of Reference for the Joint Committee Subcommittee for the Future Development Strategy.
 - 7 Delegates to the Wellington Regional Leadership Committee all the powers and functions set out in the amended Joint Committee Agreement (Attachment 2), including the power to appoint a Joint Committee Subcommittee for the Future Development Strategy to hear, and make recommendations on, submissions received on the draft Future Development Strategy (and any updates to that Strategy) to be developed under the National Policy Statement on Urban Development 2020.
 - 8 Authorises the Council Chair to sign the amended Joint Committee Agreement (Attachment 2) on behalf of Council.
 - 9 Appoints Councillor Lee to be a member of the Joint Committee Subcommittee for the Future Development Strategy.

The motion was **carried**.

11 Appointment of Councillors to Wairarapa Moana Statutory Board and transfer of Crown funding – Report 23.377

Pauline Hill, Principal Advisor Māori, spoke to the report.

Moved: Cr Staples / Cr Kirk-Burnnand

That Council:

- 1 Appoints the Council Chair and the Councillor representing the Wairarapa Constituency as Greater Wellington's members of the Wairarapa Moana Statutory Board.
- 2 Appoints the Chair of the Environment Committee and the Chair of Te Tiriti o Waitangi Komiti as alternatives to the Wairarapa Moana Statutory Board.

- 3 Notes that the receipt of \$632,000 (GST exclusive) of new money from the Crown is not provided for in the Long Term Plan 2021-2031 and requires Council approval for the funding to transfer to the Wairarapa Moana Statutory Board.
- 4 Approves the transfer to the Wairarapa Moana Statutory Board of the \$632,000 Crown funding allocated to Greater Wellington and authorises the Chief Executive to make the necessary arrangements for the transfer.
- 5 Requests that the Council Chair writes to the Wairarapa councils, suggesting that they consider pooling their new Crown funding and transferring it to the Wairarapa Moana Statutory Board for the purpose of developing the Wairarapa Moana natural resources document.

The motion was **carried**.

12 Electoral system for Council's 2025 and 2028 triennial elections – Report 23.243

Francis Ryan, Head of Governance and Democracy, spoke to the report.

Moved: Cr Gaylor / Cr Connelly

That Council:

- 1 Notes the report (in which case the Single Transferable Vote electoral system continues for the Council's elections).
- 2 Notes that Council can decide (by 11 December 2023) that a binding poll of electors is held on a proposal that a specified electoral system be used for Council's triennial elections in 2025 and 2028.
- 3 Notes the statutory poll provisions.
- 4 Notes that public notice will be given by 19 September 2023 of electors' right to demand a poll on the electoral system to be used for future Council triennial elections, and (if Council so decides) of Council's resolution to change the electoral system for the next two Council triennial elections.

The motion was **carried**.

13 Adoption of the 2024 meeting schedule – Report 23.331

Francis Ryan, Head of Governance and Democracy, spoke to the report.

Moved: Cr Saw / Cr Bassett

That Council:

- 1 Adopts the meeting schedule for Council and committees for the 2024 calendar year as outlined in Attachment 1.
- 2 Notes the 2024 meeting schedules of joint committees of which Council is a member (Attachment 2).

- 3 Authorises the Head of Governance and Democracy to circulate the adopted meeting schedule to key stakeholders and to modify the meeting schedule as, and when, required.

The motion was **carried**.

14 Whaitua Kāpiti Committee members – increased honoraria – Report 23.389

Nicola Patrick, Director Catchment, spoke to the report.

Moved: Cr Gaylor / Cr Kirk-Burnnand

That Council:

- 1 Notes that the Whaitua Kāpiti Committee is undertaking more work than that provided for in its Terms of Reference.
- 2 Approves amendments to the Whaitua Kāpiti Committee’s Terms of Reference (Attachment 1) to increase the annual taxable honorarium for:
 - a Each Kāwanatanga House member (excluding the Co-Chair) from \$15,000 to \$20,000
 - b The Co-Chair (appointed by the Kāwanatanga House) from \$20,000 to \$25,000
 - c Each Mana Whenua House member (excluding the Co-Chair) from \$15,000 to \$20,000
 - d The Co-Chair (appointed by the Mana Whenua House) from \$20,000 to \$25,000.

The motion was **carried**.

15 Finance update – full year 30 June 2023 – Report 23.387 [For Information]

Darryl Joyce, Manager Accounting Services, spoke to the report.

Resolution to exclude the public

16 Resolution to exclude the public – Report 23.404

Moved: Cr Gaylor / Cr Kirk-Burnnand

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

Appointment of mana whenua members to Te Upoko Taiao – Natural Resources Plan Committee – Report PE23.337

Appointments to Whaitua Te Whanganui-a-Tara Reference Group – Report PE23.388

Chief Executive performance review for 2022/23 – Report RPE23.319

Chief Executive remuneration review for 2022/23 – Report RPE23.320

The general subject of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter, and the specific ground/s

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

Appointment of mana whenua members to Te Upoko Taiao – Natural Resources Plan Committee – Report PE23.337	
<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 includes personal and identifying information about candidates for appointment to Te Upoko Taiao – Natural Resources Plan Committee. Release of this information is likely to prejudice the privacy of natural persons as releasing this information would disclose their consideration for appointment as a Committee member.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of 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>
Appointments to Whaitua Te Whanganui-a-Tara Reference Group – Report PE23.388	
<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 includes personal and identifying information about proposed candidates for appointment. Release of this information prior to Council’s decision is likely to prejudice the privacy of natural persons as releasing this information would disclose their consideration for appointment as a member of the Whaitua Te Whanganui-a-Tara Reference Group.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that</p>	<p>The public conduct 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>

would override the need to withhold the information.	
Chief Executive performance review for 2022/23 – Report RPE23.319	
<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>This report contains information relating to the current Chief Executive’s full year performance review. Release of this information would prejudice the privacy of the Chief Executive, by disclosing information pertaining to the employment relationship between the Chief Executive and the Council.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the Chief Executive’s privacy.</p>	<p>The public conduct 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>
Chief Executive performance review for 2022/23 – Report RPE23.319	
<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>This report contains information relating to the current Chief Executive’s full year remuneration review. Release of this information would prejudice the privacy of the Chief Executive, by disclosing information pertaining to the employment relationship between the Chief Executive and the Council.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the Chief Executive’s privacy.</p>	<p>The public conduct 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>

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

The motion was **carried**.

The public part of the meeting closed at 12.13pm.

Councillor D Ponter

Chair

Date:



Please note these minutes remain unconfirmed until the Council meeting on 21 September 2023.

Report PE23.424

Public Excluded minutes of the Council meeting on Thursday 24 August 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council
100 Cuba Street, Te Aro, Wellington, at 12.13pm

Members Present

Councillor Ponter (Chair)
Councillor Staples (Deputy Chair)
Councillor Bassett
Councillor Connelly
Councillor Duthie
Councillor Gaylor
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lee
Councillor Nash
Councillor Saw
Councillor Woolf

Public excluded Business

1 Appointment of mana whenua members to Te Upoko Taiao – Natural Resources Plan Committee – Report PE23.337

Francis Ryan, Head of Governance and Democracy, spoke to the report. Updated recommendations and an additional Attachment 5 were tabled.

Moved: Cr Gaylor / Cr Saw

That Council:

- 1 Appoints to Te Upoko Taiao – Natural Resources Plan Committee:
 - a Frank Hippolite, on the nomination of Ātiawa ki Whakarongotai Charitable Trust
 - b Horipo Rimene, on the nomination of Rangitāne o Wairarapa Inc

- c Rawiri Smith, on the nomination of Ngāti Kahungunu ki Wairarapa Charitable Trust
 - d Aroha Spinks, on the nomination of Ngā Hapū o Ōtaki
 - e Benjamin Wynyard-Terry, on the nomination of Port Nicholson Block Settlement Trust
- 2 Notes that officers will continue to engage with Te Rūnganga o Toa Rangatira Inc to advance its appointment to Te Upoko Taiao – Natural Resources Plan Committee.

The motion was **carried**.

2 Appointments to Whaitua Te Whanganui-a-Tara Reference Group – Report PE23.388

Tim Sharp, Catchment Manager, Te Whanganui-a-Tara, spoke to the report, and advised of the addition of Gabriel Tupouto the persons listed for appointment in Report PE23.388.

Moved: Cr Staples / Cr Connelly

That Council:

- 1 Appoints to the Whaitua Te Whanganui-a-Tara Reference Group (the Reference Group):
- a Upper Hutt City Council Mayor Wayne Guppy
 - b Hutt City Council Deputy Mayor Tui Lewis
 - c Anya Pollock
 - d Jonathon Osborne
 - e Louise Askin
 - f Pat van Berkel
 - g Pete Matcham
 - h Sam Kahui
 - i Zoe Ogilvie
 - j Gabriel Tupou.
- 2 Notes that Council's appointees to the Reference Group are Councillors Hikitia Ropata and Quentin Duthie.
- 3 Notes that membership to the Reference Group remains open to former members of the Te Whanganui-a-Tara Whaitua Committee, should they wish to join at a later date.

The motion was **carried**.

The Public Excluded part of the meeting closed at 12.16pm.

Councillor D Ponter

Chair

Date:

Council
21 September 2023
Report 23.339



For Decision

PUBLIC NOTIFICATION OF VARIATION 1 TO THE PROPOSED CHANGE 1 TO THE REGIONAL POLICY STATEMENT

Te take mō te pūrongo
Purpose

1. To seek Council's approval to publicly notify Variation 1 to the Proposed Change 1 to the Regional Policy Statement (Variation 1)

He tūtohu
Recommendations

That Council **approves** public notification of Variation 1 to the Proposed Change 1 to the Regional Policy Statement.

Te horopaki
Context

The Wellington Regional Policy Statement

2. In August 2022, Council publicly notified Proposed Change 1 to the Regional Policy Statement (RPS Change 1). RPS Change 1 is currently undergoing hearings on submissions.
3. A Variation is a change to RPS Change 1 while it is still undergoing hearings. Variation 1 will insert long-term freshwater visions into RPS Change 1, to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM 2020).
4. Long-term freshwater visions are required by the NPS-FM 2020 and provide important statutory direction to Council's own Natural Resources Plan and to district plans. These were not included in the notified RPS Change 1 as officers had yet to finalise with mana whenua an approach to drafting the long-term freshwater visions at that time.

NPS-FM 2020 requirements

5. Clause 3.3 of the NPS-FM 2020 requires that regional councils must develop long-term visions for freshwater and include these as objectives in the Regional Policy Statement¹.
6. Long-term visions must set goals that are ambitious but achievable and must include a timeframe in which these visions are to be achieved.

¹ <https://environment.govt.nz/assets/publications/National-Policy-Statement-for-Freshwater-Management-2020.pdf>

7. Each long-term vision must be developed through engagement with communities and tangata whenua (in our region, this was through the whitua process) and must express what communities and tangata whenua want the catchment or freshwater management unit to be like in the future (contained in the whitua implementation programmes).
8. Long-term freshwater visions are an important part of the cascade of provisions required by the NPS-FM. They are the bridge between the concept of Te Mana o te Wai and the policies and rules that will sit in the Natural Resources Plan, and help articulate what Te Mana o te Wai means for each whitua.

Te tātaritanga Analysis

Relationship to Natural Resources Plan Change 1

9. While the long-term freshwater visions are to be in the Regional Policy Statement (RPS) and not the Natural Resources Plan (NRP), they nonetheless affect the NRP's content.
10. Long-term freshwater visions are objectives in the RPS, and so direct the content of the NRP. NRP Change 1 will include environmental outcomes that must achieve the long-term freshwater visions. This is required by the NPS-FM 2020.

Ngā hua ahumoni Financial implications

11. The current work programme for changing the RPS has been approved through the 2021-31 Long Term Plan. Variation 1 will be incorporated into the current RPS hearings process and so will not create any additional costs in this area.
12. Variation 1 provides direction (a 'destination'), but the means of achieving this direction (the 'journey') is contained in the NRP. The costs and benefits of the path to achieving the long-term freshwater visions will be covered by the s32 report that accompanies the upcoming NRP change.

Ngā Take e hāngai ana te iwi Māori Implications for Māori

13. The aspirations articulated by the long-term visions are drawn from the relevant Whitua Implementation Programmes (WIPs), including the Ngāti Toa Rangatira Statement and Te Mahere Wai. Taranaki Whānui and Ngāti Toa Rangatira were deeply involved in both whitua processes, and their aspirations are reflected within the long-term freshwater visions.
14. The framing and content of the visions were discussed with officers from Te Runanga o Toa Rangatira throughout the process, and these discussions helped shape the approach to and content of the long-term freshwater visions. Officers from Te Runanga o Toa Rangatira then provided significant input into the drafting of the long-term freshwater visions.

15. Officers have been unable to work directly with Taranaki Whānui on the development of the vision for Te Whanganui-a-Tara but have leant heavily on the content of the Whaitua Te Whangnau-i-a-Tara WIP and Te Mahere Wai in drafting the long-term freshwater vision for Te Whanganui-a-Tara.
16. Once achieved, the long-term freshwater visions will see vastly improved opportunities for Māori customary practices, particularly mahinga kai. It is important to note, however, that the long-term freshwater visions only set the destination – the journey to reach that destination is set out in the upcoming Natural Resources Plan Change 1.

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

17. 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 2020.
18. The proposed matter relates to freshwater management but are relevant to climate change adaptation. The visions account for the effects of climate change on freshwater and freshwater ecosystems, and some freshwater management techniques such as nature-based solutions can result in reductions in emissions.

Ngā tikanga whakatau Decision-making process

19. The process for deciding this matter is prescribed explicitly by Schedule 1 of the RMA². That prescribed process requires consultation with:
 - a the Minister for the Environment
 - b those other Ministers of the Crown who may be affected by the policy statement or plan
 - c local authorities who may be affected
 - d tangata whenua of the area who may be so affected, through iwi authorities
20. Consultation was undertaken in accordance with Schedule 1 of the RMA and the triennial agreement.
21. Councillors have also provided feedback on the drafting of the long-term freshwater visions, and this feedback has been incorporated into the final drafting of the provisions.
22. Once Council notifies Variation 1, there will be a period for submissions to be made. Decisions will be made by the Independent Hearings Panel appointed by Council to hear submissions on RPS Change 1.
23. When developing and notifying a variation to a freshwater planning instrument, clause 53 of Schedule 1 of the Resource Management Act 1991 requires that Council notify the Chief Freshwater Commissioner of the need for the Variation. The Chief Freshwater Commissioner will decide whether the Variation follows the streamlined Freshwater

² Resource Management Act 1991, Schedule 1

Planning Process or the conventional Schedule 1 process. The Chief Freshwater Commissioner does not determine whether Variation 1 can be notified or not.

Te hiranga Significance

24. Officers have considered the significance of the matter, taking into account the Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-Making Guidelines*.
25. The long-term freshwater visions are based on statements of aspiration from the relevant WIPs. So, despite the significant changes required to achieve these visions, the path to doing so has been clearly established through the whitua processes. This includes the costs associated with achieving these long-term freshwater visions.
26. The long-term freshwater visions are closely aligned with Greater Wellington's own policy and are required by legislation – Council is required to insert the long-term freshwater visions.
27. Because public and mana whenua participation was so heavily emphasised throughout the whitua processes, the freshwater visions reflect broad community aspirations for freshwater.
28. The freshwater visions are very long-term and in and of themselves do not directly affect people's lives. Changes to the Natural Resources Plan, which will include limits and targets, will affect people directly and be of greater significance. Anyone who is affected, either positively or negatively, can make a submission to Council once Variation 1 is notified.
29. Variation 1 will not interfere with the current hearings on RPS Change 1. Variation 1 will be merged into the existing hearing streams, and so will not delay the decision date for RPS Change 1.
30. Consequently, this matter is of low significance. The long-term freshwater visions seek significant but long-term changes that reflect the aspirations of the communities in the two whitua.

Te whakatūtakitaki Engagement

31. The drafting of the long-term freshwater visions was heavily informed by the relevant whitua processes and resulting documents. These documents were the culmination of years-long public engagement processes to determine what the community and tangata whenua visions for freshwater are. The wider public engagement has therefore been done through this process.
32. Once the long-term freshwater visions were drafted, officers conducted limited engagement on those drafts with territorial authorities, relevant Ministers, and Wellington Water Limited. More substantial discussion and co-drafting occurred with officers from Ngāti Toa Rangatira.

33. Feedback was received from Porirua City Council, Wellington Water, the Department of Conservation, and the Ministry for Primary Industries. Amendments were made to the drafting based on the feedback received. The feedback received and changes made are discussed in Attachment 2 (RPS Variation 1 Section 32 report).
34. Once Variation 1 is notified, there will be an opportunity for anyone to make submissions in accordance with the process set out in the RMA.

Ngā tūāoma e whai ake nei

Next steps

35. Once Variation 1 is notified, it will be open for public submissions for 20 working days as required by the RMA. There will also be a period for further submissions. Submissions and further submissions will be heard by the Independent Hearings Panel that is currently hearing submissions on RPS Change 1 in early 2024. The submissions and hearings for Variation 1 will be merged into the hearings process for RPS Change 1.

Ngā āpitihanga

Attachments

Number	Title
1	Variation 1 to RPS Change 1
2	RPS Variation 1 Section 32 report

Ngā kaiwaitohu

Signatories

Writer	Richard Sheild – Kaitohutohu Matua/Senior Policy Advisor
Approvers	Natasha Tomic – Kaitiaki-a-Tima/Team Leader, Policy Matt Hickman – Kaiwhakahaere Matua/Manager, Policy Fathima Iftikar – Director Strategy, Policy and Regulation Lian Butcher – Group Manager, Environment Group

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The considerations in this report align with Council's role and responsibilities. The NPS-FM 2020 requires regional councils insert long-term freshwater visions into its Regional Policy Statement.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> The current work programme for RPS Change 1 has been approved through the 2021-31 Long Term Plan. Variation 1 will be incorporated into this work programme. There are no direct contributions to any other key strategies and policies.
<i>Internal consultation</i> No internal consultation required.
<i>Risks and impacts - legal / health and safety etc.</i> There is minimal legal risk to inserting long-term freshwater visions, as it is required by the NPS-FM 2020. Not having long-term freshwater visions in place when Plan Change 1 is notified would create a legal risk, as the hierarchy of freshwater provisions would contain a gap.

Proposed amendment to Chapter 3.4: Fresh water (including public access)

Summary

This section is explanatory only and does not form part of the RPS Variation.

The amendment of the Fresh water chapter is proposed to achieve the following purpose:

1. To insert long-term freshwater visions for Te Awarua-o-Porirua Whaitua and Te Whaitua Whanganui-a-Tara, as required by clause 3.3 of the National Policy Statement for Freshwater Management 2020. These long-term freshwater visions will give effect to Te Mana o te Wai and the hierarchy of obligations in clause 3.2 of the National Policy Statement 2020.

The following is a summary of proposed amendments to the Chapter.

Provision reference	Summary of amendments
New section	Insertion of new section titled “Long-term freshwater visions”
New objective TAP	Insertion of a new long-term freshwater vision for Te Awarua-o-Porirua is required by the National Policy Statement for Freshwater Management 2020. This vision is required to be included as an Objective in the RPS. This objective will sit in the “Long-term freshwater visions” section.
New objective TWT	Insertion of a new long-term freshwater vision for Te Whanganui-a-Tara was required by the National Policy Statement for Freshwater Management 2020. This vision is required to be included as an Objective in the RPS. This objective will sit in the “Long-term freshwater visions” section.
New figure 3.4	Insertion of new map showing whaitua boundaries for Te Awarua-o-Porirua and Te Whanganui-a-Tara.

Insert new section heading after the chapter introduction as follows:

3.4.A: Long-term freshwater visions FW

Insert new Objective TAOP as follows:

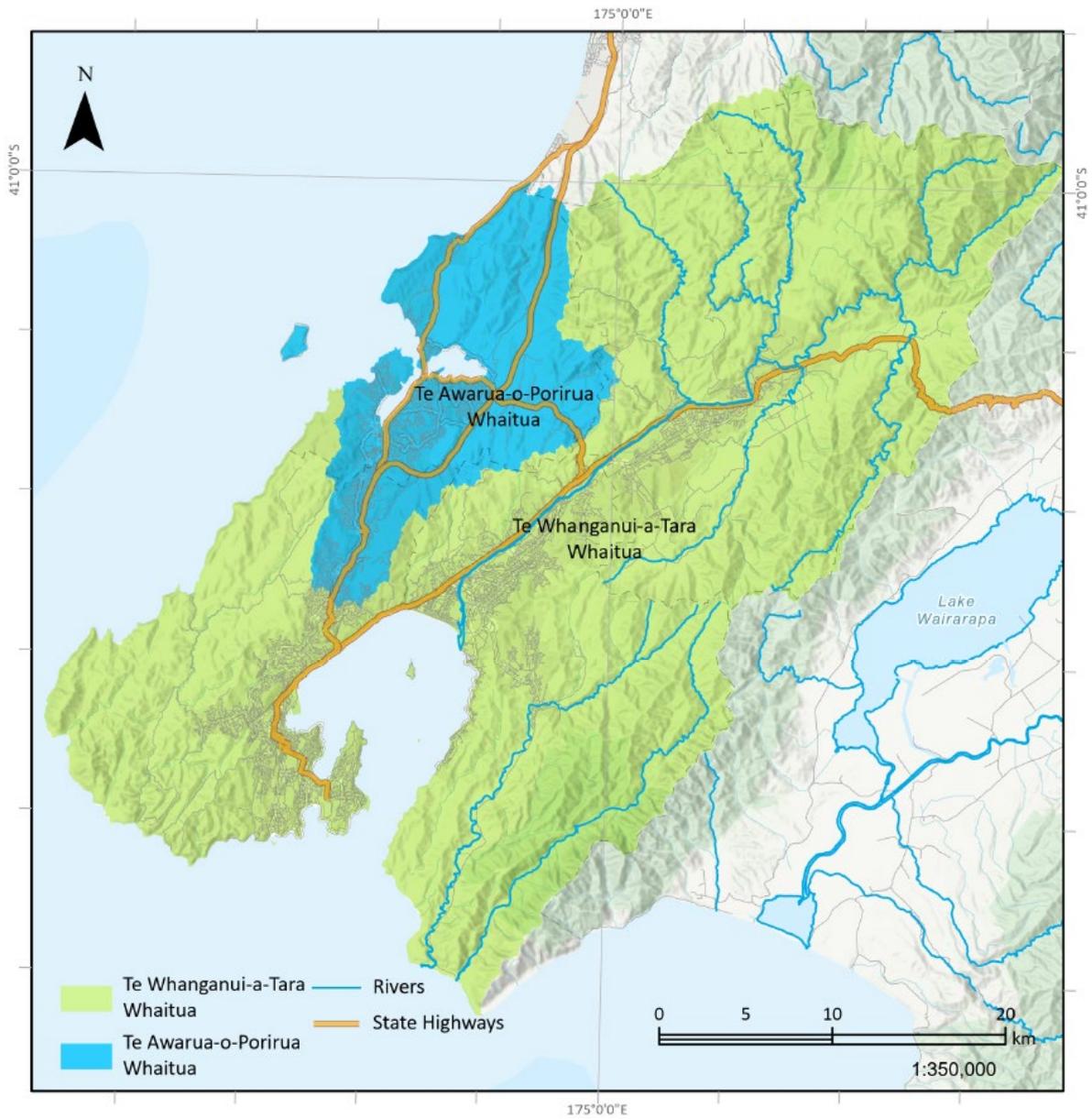
<p><u>Objective TAP: Long-term freshwater vision for Te Awarua-o-Porirua</u></p>	
<p><u>By the year 2100 Te Awarua-o-Porirua harbour, awa, wetlands, groundwater, estuaries and coast are healthy, wai ora, accessible, sustainable for future generations, and:</u></p> <ol style="list-style-type: none"> 1. <u>The practices and tikanga associated with Te Awarua o Porirua are revitalized and protected; and</u> 2. <u>Mahinga kai are abundant, healthy, diverse and can be safely gathered by Ngāti Toa Rangatira and served to Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and</u> 3. <u>Have restored and healthy ecosystems that support an abundance and diversity of indigenous species, and have a natural water flow and energy that demonstrate kei te ora te mauri (the mauri of the place is intact); and</u> 4. <u>Provide for safe access for people and communities to enjoy a range of recreational activities including fishing, fostering a strong connection to these waterbodies; and</u> 5. <u>Are taken care of in partnership with Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa as kaitiaki for the mana of Te Awarua-o-Porirua as a taonga; and</u> 6. <u>Are resilient to the impacts of climate change; and</u> 7. <u>The use of water and waterways provide for social and economic use benefits, provided that such use does not compromise the health and well-being of waterbodies and freshwater ecosystems or the take and use of water for human health needs.</u> 	

Insert new Objective TWT as follows:

Objective TWT: Long-term freshwater vision for Te Whanganui-a-Tara	
<p><u>By the year 2100 a state of wai ora is achieved for Te Whanganui-a-Tara in which the harbour, rivers, lakes, wetlands, groundwater, estuaries and coast are healthy, accessible, sustainable for future generations, and:</u></p> <ol style="list-style-type: none"> 1. <u>The practices and tikanga associated with Te Whanganui-a-Tara are revitalized and protected; and</u> 2. <u>Mahinga kai are abundant, healthy, diverse and can be safely gathered by Taranaki Whānui and Ngāti Toa Rangatira and served to Taranaki Whānui and Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and</u> 3. <u>Have mauri/mouri that is nurtured, strengthened and able to flourish and restored natural character, have a natural water flow, and ecosystems that support an abundance and diversity of indigenous species; and</u> 4. <u>Provide for the safe access and use of all rivers, lakes, wetlands, estuaries, harbours, and the coast for a range of recreational activities including fishing, fostering an appreciation of and connection to these waterbodies; and</u> 5. <u>Are taken care of in partnership with Taranaki Whānui and Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa and Taranaki Whānui that respects the mana of Te Whanganui-a-Tara and the whakapapa connection with Taranaki Whānui and Ngāti Toa Rangatira; and</u> 6. <u>Are resilient to the impacts of climate change; and</u> 7. <u>The use of water and waterways provide for social and economic use benefits, provided that such use does not compromise the health and well-being of waterbodies and freshwater ecosystems or the take and use of water for human health needs.</u> 	

Attachment 1 to Report 23.339

Insert new Figure 3.4 as follows:



Section 32 Evaluation report

for Proposed Variation 1 to Proposed Change 1 to the Regional Policy Statement for the Wellington Region

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Attachment 2 to Report 23.399

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Abbreviations and glossary

Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
the Council or Greater Wellington	Wellington Regional Council also known as Greater Wellington Regional Council
Mana whenua/tangata whenua	Iwi or hapū who exercise customary authority in an identified area (Refer RMA Section 2)
Mauri	An energy or life force that mana whenua / tangata whenua consider exists in all things in the natural world, including people. Mauri binds and animates all things in the physical world. Without mauri, mana cannot flow into a person or object (Refer NRP page 27)
NPS-FM	National Policy Statement for Freshwater Management 2020
NRP	Natural Resources Plan for the Wellington Region, Operative July 2023
RMA	Resource Management Act 1991
RPS	Operative Regional Policy Statement for the Wellington Region 2013
Te Mana o te Wai	As set out in clause 1.3 of the NPS-FM
Variation 1	Variation 1 to Proposed Change 1 to the Regional Policy Statement for the Wellington Region
Wai ora	Water used for healing. (NRP page 340)
Whaitua	The geographical area of a Whaitua Committee and Whaitua Implementation Programme. There are five whaitua in the region: Te Whanganui-a-Tara, Porirua, Kāpiti Coast, Ruamāhanga, Wairarapa Coast. The whaitua areas are shown in Figure 1 .
WIP	Whaitua Implementation Programme

1.0 INTRODUCTION

Why we have prepared this report

1. Greater Wellington is proposing to amend Proposed Change 1 to the Regional Policy Statement for the Wellington Region (**'Change 1'**) through a Variation (**'Variation 1'**).
2. A Variation is an alteration to a proposed policy statement (or proposed plan, or change), prior to the policy statement or plan being approved¹. In this case, Variation 1 has been notified prior to the conclusion of the hearings on Change 1.
3. In preparing Variation 1, the Greater Wellington has considered the rationale for the changes, options for the changes, and involved mana whenua/tangata whenua partners and stakeholders in the process of the evaluation and the drafting of Variation 1.
4. This report summarises the evaluation of the proposed provisions, and the background and process information relevant to Variation 1.
5. When altering its regional policy statement, the Council must do so in accordance with the requirements of section 61 of the Resource Management Act 1991 (**RMA**). This includes the requirement to prepare the alteration in accordance with its obligation to prepare an evaluation report in accordance with section 32. Section 32 of the RMA sets out requirements for the Council in evaluating proposed alternations to its policy statement and reporting on that evaluation². This report has been prepared to comply with the requirements of Section 32.

How this is a freshwater planning instrument

6. Greater Wellington is proposing to amend Proposed Change 1 to the Regional Policy Statement for the Wellington Region (**'Change 1'**) through a Variation (**'Variation 1'**).
7. Section 80A(2)(c) of the RMA sets out the definition of a freshwater planning instrument in the context of a variation to a proposed regional policy statement. To be considered a freshwater planning instrument, a variation must either: be for the purpose of giving effect to any national policy statement for freshwater management, or otherwise relate to freshwater.
8. Section 80A(4) of the RMA requires that Council publicly notify a freshwater planning instrument, which includes Variation 1. This must be done by December 31st 2024.
9. Variation 1 seeks to give effect to the requirement of clause 3.3 in the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) by inserting long-term freshwater visions as objectives into proposed RPS Change 1. This meets the test of giving effect to any national policy statement for freshwater management.
10. Clause 53 of Schedule 1 of the RMA sets out further requirements for variations to freshwater planning instruments (i.e., a variation to proposed RPS Change 1). Council must notify the Chief Freshwater Commissioner in writing of the need for the variation, and provide any further information requested by the Chief Freshwater Commissioner to help determine whether to accept or reject the variation.
11. The Chief Freshwater Commissioner requested copies of the Variation 1 document itself as well as this s32 report to help determine whether to accept or reject Variation 1.

¹ RMA Part 1, Schedule 1, clause 16A

² Section 32 is set out in full in Appendix A.

Attachment 2 to Report 23.399

12. In making this determination, the Chief Freshwater Commissioner must consider:
 - a. whether the variation is needed to correct a significant defect in the freshwater planning instrument; and
 - b. whether the variation is needed for the effective functioning of the freshwater planning instrument; and
 - c. the impact that accepting the variation would have on the decision date of the freshwater planning instrument.
13. In terms of the test in clause (a), the variation would insert long-term freshwater visions that are currently missing from the proposed RPS Change 1 document and thus from the hierarchy of freshwater provisions required by the NPS-FM, which corrects a significant defect (RPS Change 1 not giving effect to clause 3.3 of the NPS-FM). These need to be inserted to ensure effective functioning of the hierarchy and thus the freshwater planning instrument, meeting the test in clause (b).
14. Variation 1 would be heard by the same freshwater planning process Panel that is hearing the submissions on proposed RPS Change 1 as part of the wrap-up hearings stream in early 2024, and so will not affect the decision date of the freshwater planning instrument.

Why the Council is varying RPS Proposed Change 1

15. The purpose of Variation 1 is to insert long-term freshwater visions as objectives into the RPS by varying Change 1 to comply with clause 3.3 of the National Policy Statement for Freshwater Management 2020 (**NPS-FM**). Clause 3.3(1) of the NPS-FM requires the Council to develop long-term visions for freshwater in its region and to include those long-term freshwater visions as objectives in its RPS. The vision objectives in the RPS will inform environmental outcomes and target attribute states in the Natural Resources Plan (**NRP**), as required by the NPS-FM³. Given the cascade of policy direction from the NPS-FM through the RPS and NRP, it is important that the vision objectives are included in the RPS before further changes to the NRP are notified.
16. The Council is in the process of developing a plan change to the NRP to partially give effect to the NPS-FM, including the setting of environmental outcomes and target attribute states. That plan change is being prepared and is likely to be publicly notified in late 2023.
17. Change 1 is still progressing through the hearings phase and decisions are not expected until mid-2024. As notified, Change 1 does not include freshwater vision objectives. The Council submitted on Change 1 seeking, among other things, the inclusion of two long-term freshwater vision objectives which were earlier draft versions of those now proposed through Variation 1. This Variation is consistent with that submission, although the objective wording has been further refined. However, to ensure a functioning cascade of provisions when the Council notifies the upcoming changes to the NRP, a variation to Change 1 is being pursued so that the freshwater vision objectives included in Variation 1 form part of the decision-making considerations in the NRP plan change process, in accordance with section 66(2)(a) of the Act.
18. At this stage, it is proposed that there will be a vision objective for each whitua included within the RPS. The priority for the development of visions has been for Te Awarua-o-Porirua and Te Whanganui-a-Tara as the change to the NRP in 2023 will involve the inclusion of provisions (environmental outcomes) for these two whitua. A vision is not being included for the Ruamāhanga whitua as the plan change for that whitua has not commenced yet, and therefore

³ NPS-FM 2020, clause 3.9(5)(b)

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is not included in this Variation. Visions are not being included for the Kāpiti or Wairarapa Coast whitua as those whitua processes have not yet concluded.

What is covered in Variation 1?

19. The scope of Variation 1 is narrow compared with the broader Change 1 scope. This variation proposes the insertion of two long-term freshwater visions as objectives into Change 1 to implement the requirements of clause 3.3(1) of the NPS-FM and no other amendments to the provisions of Change 1.

How to navigate this report

20. This report is structured in two parts with Part A providing the background and context for Variation 1, and Part B providing the evaluation of the provisions that are included in Variation 1.

Part A: Context and background, including:

- Background and drivers for Variation 1 – Section 2
- Methodology in Policy evaluation for Change 1, and key Processes informing Variation 1 – Section 2
- The resource management issues addressed – Section 3
- Partnership, engagement, and outcomes during the process – Section 4 (also see Appendix D)
- Regulatory and policy context – Section 5.

Part B: evaluation of the proposed Variation 1, including:

- Approach to evaluation of the provisions including the regional context informing the evaluation – Section 6
- Summary of preferred option – Section 7
- Evaluation of appropriateness of objectives / purpose of changes – section 8.

PART A CONTEXT

21. Part A of this report sets out the background, context, process in respect of Variation 1, and defines the issues that the proposed Variation addresses.

2.0 BACKGROUND

The purpose of the RPS

22. The RPS identifies the resource management issues for the Region and the policies and methods to achieve integrated management of the natural and physical resources of the Region. Section 62 of the RMA sets out the required contents of an RPS.
23. The RPS implements national direction for the Wellington Region and directs subsidiary RMA documents – regional and district plans.
24. The current RPS for the Wellington region became operative on 24 April 2013 superseding the first 1995 RPS.

RPS Change 1

25. In August 2022, GWRC publicly notified Proposed Change 1 to the RPS to give effect to the NPS-UD 2020 and give partial effect to the NPS-FM 2020. Change 1 includes significant new direction on

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freshwater, climate change, urban development, indigenous ecosystems, and integrated management.

26. Change 1 is in part a freshwater planning instrument, proceeding through the freshwater planning process, and in part a non-freshwater planning instrument, proceeding through the standard Schedule 1 plan change process. As such, Change 1 is being heard by two different hearings panels. A hearings panel appointed under the RMA by the Council, and a freshwater hearings panel convened by the Chief Freshwater Commissioner under part 4 of Schedule 1 to the RMA.
27. Change 1 is currently undergoing hearings, which are scheduled to be complete in early 2024. Submissions on RPS Variation 1 are intended be heard as part of the proposed RPS Change 1 freshwater hearings process.

National direction as a driver for Variation 1

28. National policy statement direction has prompted these alterations to the RPS and has been a primary influence on the scope, timing, processes, and approach. An outline of the regulatory and policy context, including the key content from NPS-FM and other relevant national policy direction, is provided in Section 5.0. The key driver for variation 1 is clause 3.3(1) of the NPS-FM.

Policy evaluation for Variation 1

29. Section 32 of the RMA requires the Council to prepare an evaluation report for the Variation that sets out the process and results of what is proposed, including:
 - Examining the extent to which the objectives of the Variation are the most appropriate way to achieve the purpose of the RMA; and
 - Containing a level of detail relevant to the scale and significance of the environmental, economic, social and cultural effects that would result from implementation of the Variation; and
 - Summarising all advice concerning the Variation received from iwi authorities under the relevant provisions of Schedule 1 and the response to that advice, including any provisions intended to give effect to the advice.
30. The detailed requirements of Section 32 are provided in Appendix A – Section 32 RMA.
31. In identifying and assessing the proposed objectives, and other reasonable options, Greater Wellington adopted a range of evaluation techniques. This included:
 - Partnership and engagement with external parties (refer Section 4.0) including informal briefings and feedback, structured engagement, and formal consultation under the Triennial Agreement; and
 - Considering options and outcomes with Greater Wellington Regional Councillors in workshops and working groups.
32. In general, desktop analysis and qualitative assessment were the primary techniques used to complete this Section 32 analysis. Further information on the approach to policy evaluation for Variation 1 is provided in Part B.

Processes informing Change 1

Statutory process

33. The proposed objectives contained in Variation 1 seek to give effect to clause 3.3(1) of the NPS-FM. They seek to amend that part of Change 1 that is a freshwater planning instrument. As an amendment to a freshwater planning instrument, the relevant statutory process for Variation 1 is

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the RMA Schedule 1 Part 4 Freshwater Planning Process (the streamlined process for provisions related to freshwater management).

34. The long-term freshwater visions directly relate to the maintenance or enhancement of freshwater quality of quantity and relate directly to matters that will impact on the quality and quantity of freshwater, including groundwater, lakes, rivers, and wetlands. Therefore, the long-term freshwater visions meet the tests of Otago Regional Council vs Royal New Zealand Forest & Bird Protection Society Inc [2022].
35. Consequently, the long-term freshwater visions are a component of a freshwater planning instrument under RMA Section 80A and will follow the freshwater planning process.

Natural Resources Plan and Whaitua Implementation Programmes in response to NPS-FM

36. The NPS-FM requires the Council to include objective(s) in the RPS which describe what Te Mana o te Wai means in our region, and to develop freshwater visions as part of giving effect to Te Mana o te Wai⁴, and include these in the RPS as objectives⁵. The concept of Te Mana o te Wai is the central pillar of the NPS-FM. This concept must flow through the RPS into both regional and district plans.
37. Greater Wellington has responded to the earlier NPS-FM (2014) with two major parallel regional planning processes. One process involved reviewing the operative regional plans and moving them into a single regional plan, the Natural Resources Plan, which became operative on 28 July 2023.
38. The second process, the development of Whaitua Implementation Programmes (WIP), is a direct response to the NPS-FM. There are five whaitua which collectively cover the geographical extent of the Wellington Region. Each whaitua has a Whaitua Committee tasked with developing a WIP, which is a report that includes recommendations for regulatory and non-regulatory proposals for the future of land and water management within that whaitua.
39. The purpose of the WIP is to set resource limits and drive place-based (whaitua) implementation in partnership with mana whenua/tangata whenua and communities, providing a local response to the NPS-FM. The WIPs are completed for three whaitua (Ruamāhanga, Te Awarua-o-Porirua, and Te Whanganui-a-Tara), with two still to come (Kāpiti and Wairarapa Coast).
40. The five whaitua are shown in Figure 1. The approach and documented reports endorsed for the whaitua include a process to define the issues, undertake modelling/scientific work to support the consideration of issues, and recommendations for identified objectives:
 - Te Whaitua te Whanganui-a-Tara Implementation Programme, September 2021⁶
 - Te Mahere Wai o Te Kāhui Taiao: A Mana Whenua implementation plan to return mana to our freshwater bodies⁷
 - Te Awarua-o-Porirua Whaitua: Whaitua Implementation Programme, Te Awarua-o-Porirua Whaitua Committee, April 2019⁸
 - Te Awarua-o-Porirua Whaitua Implementation Programme: Ngāti Toa Rangatira statement⁹

⁴ Clause 3.2(2)(b) of the NPS-FM

⁵ Clause 3.3 of the NPS-FM

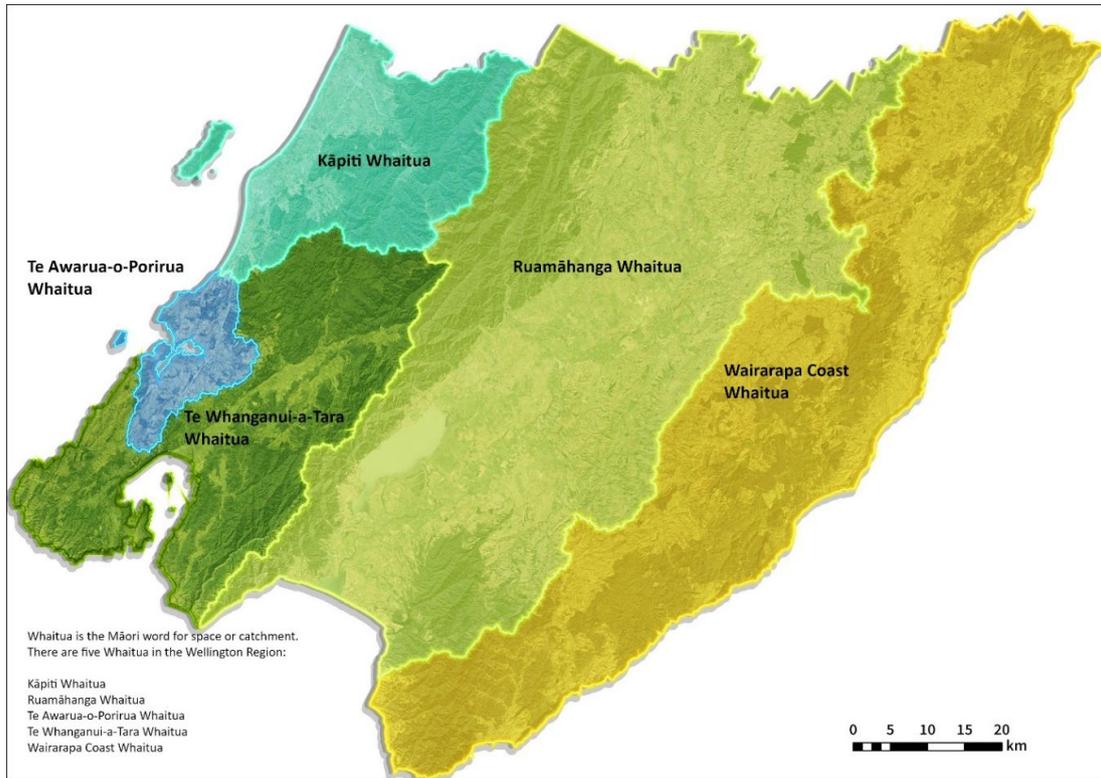
⁶ https://www.gw.govt.nz/assets/Documents/2021/12/Te-Whaitua-te-Whanganui-a-Tara-Implementation-Programme_web.pdf

⁷ https://www.gw.govt.nz/assets/Documents/2021/12/te_mahere_wai_20211028_v32_DIGI_FINAL.pdf

⁸ <https://www.gw.govt.nz/assets/Documents/2021/11/Te-Awarua-o-Porirua-Whaitua-Implementation-Programme.pdf>

⁹ <https://www.gw.govt.nz/assets/Documents/2021/12/ngatitoaopwhaituastatement-v2.pdf>

Figure 1: Whaitua of the Wellington region



41. Variation 1 to the RPS is to include freshwater visions (as objectives) for two whaitua (Te Awarua-o-Porirua and Te-Whanganui-a-Tara) as part of the cascade of provisions required from the RPS Te Mana o te Wai objective (Objective 12 in Proposed RPS Change 1) to NRP limits, targets, and rules.

3.0 RESOURCE MANAGEMENT ISSUES

Scope of Variation 1 and reliance on national identification of resource management issues

42. Variation 1 updates Change 1 to the RPS to respond to the NPS-FM direction in clause 3.3(1).
43. The NPS-FM was developed by central government in response to specific national resource management issues. It is necessary for Greater Wellington to implement national policy statements on the basis that the relevant resource management issues have already been identified, analysed, and responded to in the development of that national direction. This report does not duplicate that assessment and instead addresses that national direction in the regional context.

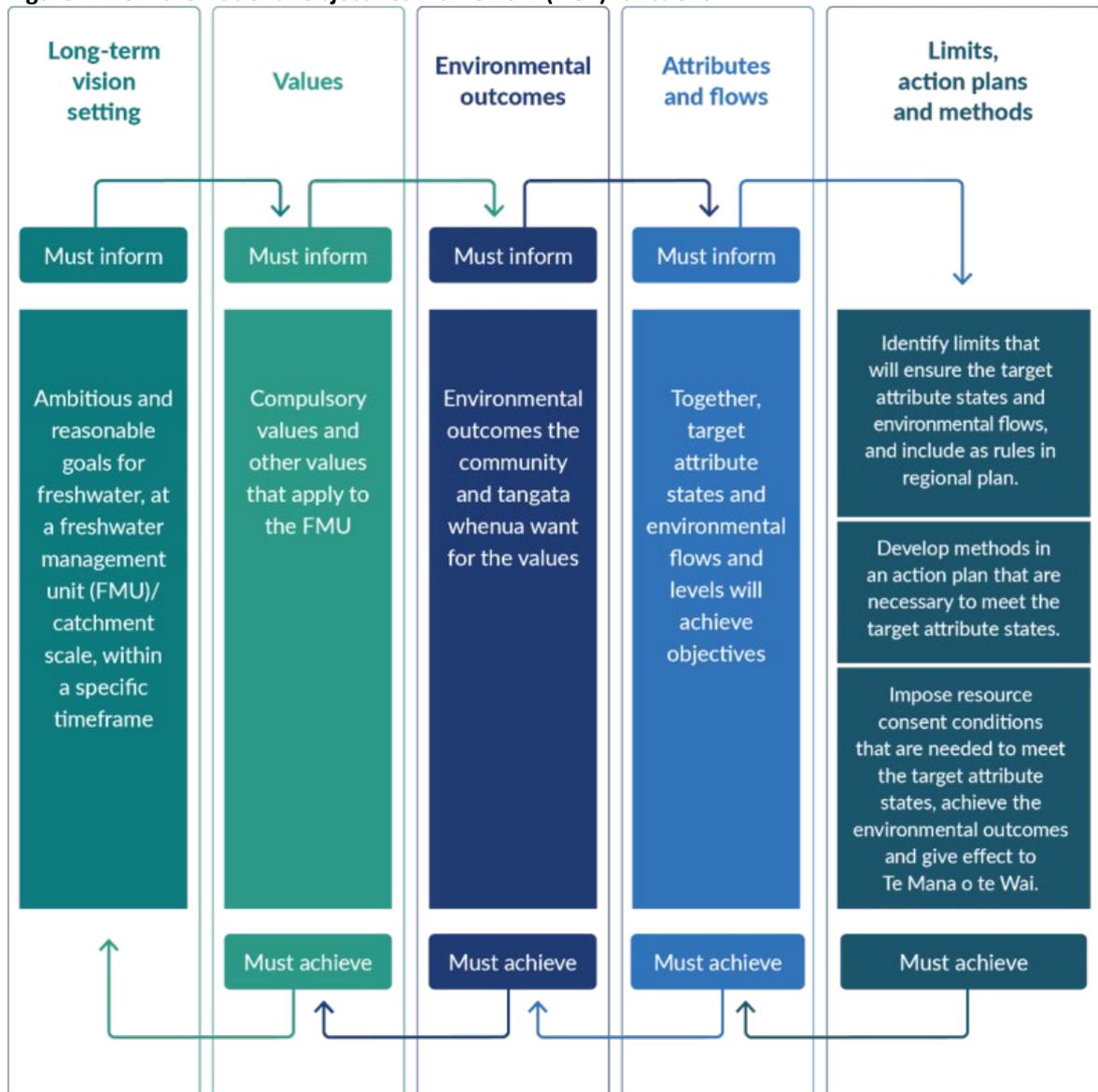
Degradation of freshwater

44. The state of our waterbodies, and the shift to restore them is outlined in the WIPs. The causes of this degradation are complex and many, as are the solutions. In very simple terms there has been inadequate control of land use activities and change, and of the discharge of contaminants. This is highlighted in the urban sector where stormwater quality controls have been inadequate, wastewater overflows are common, as is stream loss to urban subdivision. These issues are not the

only issues in respect of the degradation of freshwater however they are highlighted, because the focus of this RPS change is on the interface between urban development and freshwater.

45. To achieve the Region's objectives for Te Mana o te Wai as directed by the NPS-FM, a more directive regulatory approach, along with a range of non-regulatory methods is required in the RPS (and subsequent RMA plans). The long-term freshwater visions are a key part of this regime, as target attribute states and environmental outcomes which will be set and included in the NRP will need to be set in a way that seeks to achieve the long-term freshwater visions¹⁰.
46. Figure 2 below shows where long-term freshwater visions fit in to the broader framework of provisions required by the NPS-FM 2020¹¹.

Figure 2: How the National Objectives Framework (NOF) functions



¹⁰ National Policy Statement for Freshwater Management 2020, clause 3.9(5)(b)

¹¹ [Guidance on the National Objectives Framework of the NPS-FM](#)

4.0 PARTNERSHIP, ENGAGEMENT AND OUTCOMES

47. A summary of partnership and engagement in developing Variation 1, and the outcomes that have contributed to the development of Variation 1, is provided in this section.
48. The limited scope of Variation 1 has resulted in a focused engagement programme with targeted consultation and involvement of mana whenua/tangata whenua, territorial authorities, Ministers, and central government departments, and in accordance with the consultation process agreed in the triennial agreement under the Local Government Act. There are no customary marine title groups in the Wellington Region. The upcoming Schedule 1 process provides an opportunity for wider stakeholder and community consultation through submissions, further submissions, and the hearings process.
49. The feedback and outcomes from the consultation to date are reflected in the evaluation of the preferred option are summarised in this report.

Previous consultation

50. In addition to the targeted engagement undertaken in the preparation of Variation 1, the Council has drawn on information provided in the whitua process. This is an efficient approach to consultation and engagement acknowledging the resource constraints and demands for consultation on many of our partners, stakeholders and the community. The RMA also provides for previous consultation to be used for RMA purposes where that separate consultation has been advised to also be for RMA matters¹².
51. General public engagement in the preparation of this Variation was not undertaken by the Council. The long-term freshwater visions are based on statements from the relevant WIPs, which were produced as part of the years-long whitua process, which engaged with tangata whenua and the wider community and which was informed by an understanding of the history or, and environmental pressures on the whitua area as required by clause 3.3 of the NPS-FM¹³.

Statutory consultation

52. Schedule 1 of the RMA requires that, during the preparation of a proposed policy statement, the Council shall consult:
- The Minister for the Environment;
 - Other Ministers of the Crown who may be affected by the policy statement;
 - Local authorities who may be affected;
 - The tangata whenua of the area, through iwi authorities;
 - Any customary marine title group in the area;
 - In accordance with the Council triennial agreement under the LGA 2002.
53. In developing Variation 1, the Council engaged with representatives of Ministers of the Crown (through Department officials), territorial authorities, and mana whenua/tangata whenua partners as required by Schedule 1 and the triennial agreement and as set out further below.
54. As anticipated by Clause 3A of RMA Schedule 1, the Wellington Regional Triennial Agreement (2019-2022)¹⁴ contains specific clauses on the consultation process to be followed during a change or review of the RPS, which were followed in respect of Variation 1:

¹² RMA Schedule 1, clause 3C.

¹³ NPS-FM 2020, clause 3.3(3)(b)

¹⁴ [Wellington Regional Triennial Agreement 2019-2022](#) clause 5.3, as referenced in Clause 3A of Schedule 1

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- Greater Wellington will make available to all territorial authorities, for discussion and development, a draft copy of any change to the RPS.
- Territorial authorities shall have no less than 30 working days to respond to the proposal.
- Greater Wellington agrees to consider fully any submission and representation on the proposal.

55. A draft version of Variation 1 was provided to mana whenua/tangata whenua, territorial authorities, and relevant Ministers on 15 May 20223, with a request for feedback by 27 July 2022. There are no groups in the Wellington Region holding customary marine title. The draft Variation 1 was sent to:

- Greater Wellington Regional Council’s six mana whenua/tangata whenua partners:
 - a. Ngā Hapū o Ōtaki
 - b. Taranaki Whānui
 - c. Ngāti Toa Rangatira
 - d. Ngāti Kahungunu
 - e. Ātiawa ki Whakarongotai
 - f. Rangitāne
- The following Ministers:
 - a. Minister of Conservation
 - b. Minister for the Environment
 - c. Minister for Primary Industries
- The seven territorial authorities within the Wellington Region
- Wellington Water (given their key role on implementing the Variation and future plan changes).

Mana whenua/tangata whenua

56. Greater Wellington mana whenua/tangata whenua partners have an instrumental role to play in developing freshwater visions for the RPS, as directed by the NPS FM. For the two whaitua covered by Variation 1, the mana whenua/tangata whenua partners are Ngāti Toa Rangatira and Taranaki Whānui (through PNBST). None of the other four mana whenua partners provided feedback.
57. Officers have discussed Variation 1 with Ngāti Toa Rangatira. The evolving thinking on long-term freshwater visions within Te Runanga o Toa Rangatira has been a key driver of the direction Greater Wellington has taken.
58. The initial thinking by officers from both the Council and the Runanga was that Ngāti Toa Rangatira would provide their own long-term freshwater vision that would sit alongside the Greater Wellington drafted one. The Runanga vision would speak to the specific Ngāti Toa aspirations for freshwater, while the Council vision would speak to the broader community aspirations for freshwater.
59. This thinking evolved, especially as Variation 1 meetings progressed. The most recent thinking by Ngāti Toa is that they will not provide a long-term freshwater vision to sit alongside the Greater Wellington-drafted one.
60. Officers from Te Runanga o Toa Rangatira provided feedback on versions of the long-term freshwater visions that were redrafted following feedback from the other stakeholders. This feedback primarily consisted of wording changes, but also included a new clause relating to resilience to the effects of climate change.
61. Due to time constraints and a lack of appropriate planning experts, Taranaki Whānui was not able to be involved in the preparation of Variation 1. Officers specifically sought feedback on draft

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wording for a freshwater vision for Te Whanganui-a-Tara based on the WIP and Te Mahere Wai. No feedback was received.

Territorial Authorities & Wellington Water

62. Given the small scale of Variation 1, engagement with Territorial Authorities and Wellington Water consisted of sending the draft long-term freshwater visions to the various territorial authority and Wellington Water planning teams and requesting feedback by a set date.
63. Feedback on the draft Variation 1 was received from Porirua City Council and from Wellington Water. No other councils provided feedback.
64. Porirua City Council's comments were detailed and highly useful. The comments included suggested redrafting. Porirua City Council's comments focused on four areas: clarity of wording; the timeframe in which to achieve the objective; the physical state and function of Te Awarua o Porirua; and the relationship between the freshwater visions and other provisions in the RPS.
65. Some but not all the feedback from Porirua City Council has been incorporated into the drafting of the visions. Generally, feedback was incorporated if it added more precise or refined wording or addressed oversights and unintentional problems created by the original draft wording.
66. More detail on whether specific aspects of Porirua City Council's feedback was incorporated in the proposed objectives is provided in Appendix B, along with explanation as to why or why not.
67. Wellington Water Limited expressed support for the visions as drafted, while raising some minor points around clarity of drafting. The feedback was incorporated into the redrafted visions.

Central government

68. Draft versions of Variation 1 were sent to the relevant Ministers listed above. Responses were received from the Department of Conservation and from Fisheries New Zealand on behalf of the Ministry for Primary Industries. The former was supportive, and the latter had no specific feedback.

Councillors

69. The draft of Variation 1 was taken to a Council workshop and discussed with Councillors, some of whom provided feedback. Councillors sought specific reference to economic uses of water, the criticality of the Hutt catchment as a drinking water supply, fishing, natural flows, reference to the long-term Te Pūtake vision in the Whaitua Te Whanganui a Tara Implementation Programme, and a translation of the objectives into te reo Māori.
70. All these requested amendments have been adopted into the final wording of the Variation, except for the requested translation of the objectives into te reo Māori.
71. Translating the objectives into te reo Māori raises several questions as to how these objectives would work alongside the ones in English, and how subtle nuances in the translation would work. This raises the risk of a 'Treaty of Waitangi' issue where there are two subtly different versions of the same text.
72. This issue has been discussed at other Councils in the region, and the conclusion reached has been that inserting a te reo Māori translation of plan provisions create a risk to definitive interpretation of those provisions.
73. The other requested amendments would help to accurately reflect the content of the whaitua implementation programmes and so are beneficial amendments.

5.0 REGULATORY AND POLICY CONTEXT

74. This section contains a summary of the main documents that have guided the development of Variation 1. The separate evaluation in Part B provides any further regulatory context where relevant to the evaluation of that specific proposal.
75. The matters consider by the Council in preparing Variation 1 are summarised below and include:
- RMA: The purpose and principles in Part 2 of the RMA;
 - Greater Wellington Regional Council functions under section 30 of the RMA;
 - The requirements for RPS under sections 59 to 62 of the RMA
 - Environmental management documents recognised by iwi authorities
 - National Policy Statements prepared under the RMA
 - This section 32 evaluation.

Resource Management Act 1991

76. Regional policy statements must be prepared in accordance with the provisions of Part 2 of the RMA.

77. The purpose of the RMA, as per section 5 of the Act, is:

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

78. Matters of national importance, contained in section 6 of the Act, are as follows:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights:

(h) the management of significant risks from natural hazards.

79. Other matters, contained in section 7 of the Act, are as follows:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) the preservation kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

80. Section 8 provides direction relating to the Treaty of Waitangi, which is as follows:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

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81. The provisions of the Variation have been developed in accordance with the provisions in Part 2 including the matters of national importance (Section 6), other matters (Section 7) and the Principles of the Treaty of Waitangi (Section 8).
82. Section 30 of the RMA sets out the functions of regional councils which, of particular relevance, include:
- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:*
- (b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:*
- (ba) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region:*
83. The provisions of the Variation have been developed in accordance with these functions in section 30 of the RMA.

National Policy Statement for Freshwater Management

84. The NPS-FM came into force on 3 September 2020, replacing the NPS-FM 2014 (as amended in 2017). The NPS-FM sets the direction for freshwater management in New Zealand through the framework of Te Mana o te Wai. Te Mana o te Wai is described as the fundamental concept for the NPS-FM (at clause 1.3), recognising that protecting the health of freshwater protects the health and wellbeing of the wider environment. Te Mana o te Wai has a hierarchy of obligations that prioritises: First, the health and wellbeing of water bodies and freshwater ecosystems; Second, the health needs of people (such as drinking water); Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.
85. Regional councils are directed under the RMA to give effect to the requirements of the NPS-FM when developing a proposed regional policy statement¹⁵. The Council is required to prepare the Variation in accordance with the NPS-FM under section 61 of the RMA. The NPS-FM requires freshwater quality to be maintained (where it meets stated environmental outcomes) or improved over time (where it does not meet stated environmental outcomes) and includes a National Objectives Framework for achieving this. Councils must notify regional policy statements to implement the NPS-FM by 31 December 2024.
86. Clause 3.3(1) of the NPS-FM requires:
- Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement*
87. Clause 3.3 of the NPS-FM states that:
- 3.3 Long-term visions for freshwater*
- (1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.*

¹⁵ Sections 55 and 62, RMA

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(2) Long-term visions:

(a) may be set at FMU, part of an FMU, or catchment level; and

(b) must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and

(c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).

(3) Every long-term vision must:

(a) be developed through engagement with communities and tangata whenua about their long-term wishes for the water bodies and freshwater ecosystems in the region; and

(b) be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and

(c) express what communities and tangata whenua want the FMU, part of the FMU, or catchment to be like in the future.

88. Variation 1 meets the requirements of clause 3.3 of the NPS-FM.
89. The draft long-term freshwater visions are set a catchment level and include a timeframe of 2100. This is ambitious but reasonable as required by clause 3.3(2)(b), in that it sets a vision for an environmental state that is restored to the highest degree possible, but doing so will take several decades given the degradation that is 'baked in' to current urban forms and land uses.
90. The long-term freshwater visions proposed in Variation 1 meet the requirement of clause 3.3(3)(a) in that they are written to reflect the aspirations of communities and tangata whenua that were developed through the relevant whitua processes, using wording from the WIPs where possible. The whitua processes were multi-year engagement processes.
91. The long-term freshwater visions proposed in Variation 1 meet the requirements of clause 3.3(3)(b) in that they are informed by the unique pressures of the two catchments and the history of development that has led to the current states. In both catchments urbanisation and urban development are the primary pressures, which is the reason for the long-term 2100 timeframe in the visions. The current urban form and the degradation it causes is 'baked in' and will take time to undo.
92. The long-term freshwater visions proposed in Variation 1 meet the requirement of clause 3.3(3)(c) in that they reflect the aspirations in the WIPs.

Iwi authority planning documents

93. As part of the Te Awarua-o-Porirua and Te Whanganui-a-Tara whitua processes, two iwi planning documents were developed that give a voice to tangata whenua/mana whenua aspirations for freshwater:
- Te Mahere Wai o Te Kāhui Taiao – A Mana Whenua whitua implementation plan to return mana to our freshwater bodies (2021) by Te Rūnanga o Toa Rangatira and Taranaki Whānui ki te Upoko o te Ika for Greater Wellington Te Pane Matua Taiao.
 - Te Awarua-o-Porirua Whitua Implementation Programme: Ngāti Toa Rangatira Statement (2019) by Ngāti Toa Rangatira.
94. Both documents contain statements of aspirations throughout, which were used to inform the drafting of the long-term freshwater visions – in particular, the long-term statements in the He wai mō ngā whakatupuranga section of Te Mahere Wai.

Whaitua Implementation Programmes

95. The Whaitua Implementation Programmes for Te Awarua-o-Porirua and Te Whanganui-a-Tara are key documents. Throughout the WIPs are expressions of aspirations for fresh water that have been used in the development of these long-term freshwater visions.
96. As with the iwi authority planning documents referenced above, the WIPs contain statements of aspirations and values throughout that informed the original drafting of the long-term freshwater visions.
97. The Te Awarua o Porirua WIP does not include a long-term freshwater vision. The original drafting extrapolated a vision from a series of values statements that worded in aspirational future-focused language¹⁶. The following statements were used as a basis for the draft Te Awarua o Porirua long-term freshwater vision:
 - a. The harbour, streams and coast can be used to gather and catch kaimoana and mahinga kai for food.
 - b. The harbour, streams and coast are clean and brimming with life and have diverse and healthy ecosystems.
 - c. The harbour, streams and coast are safe and accessible for people to enjoy and undertake recreational activities.
 - d. The harbour, streams and coast flow naturally and with energy, attracting people to connect with them.
 - e. Te Awarua-o-Porirua is an ancestral treasure of Ngāti Toa Rangatira.
98. The wording in the original draft visions was left mostly unchanged from these statements in the WIP but has since been amended to reflect feedback received from Porirua City Council and Ngāti Toa Rangatira.
99. The Te Whanganui a Tara WIP has an explicit long-term freshwater vision, but this is very high level. Throughout the WIP are several overlapping statements referring to a desired future state with more detail, and these were used as basis for the wording in the visions.
100. By contrast, Te Mahere Wai contains explicit long-term visions¹⁷:
 - a. All freshwater bodies in Te Whanganui-a-Tara are wai ora within 100 years.
 - b. All estuarine areas are healthy and functioning within 100 years.
 - c. The āhua (natural character) of the Korokoro, Kaiwharawhara, Te Awa Kairangi, Wainuiomata, and Ōrongorongo awa and Parangārehu Lakes (Parangārahu Lakes is also an acceptable spelling alternative) is fully restored in the long term.
 - d. Pēpē can be baptised in at least three wai ora associated with their whānau in the long-term.

¹⁶ Te Awarua o Porirua Whaitua Implementation Programme, page 18.

¹⁷ Te Mahere Wai, page 41

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- e. Taiohi can access water in Te Whanganui-aTara for whakarite (preparing for an important activity/event) and whakawātea (cleansing).
- f. Mana Whenua are the lead agency and regulator for protection and restoration of wai ora in 20 to 50 years' time.

101. These statements were blended in with similar statements from the WIP to produce the draft visions, which have since been reworded following feedback from Te Runanga o Toa Rangatira.

PART B EVALUATION OF THE PROPOSED CHANGE

102. Part B of this report focuses on the proposed objectives in Variation 1 and is structured as follows:

- An outline of the evaluation approach
- A summary of the preferred option (i.e., the proposed Variation 1)

103. As Variation 1 is limited to objectives, and does not propose any policies, there is no requirement to undertake an evaluation of the appropriateness of any provisions (s32(1)(b) and section 32(2) of the RMA) and the objectives themselves are assessed under section 32(1)(a) – that is, whether they are the most appropriate way to achieve the purpose of the RMA.

6.0 APPROACH TO EVALUATION OF THE OBJECTIVES

104. This section of the report first sets out the regional context for the evaluation of Variation 1 and then describes the approach that was taken to that evaluation. The evaluation approach is described in two steps:

- A general overview, including how the scale and significance of the alterations are relevant to the level of evaluation
- The assessment of the appropriateness of the proposed objectives.

105. The findings from the evaluation using this approach are set out in Section 8.0 and Section 9.0.

Overview of Evaluation approach

106. The overall approach adopted in evaluating the proposals and options for Variation 1 followed accepted practice in policy evaluation, guided by specific requirements of RMA Section 32.¹⁸ The process involved the following steps:

- Identifying the requirements of the NPS-FM to define the scope of Variation 1
- Identifying the outcomes of the Whaitua processes relevant to Variation 1
- Working directly with mana whenua/tangata whenua partners, to the extent possible, to identify interests, process, and timing
- Developing objectives based on the issues and aspirations in the WIPs and mana whenua/tangata whenua submissions on RPS Change 1
- Formal consultation with mana whenua/tangata whenua, territorial authorities, and other statutory organisations on the draft Variation 1
- Further review of draft objectives based on feedback received
- Document evaluation (this report)
- Finalise the proposal.

¹⁸ Refer MfE: A guide to section 32 of the Resource Management Act. [A guide to section 32 of the Resource Management Act | Ministry for the Environment](#)

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107. Section 32(1)(c) of the RMA requires that the evaluation of proposed alteration to the regional policy statement contains a level of analysis commensurate to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the Variation.
108. Based on this, the scale and significance of anticipated effects associated with this proposal are identified below:

Criteria	Scale/Significance	Comment
Rationale for undertaking the change now	Medium	<ul style="list-style-type: none"> Alterations are required to give effect to clause 3.3 of the NPS-FM The setting of freshwater visions in the RPS is a key step that must occur to inform changes to the NRP, including the setting of environmental outcomes, as required by clause 3.9(5)(b) of the NPS-FM.
Degree of effect relative to status quo and national direction - Freshwater	Medium	<ul style="list-style-type: none"> Alterations are required to be made to the RPS to give effect to the NPS-FM. Alterations to the RPS are as anticipated by the NPS-FM and aligned to the outcomes of the relevant whitua processes. The development of long-term freshwater visions aligned to Te Mana o te Wai and the RPS provisions to support this, is a step change in resource management compared to the operative RPS, in that it sets the health of freshwater bodies and freshwater ecosystems as the priority. Direction to Territorial Authorities in relation to their role in freshwater management (in the NPS-FM) is a step change from the current approach, which designates freshwater as a regional council-only issue.

109. Overall, the proposed alterations are of a medium scale and significance but are anticipated and directed by national direction.
110. The alterations will assist in addressing long standing resource management issues and will be aligned to provisions anticipated by national direction and regional strategic documents.
111. Considering the medium scale and significance of the proposed alterations, the following section outlines the approach to evaluating those alterations.

Assessment of appropriateness of objectives

112. Section 32(1)(a) of the RMA requires an evaluation of the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA.
113. For the purpose of the section 32 evaluation, an ‘objective’ can be either the actual objectives proposed in the Variation, or where there are no objectives, the purpose of the Variation. In the case of Variation 1, the proposal is to add two new objectives to the RPS. As such, this report evaluates the appropriateness of the proposed objectives.
114. The appropriateness has been assessed with reference to the following criteria¹⁹:

¹⁹ These criteria are adapted from the MfE guide to section 32 ([A guide to section 32 of the Resource Management Act | Ministry for the Environment](#)) and practice developed in undertaking section 32 evaluations.

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- **Relevance:** Is the objective related to addressing resource management issues and will it achieve one or more aspects of the purpose of the RMA?
- **Usefulness:** Will the objective guide decision-making? Does it meet sound principles for writing objectives (does it clearly state the anticipated outcome)?
- **Reasonableness:** What is the extent of the regulatory impact imposed on individuals, businesses or the wider community? Is it consistent with identified mana whenua / tangata whenua and community outcomes?
- **Achievability:** Can the objective be achieved with tools and resources available, or likely to be available, to the Council or those implementing the RPS?

115. The evaluation is provided in the tables below. This evaluation of proposed alterations should be read alongside the proposed alterations themselves, which are outlined in the Variation 1 document.

116. As Variation 1 only contains objectives, no assessment of provisions (policies, rules, methods) is required.

7.0 SUMMARY OF PREFERRED OPTION

Summary – preferred option

117. New objectives are required as the existing RPS does not give effect to clause 3.3(1) of the NPS-FM 2020. Clause 3.3(1) of the NPS-FM directs that the Council must develop long-term visions for freshwater in its region and include those as objectives in the RPS. The Council is required to amend its RPS no later than 31 December 2024 to give effect to the NPS-FM, and in any case must do so 'as soon as reasonably practicable'. It is clear from clause 3.3 that the freshwater visions must be included as objectives in the RPS, so other options in terms of including the visions as other provisions has not been considered.

118. The NPS-FM sets out a clear process for making these alterations, with the setting of long-term visions in the RPS for freshwater being a critical step before subsequent changes to the regional plans (i.e. setting environmental outcomes, identifying values, and setting target attribute states). The visions were not included in Change 1 to the RPS, as the scope and nature of the visions was being discussed with mana whenua. A variation to Change 1 to include these visions will mean that the forthcoming NRP changes will need to 'have regard to' the vision objectives in accordance with s66(2) of the RMA.

119. The wording of the proposed objectives is based on recommendations of the Whaitua Implementation Programmes, and working with mana whenua/tangata whenua on the specific response in the RPS in relation to the NPS-FM.

120. The proposed objectives comply with clause 3.3(2) of the NPS-FM 2020 in that they apply at a catchment level and set goals and timeframes that are ambitious but reasonable, in that achieving the desired state of water will take several decades given the 'baked-in' degradation resulting from the current urban environment.

Relevant existing provisions amended

121. This Variation will add 2 new objectives in the following section of the RPS:

- Section 3 issues, objectives and summary of policies and methods to achieve the objectives in the RPS:
 - Section 3.4 – Fresh water (including public access)

8.0 EVALUATION OF APPROPRIATENESS OF OBJECTIVES

Long-term freshwater vision evaluation – appropriateness of the long-term freshwater visions as objectives

Long-term freshwater visions
<p>Insert new Objective TAP: Long-term freshwater vision for Te Awarua-o-Porirua</p> <p><u>By the year 2100 Te Awarua-o-Porirua harbour, awa, wetlands, groundwater, estuaries and coast are healthy, wai ora, accessible, sustainable for future generations, and:</u></p> <ol style="list-style-type: none"> 1. <u>The practices and tikanga associated with Te Awarua o Porirua are revitalized and protected; and</u> 2. <u>Mahinga kai are abundant, healthy, diverse and can be safely gathered by Ngāti Toa Rangatira and served to Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and</u> 3. <u>Have restored and healthy ecosystems that support an abundance and diversity of indigenous species, and have a natural water flow and energy that demonstrate kei te ora te mauri (the mauri of the place is intact); and</u> 4. <u>Provide for safe access for people and communities to enjoy a range of recreational activities including fishing, fostering a strong connection to these waterbodies; and</u> 5. <u>Are taken care of in partnership with Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa as kaitiaki for the mana of Te Awarua-o-Porirua as a taonga; and</u> 6. <u>Are resilient to the impacts of climate change; and</u> 7. <u>The use of water and waterways provide for social and economic use benefits, provided that such use does not compromise the health and well-being of waterbodies and freshwater ecosystems or the take and use of water for human health needs.</u> <p>Insert new Objective TWT: Long-term freshwater vision for Te Whanganui-a-Tara</p> <p><u>By the year 2100 a state of wai ora is achieved for Te Whanganui-a-Tara in which the harbour, rivers, lakes, wetlands, groundwater, estuaries and coast are healthy, accessible, sustainable for future generations, and:</u></p> <ol style="list-style-type: none"> 1. <u>The practices and tikanga associated with Te Whanganui-a-Tara are revitalized and protected; and</u> 2. <u>Mahinga kai are abundant, healthy, diverse and can be safely gathered by Taranaki Whānui and Ngāti Toa Rangatira and served to Taranaki Whānui and Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and</u> 3. <u>Have mauri/mouri that is nurtured, strengthened and able to flourish and restored natural character, have a natural water flow, and ecosystems that support an abundance and diversity of indigenous species; and</u>

<p>4. <u>Provide for the safe access and use of all rivers, lakes, wetlands, estuaries, harbours, and the coast for a range of recreational activities including fishing, fostering an appreciation of and connection to these waterbodies; and</u></p> <p>5. <u>Are taken care of in partnership with Taranaki Whānui and Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa and Taranaki Whānui that respects the mana of Te Whanganui-a-Tara and the whakapapa connection with Taranaki Whānui and Ngāti Toa Rangatira; and</u></p> <p>6. <u>Are resilient to the impacts of climate change; and</u></p> <p>7. <u>The use of water and waterways provide for social and economic use benefits, provided that such use does not compromise the health and well-being of waterbodies and freshwater ecosystems or the take and use of water for human health needs.</u></p>			
<p>Intent of alterations:</p> <p>To give effect to NPS-FM clause 3.3(1) for Long-term visions for freshwater. The intent is to add long-term freshwater visions for two whitua (Te Awarua-o-Porirua and Te Whanganui-a-Tara) as objectives in the RPS.</p>			
<p>Other objective options:</p> <p>The NPS-FM is directive. Long-term visions must be included as objectives in the RPS. The status quo is not viable as it would not give effect to the NPS-FM. Using the drafting in Greater Wellington’s submission is problematic in that it was not drafted with mana whenua input and does not hold statutory weight. The latter is critical for the upcoming notification of a change to the regional plan to give effect to the NPS-FM, as long-term freshwater visions will be needed to ensure a functioning hierarchy.</p>			
	<p>Preferred option Use new long-term freshwater visions drafted with stakeholders and mana whenua</p>	<p>Alternative option Use GW-drafted long-term freshwater visions drafted in RPS submissions</p>	<p>Status quo Do not add new long-term freshwater visions as objectives.</p>
<p><i>Relevance:</i></p>			
<p>Addresses the relevant resource management issue?</p>	<p>The NPS-FM addresses significant freshwater degradation issues. Including freshwater visions as objectives in the RPS will give effect to clause 3.3 of the NPS-FM and is a key part of addressing these issues by setting a clear outcome for what is to be achieved in each whitua.</p>	<p>The NPS-FM addresses significant freshwater degradation issues. Including freshwater visions as objectives in the RPS will give effect to clause 3.3 of the NPS-FM and is a key part of addressing these issues by setting a clear outcome for what is to be achieved in each whitua.</p>	<p>Status quo does not address freshwater issues to the extent required by the NPS-FM or anticipated in the WIPs.</p>
<p>Gives effect to national direction?</p>	<p>Yes - specifically gives effect to Clause 3.3 of the NPS-FM.</p>	<p>Yes - gives effect to Clause 3.3 of the NPS-FM but does so too late to ensure a functioning hierarchy prior to the</p>	<p>No - does not give effect to the NPS-FM.</p>

		notification of the upcoming regional plan change.	
<i>Usefulness:</i>			
Will provide clear direction to decision makers and territorial authorities?	Direction is provided for the preparation of both Regional and District Plans as required by the NPS-FM. This direction is relatively high level at the long-term freshwater vision level, with more specificity added by a wider suite of RPS objectives (both operative and proposed in Change 1).	Direction is provided for the preparation of both Regional and District Plans as required by the NPS-FM. However, the direction would not be in place and hold statutory weight prior to the notification of the upcoming regional plan change.	The existing provisions are inadequate to give effect to the NPS-FM and provide clear direction to decision makers.
Will it impose an unreasonable cost and disruption to the community?	<p>The provisions will impose significant costs spread out over the long term (compared with the status quo) to the regional council, territorial authorities, and resource users during the transition phase. These costs are not explored here, as they are covered in the s32 reports for proposed RPS Change 1 and the upcoming regional plan change.</p> <p>However, there are long term benefits for the community in terms of providing a clear vision for the future health of fresh water in the region. The government considered the costs and benefits in developing the NPS-FM and considered the costs to be justified. Costs associated with the preferred option for the Greater Wellington Region are consistent with, not additional to, the NPS-FM.</p>	<p>The provisions will impose significant costs spread out over the long term (compared with the status quo) to the regional council, territorial authorities, and resource users during the transition phase. These costs are not explored here, as they are covered in the s32 reports for proposed RPS Change 1 and the upcoming regional plan change.</p> <p>However, there are long term benefits for the community in terms of providing a clear vision for the future health of fresh water in the region. The government considered the costs and benefits in developing the NPS-FM and considered the costs to be justified. Costs associated with the preferred option for the Greater Wellington Region are consistent with, not additional to, the NPS-FM.</p>	The status quo does not impose unreasonable costs immediately; however, it does not give effect to the NPS-FM so will perpetuate the costs of poor freshwater quality. Retaining the status quo will simply delay and inflate the cost and disruption to both the environment and the community which is unavoidable in implementing the NPS-FM. There are also potential legal costs of retaining the status quo as the Council would not be meeting its statutory requirements.
Can direction be reasonably implemented?	Yes, through regulation in regional and district plans, as well as non-regulatory methods.	Yes, through regulation in regional and district plans, as well as non-regulatory methods.	The status quo can be reasonably implemented through the existing RPS.

<i>Achievability:</i>			
Can be achieved with tools and resources available, or likely to be available, to Greater Wellington Regional Council or those implementing the RPS?	<p>Freshwater visions are required to be <i>goals that are ambitious but reasonable (that is, difficult to achieve but not impossible) and within a timeframe to achieve those goals that is both ambitious and reasonable.</i></p> <p>Given the aspirational nature of the long-term freshwater visions and the significant degree of change required, the long timeframe is reasonable, as it will take some time to change the urban environmental practices in the catchments.</p>	<p>Freshwater visions are required to be <i>goals that are ambitious but reasonable (that is, difficult to achieve but not impossible) and within a timeframe to achieve those goals that is both ambitious and reasonable.</i></p> <p>Given the aspirational nature of the long-term freshwater visions and the significant degree of change required, the long timeframe is reasonable, as it will take some time to change the urban environmental practices in the catchments.</p>	The status quo can be implemented but will not achieve the NPS-FM objectives.

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Overall comment on the preferred option being the most appropriate

122. The NPS-FM requires long-term visions for freshwater in the region to be embedded in the Regional Policy Statement.
123. Section 8 of this report has described and evaluated the appropriateness of the proposed objectives.
124. The objectives were developed working with mana whenua/tangata whenua partners, and external stakeholders. A formal consultation period generated constructive feedback on a draft document and influenced the form of the proposed Variation 1. Input from interested stakeholders will continue through the submissions and hearings process.
125. Variation 1 will help implement the NPS-FM 2020 national direction, and in doing so will provide clarity to RMA decisions in the Wellington Region and ensure the appropriate planning hierarchy is in place prior to the notification of NRP changes later in 2023.
126. Overall, the objectives in the preferred option are the most appropriate way to achieve the purpose of the RMA.

9.0 REFERENCES

127. This report includes relevant references in footnotes throughout the report.
128. In addition to the specific references provided in footnotes, the following materials were also used in the preparation of Change 1 and Section 32 Evaluation Report:
 - All relevant Acts, National Policy Statements, National Environmental Standards and Regulations
 - Greater Wellington Regional Council regional plans and strategies, regional policy statements
 - Regional plans of other regional councils, and city, district plans within Wellington region.

Appendix A – Section 32 RMA

32 Requirements for preparing and publishing evaluation reports

(1) An evaluation report required under this Act must—

(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and

(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—

(i) identifying other reasonably practicable options for achieving the objectives; and

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—

(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—

(i) economic growth that are anticipated to be provided or reduced; and

(ii) employment that are anticipated to be provided or reduced; and

(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and

(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

(3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

(a) the provisions and objectives of the amending proposal; and

(b) the objectives of the existing proposal to the extent that those objectives—

(i) are relevant to the objectives of the amending proposal; and

(ii) would remain if the amending proposal were to take effect.

(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition

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or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

(a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and

(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.

(5) The person who must have particular regard to the evaluation report must make the report available for public inspection—

(a) as soon as practicable after the proposal is made (in the case of a standard, regulation, national policy statement, or New Zealand coastal policy statement); or

(b) at the same time as the proposal is notified.

(6) In this section,—

objectives means,—

(a) for a proposal that contains or states objectives, those objectives:

(b) for all other proposals, the purpose of the proposal

proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:

(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

Appendix B – Feedback on draft RPS Variation 1

The following tables provide a summary of the feedback received during the development of Variation 1, and the officer responses including where this is reflected in proposed Variation 1.

Overarching/general comments

Party	Provision	Summary of Feedback Received	Response	New draft provisions
Minister of Conservation	Whole variation	<p>We have already submitted in support of the two Waitua freshwater visions that were included in proposed RPS Change 1. In particular, our submission considered that the proposed visions were consistent with the National Policy Statement for Freshwater 2020, and appropriately recognised Te Mana o te Wai.</p> <p>This remains the case for the two further proposed Visions, and I support them being notified for inclusion into the RPS. I do not seek any changes, recognising the process that has been followed to develop them with iwi and the local communities.</p>	Support noted.	<p>By the year 2123 <u>By the year 2120</u> Te Awarua-o-Porirua harbour, rivers, wetlands, groundwater, estuaries and coast are thriving <u>healthy, wai ora, accessible, sustainable for future generations, and provide for:</u></p> <ol style="list-style-type: none"> <u>The practices and tikanga associated with Te Awarua o Porirua are revitalized and protected; and</u> <u>Mahinga kai are abundant, healthy, diverse and can be safely gathered by Ngāti Toa Rangatira and served to Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and The gathering and harvesting of nourishing kaimoana and mahinga kai that can be served to manuhiri/guests by Ngāti Toa Rangatira and the local community, reviving cultural practices and traditions;</u> <u>Have R restored and fish healthy ecosystems that support an abundance and diversity of indigenous species, are brimming with life and have a natural water flow and energy that demonstrate kei te ora te mauri (the mauri of the place is intact); and within the harbour, streams, wetlands, estuaries and coast;</u> <u>Provide for safe access for people and communities to enjoy a range of recreational activities including fishing, fostering a strong connection to these waterbodies; and</u> <u>Are taken care of in partnership with Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa as kaitiaki. Recognition of and respect for the mana of Te Awarua-o-Porirua as a taonga; and of Ngāti Toa Rangatira and the integration of its significance into the region's freshwater management framework;</u> <u>Are resilient to the impacts of climate change; and</u> <u>The use of water and waterways provide for social and economic use benefits, provided that such use does not compromise the health and well-being of waterbodies and freshwater ecosystems or the take and use of water for human health needs.</u>
Porirua City Council	Objective TAP: Long-term freshwater vision for Te Awarua-o-Porirua	<p>Overall, we are generally supportive of the intent of Objective TAP but think that the wording needs to be changed to ensure that it sets out achievable and measurable goals and provides clearer direction for lower-order Resource Management Act (RMA) documents.</p> <p>Clarity of wording</p> <p>While Porirua City Council recognises the intent of the wording used is to reflect the language used in Waitua Implementation Programmes and what may be used by the community more generally, within an RMA context the current wording of the objective is unclear and may lead to interpretation and implementation issues.</p> <p>The current drafting uses words such as "thriving", "brimming", "rich", "fostering" and "strong connections" These terms are unclear when used within an RMA framework. For example, the word 'brimming' has a common use meaning of being full to the point of overflowing. Such a word is not useful within an RMA objective, especially when relating to ecosystems, as it does not describe a measurable or achievable end state.</p> <p>As Porirua City Council would need to give effect to the objective within its own RMA documents, primarily the district plan, we want to ensure that the language used is clear and precise. This means that redrafting of the objective is required.</p> <p>If such terms are retained in the wording of the objective, then these need to be defined and clearly articulated with thresholds so that we know, in a regulatory sense, when we have achieved the outcome sought.</p> <p>Timeframe for achieving the objective</p> <p>The National Policy Statement for Freshwater Management 2020 (NPS-FM) states at 3.3(2)(c) that longterm visions for freshwater must "identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date)." We note that a 30-year timeframe would align with Porirua City Council's and GWRC's Long-term Plan timeframes.</p> <p>The draft objective sets a timeframe for achieving the goals of 2123, 100 years from now. It is not entirely clear why the objective is aimed at 2123, however, this may be due to the long-term aspirations expressed by Ngāti Toa Rangatira in their strategic documents. Porirua City Council recognises the critical importance of reflecting the aspirations of Ngāti Toa Rangatira within Objective TAP and has sought to engage with Ngāti Toa Rangatira on this matter, but at the time of preparing this feedback has not received any comments.</p> <p>While having a very long-term vision for Te Awarua-o-Porirua is generally supported, this will need to be coupled with highly aspirational goals to ensure progress is made in the short and medium terms. An additional objective with a sooner timeframe may be required to support the long-term 2123 objective in the medium term.</p>	<p>Officers have considered all of the issues raised by Porirua City Council and have made several amendments to incorporate the feedback provided. However, not all feedback has been incorporated. This response will address the 4 key points raised by Porirua City Council first and then address the specific wording changes suggested.</p> <p>Clarity of wording:</p> <p>Council officers agree with some of the changes suggested by Porirua City Council on this matter. Specific wording changes are discussed in more detail below.</p> <p>Timeframe for achieving the objective:</p> <p>Porirua City Council raises a good point here. Officers have selected a 100-year timeframe simply because it will take several decades to reverse the degraded state of the Porirua harbour, requiring significant changes environmental practice. Council is however amending the timeframe to 2100 to align with the upcoming regional plan change.</p> <p>More detailed outcomes as objectives will be included in the upcoming NRP change, which will very likely include short-term, medium-term, and long-term outcomes. Porirua City Council's district plan will need to be not inconsistent with these outcomes.</p> <p>Physical state and function of Te Awarua-o-Porirua:</p> <p>On reflection, officers largely agree with Porirua City Council on this point. Clause 2 has been reworded to incorporate kei te ora te mauri as the ultimate objective for this clause.</p> <p>Relationship with other objectives and policies:</p> <p>The long-term freshwater visions serve primarily to direct changes to the NRP, especially the insertion of outcomes as objectives into the NRP.</p> <p>In a hierarchy, the visions sit underneath Objective 12. Objective is the highest level objective for fresh water management, and reflects the concept of Te Mana o</p>	<p>By the year 2123 <u>By the year 2120</u> a state of wai ora is achieved for Te Whanganui-a-Tara in which the harbour, rivers, lakes, wetlands, groundwater, estuaries and coast are healthy, accessible, thriving, and sustainable for future generations, and provide for:</p> <ol style="list-style-type: none"> <u>The practices and tikanga associated with Te Whanganui-a-Tara are revitalized and protected; and</u> <u>Mahinga kai are abundant, healthy, diverse and can be safely gathered by Taranaki Whānui and Ngāti Toa Rangatira and served to Taranaki Whānui and Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga; and Healthy and plentiful kaimoana and mahinga kai that can be served to manuhiri/guests by Taranaki Whānui, Ngāti</u>

Party	Provision	Summary of Feedback Received	Response	New draft provisions
		<p>If the timeframe for Objective TAP is reduced or additional objectives introduced with an interim timeframe, careful consideration will be needed in relation to the achievability of the objective and the appropriateness of any supporting policies that state how the objective is to be achieved.</p> <p>Physical state and function of Te Awarua-o-Porirua While clause two of the draft objective addresses the "natural flow and energy within the harbour, streams, wetlands, estuaries and coast", the objective does not clearly state the outcome sought for the state and function of Te Awarua-o-Porirua in relation to coastal processes and geomorphology of the natural environmental features of Te Awarua-o-Porirua.</p> <p>As such, Porirua City Council considers that there needs to be a more clearly stated outcome around the physical state and function of the water bodies in relation to water flow, sedimentation and other coastal processes. This requires a separate clause within the objective.</p> <p>A new clause has been included in the redrafted objective in Appendix A. This includes reference to the physical state of the environment demonstrating kei te ora te mauri (the mauri of the place is intact). The wording of this clause was shared with Ngāti Toa Rangatira. Unfortunately, as noted above, no comments have been received at the time of preparing this feedback. GWRC may wish to discuss this or similar wording further with Ngāti Toa Rangatira.</p> <p>Porirua City Council also considers that a better-defined word to replace 'thriving' is needed in the first part of the objective to support the state and function clause and other outcomes stated in the clauses. 'Healthy' would be consistent with the draft objective for Te Whanganui-a-Tara.</p> <p>Relationship with other objectives and policies The relationship of Objective TAP to other objectives in the RPS is not entirely clear. If there a hierarchy intended, with this Objective TAP sitting above other objectives, this needs to be clarified through the variation.</p> <p>Further changes to the RPS may need to be included through the variation to show how the objective is integrated with other objectives and how it is to be implemented through policies. As a geographically based (as opposed to region-wide) objective it is important to understand how it integrates with other objectives. For example, as Objective TAP is more specific than Objective 12, it could be interpreted that it is to be applied instead that objective. This, however, is not made clear.</p> <p>Additionally, the RPS includes a table that shows the linkages between objectives, policies and methods. The draft variation does not include any amendments to that table. As such, it is not clear what policies and methods would link to the objective. While existing policies in the RPS may be relevant, and amendments to the proposed Natural Resources Plan are planned to give effect to the NPS-FM which will include provisions specific to Te Awarua-o-Porirua, it would be useful to have some explanation of how the objective is intended to be achieved through regulatory and non-regulatory mechanisms.</p> <p>Redrafted objective Porirua City Council officers have redrafted the objective to provide greater clarity. The redrafted objective is set out in Appendix A. The redrafted objective retains the intent of the objective, while making the wording clearer and more precise.</p>	<p>te Wai. The visions then aim to articulate what Te Mana o te Wai means for each whaitua/FMU.</p> <p>Redrafted objective: Chapeau: Council agrees that replacing "thriving" with "healthy" provides a more precise outcome. Council officers do not see the need to add "streams", as the RMA definition of rivers also includes streams. Council does not agree with adding the phrase "hydrologically connected" to the chapeau, as this would limit the vision to freshwater bodies that drain into the harbour, and there are a small number of freshwater bodies that do not drain into the harbour. Council has decided against inserting the phrase "landward extent of the coastal environment", as this would result in excluding the open coastal waters as a receiving environment. Council does agree to removing "provide for" from the end of the chapeau, as this creates more elegant drafting.</p> <p>Clause 1: Council agrees moving the wording around cultural practices and traditions to the start of the clause. Council will retain the reference to reviving cultural traditions, as this has been a key issue raised by Ngāti Toa. Council agrees with the insertion of wording around kaimoana/mahinga kai being safe to eat but intends to retain the wording around this being served to guests. Again, this was a key issue raised by Ngāti Toa.</p> <p>Clause 2: Council agrees with the removal of the word "rich". Council also agrees with the insertion of references a diversity of indigenous species. Council agrees with the insertion of the concept of "kei te ora te mauri", but considers that this is better as a unifying theme across the biotic and abiotic aspects and so will not split the ecological and natural processes aspects into separate clauses. Council will not add reference to "coastal energy regimes", as the relevance of coastal water is only as a receiving environment for freshwater.</p> <p>Clause 3: Council agrees with the addition of reference to communities. However, Council does not agree that reference to fostering a strong connection to waterbodies should be removed, as the ultimate objective from providing for access and recreational opportunities is to foster this strong connection between people/communities and waterbodies.</p> <p>Clause 4. Council does not agree with the removal of "mana" from this clause, as respecting the mana of the harbour has been a key issue raised by Ngāti Toa.</p>	<p>Tea Rangatira and the local community, reviving cultural practices and traditions.</p> <ol style="list-style-type: none"> 3. Have Restored mauri/mouri that is nurtured, strengthened, and able to flourish and restored natural character, have a natural flow and ecosvstems that support an abundance and diversity of indigenous species; and diverse and abundant life within the harbour, streams, wetlands, estuaries and coast. 4. Provide for the safe access and use of all rivers, lakes, wetlands, estuaries, harbours, and the coast for a range of recreational activities including fishing and customary uses, fostering an appreciation of and connection to these waterbodies; and- 5. Are managed taken care of in a way partnership with Taranaki Whānui and Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa and Taranaki Whānui that recognizes and respects the mana of Te Whanganui-a-Tara and the whakapapa connection with Taranaki Whānui and Ngāti Toa Rangatira; and. 6. Are resilient to the impacts of climate change; and 7. The use of water and waterways provide for social and economic use benefits, provided that such use does not compromise the health and well-being of waterbodies and freshwater ecosystems or the take and use of water for human health needs.

Party	Provision	Summary of Feedback Received	Response	New draft provisions
		<p>By the year 2123 Te Awarua-o-Porirua harbour, <u>its hydrologically connected rivers, streams, estuaries and wetlands, estuaries and the landward extent of the coastal environment</u> are <u>thriving, healthy and accessible, and provide for:</u></p> <ol style="list-style-type: none"> 1. <u>The gathering and harvesting of nourishing kaimoana and mahinga kai that can be served to manuhiri/guests by Ngāti Toa Rangatira and the local community, reviving cultural practices and traditions. Provide for cultural practices and traditions of Ngāti Toa Rangatira including mahinga kai and the gathering of kaimoana that is safe for human consumption;</u> 2. <u>Have R,restored and rich ecosystems that support a diversity of indigenous species; are brimming with life and have a natural flow and energy within the harbour, streams, wetlands, estuaries and coast.</u> 3. <u>Have naturalised water flow, sediment transportation and coastal energy regimes that demonstrate kei te ora te mauri (the mauri of the place is intact);</u> 4. <u>Provide for safe access for people and communities to enjoy a range of recreational opportunities; activities, fostering a strong connection to these waterbodies;</u> 45. <u>Recognition of and respect for the mana of Te Awarua o Porirua Are recognized as a taonga of Ngāti Toa Rangatira; and</u> 6. <u>and the integration of its significance into The interconnected nature of the region's freshwater and its management framework, and the significance of Te Awarua-o-Porirua within that framework, are recognized.</u> 		
Wellington Water Limited	Whole variation	<p>We would like to be consulted in the development of lower-level provisions and policies feeding from the long-term vision. This will help us understand Wellington Water's required level of service to deliver the long-term vision, and associated costs.</p> <p>We intend to support this version of the Regional Policy Statement Variation</p> <p><i>The draft long-term vision fits within central government's requirement to manage freshwater in a way that gives effect to Te Mana o te Wai</i></p> <ul style="list-style-type: none"> • The draft long-term freshwater vision is a high-level vision for Te Awarua-o-Porirua Whaitua and Whaitua Te Whanganui-a-Tara. • The vision fits within the context of the National Policy Statement for Freshwater Management, which requires freshwater to managed in a way that gives effect to Te Mana o te Wai. The Policy Statement provides that local authorities work with tangata whenua and communities to set out long-term visions in the regional policy statement. This draft long-term freshwater vision sets out what Te Mana o te Wai would look like for Te Awarua-o-Porirua Whaitua and Whaitua Te Whanganui-a-Tara. <p><i>Wellington water's 30 year strategy also looks towards Te Mana o te Wai</i></p> <ul style="list-style-type: none"> • Wellington Water's 30 year pathway for three waters investment recognises Te Mana o te Wai as a key guiding principle when making investment decisions. We acknowledge that restoring the quality of the water to levels mana whenua aspire to will likely be a decades long journey. However, the long-lived nature of infrastructure assets means that the decisions and investments we make over the coming 30 years will be pivotal to whether and when we get there. • We recognise that mana whenua's aspirations are our community's aspirations. Wellington Water's long term investment strategy aims to achieve te mana o te wai in 50-100 years, but success depends on transformational changes to the way our services are delivered. To move closer, we will need to: 	Support noted.	

Party	Provision	Summary of Feedback Received	Response	New draft provisions
		<ul style="list-style-type: none"> • Increase the rate of renewals by two or three factors, and then sustain at a rate consistent with condition based requirements • Expand the extent of asset condition assessment to encompass all asset classes and criticality • Increase planned maintenance activities to the optimal level (relative to costs for loss of service) • Continue and complete development of asset management system, including data and analytics • Expand monitoring, sensing and controls to enable optimised operations and maintenance (i.e. “smart water networks”) • Incorporate growth and resilience requirements into renewal investments. <p><i>We have some minor points to consider for the draft long-term vision</i></p> <ul style="list-style-type: none"> • We acknowledge the long-term freshwater vision is intended to be aspirational, however some of the language, e.g. “brimming with life” would be difficult to measure if not clarified in further provisions. We would like to be consulted in the development of further provisions. • Greater Wellington could consider how to describe the environment in a way that will help achieve the intent of the statement. We consider that the terms “rich” and “natural” could be clarify that ecosystems are restored, rather than replaced with invasive species, algae or weeds. 		
<p>Ministry of Primary Industries (Fisheries New Zealand)</p>	<p>Whole variation</p>	<p>We have reviewed the RPS variation and have no specific feedback on the proposal. Fisheries New Zealand’s interest is in freshwater management generally because of land based impacts on the coastal area, such as</p> <ul style="list-style-type: none"> • Sedimentation, • Freshwater diversion, • Microbial contamination, • Increased nutrient load, and • Pollution <p>Which can affect fishery species, habitats, and nursery areas that are found in areas such as estuaries, sheltered coastal embayments, and where large rivers empty directly onto the coast.</p> <p>Fisheries New Zealand are happy to discuss fisheries impacts from land-based inputs and how we can work together to try to address them through the new Council freshwater planning requirements. We are supportive of cross-agency collaborations between Councils, territorial authorities, the Department of Conservation and others on an integrated approach to the management of marine biodiversity.</p>	<p>Feedback noted.</p>	
<p>Te Runanga o Toa Rangatira Inc</p>	<p>Whole variation</p>	<p><u>By the year 2123 Te Awarua-o-Porirua harbour, awa, wetlands, groundwater, estuaries and coast are healthy, wai ora, accessible, sustainable for future generations and:</u></p> <p><u>The practices and tikanga associated with Te Awarua o Porirua are revitalized and protected. Mahinga kai are abundant, healthy, diverse and can be safely gathered by Ngāti Toa Rangatira and served to Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga. Have restored and healthy ecosystems that support an abundance and diversity of indigenous species, and have a natural water flow and energy that demonstrate kei te ora te mauri (the mauri of the place is intact).</u></p> <p><u>Provide for safe access for people and communities to enjoy a range of recreational activities, fostering a strong connection to these waterbodies.</u></p> <p><u>Are taken care of in partnership with Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa as kaitiaki of Te Awarua-o-Porirua as a taonga. Are resilient to the impacts of climate change.</u></p>	<p>Council agrees with the suggested insertion of “wai ora”, as this was a key concept in the Te Whanganui a Tara whaitua process.</p> <p>Council agrees with the insertion of reference to “sustainable for future generations”, as this provides an overarching concept for the gathering of mahinga kai.</p> <p>Council agrees with the rewording to emphasise partnership, as this is a key aspect of honouring the principles of Te Tiriti.</p> <p>Council agrees with reframing “managing” as “taking care of”, as this better emphasizes the personal and spiritual connection to water that is sought by the visions.</p>	

Party	Provision	Summary of Feedback Received	Response	New draft provisions
		<p><u>By the year 2123 a state of wai ora is achieved for Te Whanganui-a-Tara in which the harbour, rivers, lakes, wetlands, groundwater, estuaries and coast are healthy, accessible, sustainable for future generations, and:</u></p> <p><u>The practices and tikanga associated with Te Whanganui-a-Tara are revitalized and protected. Mahinga kai are abundant, healthy, diverse and can be safely gathered by Taranaki Whānui and Ngāti Toa Rangatira and served to Taranaki Whānui and Ngāti Toa Rangatira uri and manuhiri to uphold manaakitanga. Have restored mauri/mouri and natural character, and ecosystems that support an abundance and diversity of indigenous species.</u></p> <p><u>Provide for the safe access and use of all rivers, lakes, wetlands, estuaries, harbours, and the coast for a range of recreational activities, fostering an appreciation of and connection to these waterbodies.</u></p> <p><u>Are taken care of in partnership with Taranaki Whānui and Ngāti Toa Rangatira giving effect to the rights, values, aspirations and obligations of Ngāti Toa and Taranaki Whānui that respects the mana of Te Whanganui-a-Tara and the whakapapa connection with Taranaki Whānui and Ngāti Toa Rangatira</u></p> <p><u>Are resilient to the impacts of climate change.</u></p>	<p>Council agrees with adding a new clause referring to resilience to the impacts of climate change, given climate change will pose a particular threat to ecosystems and mahinga kai.</p>	
<p>Greater Wellington Regional Councillors</p>	<p>Whole variation</p>	<p>Summarised below:</p> <ul style="list-style-type: none"> - More explicitly include the long term vision Te Pūtake contained in the Whaitua Te Whanganui a Tara WIP? - Can the vision wording be presented in both languages in the RPS? - Social and economic uses of water need to be recognised. - Ensure that the language of “harbour, rivers, lakes, wetlands, groundwater, estuaries and coast” includes streams and the seeps and springs that sometimes begin them - Reflection of the criticality of the Te Awa Kairangi sub-catchment as a provider of drinking water for the whole of the Wellington Region. - Mention specific issues experienced by the Hutt - water abstraction for potable water supply, flow rate and flooding mitigation. - Broaden part about mahinga kai to include recreational fishers. 	<p>Officers do not consider that it would be beneficial to add a te reo Māori translation of the provisions, as this creates a risk of having parallel objectives that are subtly different, which could create confusion and implementation difficulties.</p> <p>Officers agree that more explicitly using the language of Te Pūtake would be beneficial as it would link the wording of the objectives more closely to that of the WIP.</p> <p>Officers agree that reference to economic benefits would be beneficial and have drafted a new clause 7 to reflect this while aligning with the hierarchy of obligations in the NPS-FM 2020. This clause includes mention of broader social benefits, implicitly covering drinking water.</p> <p>Officers have added new wording to explicitly refer to recreational fishing.</p>	

Council
21 September 2023
Report 23.490



For Decision

SUBMISSION ON THE SPECIFIED DEVELOPMENT PROJECT – PORIRUA NORTHERN GROWTH AREA

Te take mō te pūrongo

Purpose

1. For the Council to adopt the submission on the proposed Specified Development Project (SDP) – Porirua Northern Growth Area (NGA).

He tūtohu

Recommendations

That Council:

1. **Adopts** the submission on the Specified Development Project – Porirua Northern Growth Area (Attachment 1).
2. **Authorises** the Council Chair to approve minor editorial amendments and any changes to the submission to reflect changes proposed at the meeting.

Te horopaki

Context

2. Kāinga Ora has selected the Porirua Northern Growth Area (NGA) for assessment as a potential Specified Development Project (SDP) under the Urban Development Act. SDPs provide an avenue for Kāinga Ora to work with government agencies, councils, iwi and private developers to coordinate, plan, fund and deliver transformational, complex urban development.
3. Kāinga Ora has publicly notified the proposed SDP for feedback, which closes 29 September 2023.
4. Officers have prepared feedback for your endorsement ([Attachment 1](#)). A draft of the submission was circulated to Councillors on 13 September and any feedback will be incorporated into an updated draft to be tabled at this meeting.

Te tātaritanga

Analysis

5. Greater Wellington's draft submission on the SDP supports the strategic and coordinated development of the Porirua NGA.

6. However, we raise concerns related to the proposed objectives for the SDP including inherent conflicts, issues around clarity and strength of some objectives, and that the considerable challenges, constraints, and risks associated with this site raise questions about whether the objectives will be realistically achievable.

Ngā hua ahumoni
Financial implications

7. There are no funding implications relating to the decision to approve a submission.

Ngā Take e hāngai ana te iwi Māori
Implications for Māori

8. As noted in the submission, Ngāti Toa Rangatira has been consulted on both the proposed SDP and the previous plan change to enable development of the Northern Growth Area. Ngāti Toa Rangatira has raised concerns which, from our understanding from discussions with Ngāti Toa Rangatira, have not fully been addressed to date.
9. In our feedback, we have urged that these concerns are fully addressed in the spirit of genuine partnership expressed through proposed objective 1.
10. Other proposed objectives speak to the importance of partnership, kaitiakitanga, cultural significance of sites within the proposed SDP and incorporation of mātauranga Māori in the design of the development.

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

11. Greater Wellington's draft submission proposes recommendations to give more priority to the urgency for climate mitigation and resilience, and consideration of on-site and broader whaitua-wide implications of development in the SDP. As set out in Attachment 1, these include recommending that the objectives place more emphasis on the need for transport emissions reduction and ensuring that the design of the development maximises environmental protection and climate and natural hazard resilience.

Te whakatūtakitaki
Engagement

12. No external engagement was undertaken in the preparation of the submission.

Ngā tūāoma e whai ake nei

Next steps

13. Subject to the incorporation of any additions or amendments determined by the Council, the submission will be lodged to Kāinga Ora by the public feedback and consultation deadline of 29 September 2023.

Ngā āpitihanga

Attachment

Number	Title
1	Draft Submission on the Specified Development Project – Porirua Northern Growth Area

Ngā kaiwaitohu

Signatories

Writers	Catherine Knight – Principal Strategic Advisor Urban Development Rose Wunrow – Strategic Advisor, Regional Transport
Approver	Luke Troy – Group Manager, Strategy

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Council has responsibility for approving submissions to external organisations on matters pertaining to its statutory responsibilities and to the functions outlined below.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> This submission relates directly to a range of Council functions and responsibilities, including but not limited to freshwater/catchment management, environmental protection, public transport planning and provision, climate resilience and flood protection and climate mitigation.
<i>Internal consultation</i> The Environment Group and Metlink were consulted to form the basis of Attachment 1.
<i>Risks and impacts - legal / health and safety etc.</i> There are no known risks.



By email

25 September 2023

Email to:

NorthernGrowthAreaSDP@Kaingaora.govt.nz

Office of the Chairperson
100 Cuba Street
Wellington T 04 384 5708
www.gw.govt.nz

Tēnā koutou katoa

RE: Porirua Northern Growth Area Specified Development Project – Greater Wellington Regional Council Submission

The Greater Wellington Regional Council (GWRC) thanks Kāinga Ora for the opportunity to make this submission on the public notification of the Porirua Northern Growth Area Specified Development Project (SDP).

We welcome closer engagement with Kāinga Ora as the proposal is further refined and submitted to Ministers for approval (currently planned for December 2023).

1. Summary of our views

GWRC supports the strategic and coordinated development of the Porirua Northern Growth Area. Through a coordinated, outcomes-led approach, we see opportunities to maximise benefits for the community and region, while avoiding or minimising environmental, social and cultural impacts.

Nevertheless we have concerns both about the strength and adequacy of the proposed objectives, the inherent conflict between some objectives, and also whether the aspiration of the objectives is realistically achievable given the considerable challenges, constraints and risks associated with this SDP site. We look forward to working with you and other partners to strengthen these objectives and provide confidence through further work on the Constraints and Opportunities Report that the risks can be adequately mitigated and the project objectives achieved.

2. GWRC's legislative functions relating to this proposal

We are a growing and diverse region, and it is GWRC's role to protect our environment while also meeting the cultural, social and economic needs of our communities. Our council is responsible for environment management, flood protection and land management, provision of regional parks, public transport planning and provider (through Metlink) and metropolitan bulk water supply.

A number of our statutory functions are of relevance to this proposal including:

- **Flood protection.** GWRC has regulatory control over the region's watercourses. Flood protection work ranges from developing floodplain management plans for major rivers and streams in the region, to providing flood hazard advice to developers, territorial authorities, Wellington Water, and other partner organisations on appropriate development. GWRC's flood protection activities involve partnering with communities to provide a coordinated response to circumstances and processes that impact rivers, streams, and floodplains within a wider catchment.
- **Environmental regulation.** GWRC is responsible for consenting, compliance monitoring, and enforcement functions under legislation and policy including the RMA, the National Policy Statement for Freshwater Management (NPS-FM), and GWRC's Natural Resources Plan (NRP). With regards to land management and erosion control, the RMA sets statutory responsibilities for GWRC that include controlling the use of land for the purpose of soil conservation and the avoidance or mitigation of natural hazards (including erosion and slips). GWRC also delivers on the policies and objectives set in the NRP for soil, air, land, and the coastal marine area.
- **Freshwater.** Under the NPS-FM, councils must seek to achieve minimum freshwater standards so that overall freshwater quality in a region is maintained or improved. GWRC uses a whitua process for catchment engagement, drawing on the aspirations of mana whenua, community, landowners, and territorial authorities in a collective effort to improve the health of our waterways. GWRC serves as the provider and protector of fresh water for the region, together with Wellington Water, and monitors freshwater standards, prepares for future growth in demand, and plans for the resilience of the water supply network.
- **Biodiversity.** Biodiversity conservation and restoration is one of GWRC's core functions. The RMA requires regional councils to sustainably manage natural resources including through the protection and maintenance of indigenous biodiversity and habitats. The Regional Policy Statement (RPS) provides a statutory framework for managing indigenous biodiversity across the region and the NRP includes statutory provisions to maintain and enhance ecosystems in the coastal marine area, wetlands and the beds of lakes and rivers.
- **Public transport.** GWRC delivers Metlink public transport services, keeping the Wellington region connected through its network of bus, rail, ferry, and Total Mobility services. GWRC works in partnership with Waka Kotahi/New Zealand Transport Agency, KiwiRail, and territorial authorities to plan and help fund the region's public transport network, as per the requirements set out under the Land Transport Management Act (LTMA) 2003.
- **Emissions reduction.** While not a statutory function, as a regional authority, GWRC has an obligation to contribute towards emissions reductions goals set under the Climate Response (Zero Carbon) Act, via the national Emissions Reduction Plan. GWRC publishes a regional greenhouse gas inventory in conjunction with the region's district councils. Through the Wellington Regional Leadership Committee, the councils in the region are developing a Regional Emissions Reduction Plan. In addition, the region must deliver on a

29% reduction in (light) vehicle kilometres traveled (VKT) by 2035, and GWRC, along with its council partners in the region, is currently developing a plan to help deliver on this.

- **Climate adaptation and resilience.** GWRC works closely with local councils through the Wellington Region Climate Change Working Group (WRCCWG) on essential adaptation and resilience activities such as preparing coastal communities for climate change. The WRCCWG is developing a regional climate change impact assessment to bring together a consistent regional evidence base of climate change risks and impacts over the next century, which will inform the development of an evidence-based regional adaptation plan. Climate adaptation and resilience activities alongside flood protection work in the region have significant implications for urban development, when considering whether development locations are resilient to natural hazards.

3. Comments on Porirua City Council Variation 1 and role of greenfield development in the region

GWRC has previously submitted on PCC's proposed Variation 1 to the Proposed District Plan, which sought to rezone land in the Northern Growth Area to Medium Density, consistent with the Medium Density Residential Standards (MDRS).

The GWRC position, reflected also in this feedback on the SDP, is that we support well-planned urban intensification which contributes to the qualities and characteristics of well-functioning urban environments. Intensification should occur in appropriate areas that are not subject to environmental constraints, to ensure that intensification does not occur at the expense of the natural environment, or exacerbate the risk of natural hazards, including as a result of climate change.

Growth within the existing urban footprint aligns with both operative and proposed RPS direction, and with what is proposed in the Future Development Strategy (FDS). Development located in and around centres and along public transport corridors supports enhanced access to public transport, walking and cycling and reduces the reliance on the private vehicle. This approach will contribute to reduced carbon emissions, mode shift and liveability outcomes. GWRC acknowledges the case for some greenfield development (as expanded on below), despite the significant increase in capacity provided for through the National Policy Statement on Urban Development (NPS-UD) Intensification Planning Instrument across the region, including in Porirua. However, GWRC wants to ensure that any proposed greenfield development will avoid or minimise the adverse effects of land use change.

In relation to the need for greenfield developments to contribute to housing capacity in the region, we also wish to point out what appears to be an interpretation error in the Public Notification Report. At page 18 of the report, under Urban Growth Strategies (s32)(1)(f), the report states that:

Work on the FDS [Future Development Strategy] and HBA [Housing and Building Development Capacity Assessment] has identified that an additional 89,000 homes will be required within the next 30 years within the greater Wellington region. Of this figure, 65,000 homes are expected to be established on Greenfield land.

This statement suggests that greenfield developments will meet approximately 73% of the projected demand for housing. However, what the latest HBA has identified is quite different. It has identified that:

- Through infill/redevelopment (excluding greenfield), there is realisable capacity of approximately 180,000 houses in the region through to 2051 (see Table 4.7, p. 29)
- There is plan-enabled capacity in greenfield areas of 104,000 houses

In contrast, 30-year demand according to Sense Partners projections (what the FDS is using) is about 99,000 households (noting that Stats NZ project a much lower demand, at about 36,000 households to 2043).

On the basis of these numbers, there is plenty of realisable capacity to accommodate all of the region's growth without greenfield development. However, allowing for the need to provide a range of different housing typologies at a range of price points (and taking into account commercial realisable capacity), the draft FDS states that over the 30-year lifetime of the strategy, 82% of housing development will be provided for in existing urban areas in towns and cities (i.e., through infill and brownfield) and 18% will be delivered through greenfield developments.

We are concerned that one of the fundamental assumptions underpinning the proposal for an SDP is based on figures that are not current and not consistent with what is proposed in the FDS.

4. Scope of submission

Through its public notification of the proposed SDP, Kāinga Ora has requested public feedback on the 'key features' of the proposal, which set the direction for the project. The key features comprise the following:

- The **project area**, defined by geographical boundaries, is where the SDP will operate.
- The **project objectives** set the SDP direction and what it will achieve. If an SDP is established, the project objectives will guide statutory decisions under the Urban Development Act 2020 and must be considered as part of statutory decision making under the Natural and Built Environment Act 2023.
- The **project governance body** will be responsible for governing the SDP development and delivery, which could include making sure a development plan is prepared, and project objectives are achieved by the public and private sectors over the lifetime of the project.

Note that while we will comment on these key features, we will also make comment on all matters that we feel are relevant to the successful delivery of this project, and any risks that we have identified with this.

5. General remarks on proposal

Overall, GWRC supports the strategic and coordinated development of the Porirua Northern

Growth Area (NGA). Through a coordinated, outcomes-led approach, we see opportunities to maximise benefits for the community and region, while avoiding or minimising environmental, social and cultural impacts. Nevertheless, we also recognise that it is important not to consider this proposed project in isolation. It is important to consider whether the benefits and outcomes realistically realisable through this project will be proportionate with the level of government investment and intervention required, or whether the same level of investment could achieve greater benefits and outcomes in a project elsewhere.

While we broadly support the proposed objectives, which are comprehensive in their scope, we do have some concerns about the lack of clarity and specificity of some of these objectives. This ambiguity makes them both hard to measure and therefore hard to hold the governance body accountable for delivery. Having clear and strong objectives will be especially critical as the SDP process allows for regional and district policy to be amended to align with the objectives of the SDP. We therefore cannot guarantee that the delivery of the SDP will be consistent with regional policies such as the Regional Policy Statement or Natural Resources Plan. This feedback is set out in more detail below but we outline some more general points in this section.

We also have questions about how realisable the intent of the objectives will be through the delivery of this project given the considerable constraints and risks associated with the SDP site (set out in section 9). As noted, there is a need to fully identify and investigate the constraints and risks, and their mitigations, in the Constraints and Opportunities Report in order to give partners the confidence that these issues can be adequately addressed through the delivery of the project.

Importance of clearly worded and measurable objectives

The project objectives are critically important as they 'set out the key outcomes and outputs that the project aims to deliver' (s.27(1) Urban Development Act). It is against these that the success of the project will be measured. It is therefore essential that they are clearly worded and objectively measurable. We note that in the Public Notification Report, there is some additional commentary that clarifies the meaning of some of the more ambiguous phrases such as '20-minute trip' (see section 7 for more discussion on such terms). It is unclear what the status of this commentary is. Will it be included in the document setting out the key features when these are enacted through Order in Council? Or will the commentary that clarifies some of these terms have no legal standing? If the latter, we would suggest including the clarifications within the objective wording themselves.

Tension between (and within) objectives

There is an inherent tension between a number of the objectives (for example between objectives to maximise the efficient use of developable land at this site and objectives around climate resilience, protection of natural environments and mode shift). Will the project be able to deliver on all these objectives simultaneously, or will some inevitably be 'traded off' against others? Historically, it has been the environment that has lost in situations where development has been the primary goal. In this whaitua/catchment, in which freshwater, estuarine and

marine systems are already highly degraded (see the [Te Awarua o Porirua Whaitua Implementation Programme](#)), it would be unfortunate if this was to eventuate here also.

There are also tensions within single objectives, most notably in the case of objective 14 where the need to 'respect' natural environments is being explicitly 'balanced' against the need to use developable land 'efficiently'.

What we would like to see emphasised more in the objectives

Sediment and run-off risks. Given the steep and challenging topography of the site, the earthworks required to create suitable building platforms and the considerable landslide hazards (noted on p.16 of Public Notification Report), along with the sensitivity of the Taupō Swamp and existing flood risk at the southern end of the site, it strikes GWRC as incongruous that the key issues of sediment and run-off from the site are not explicitly addressed in the objectives. It may be that the intent is that these risks are encompassed by objective 14, but if so, our position is that this objective is too weak, as noted above and in more detail below. While it is noted that objective 17 deals with the avoidance of natural hazards, especially in the face of climate change, what is being referred to here is the hazards that are associated with development (i.e., 'man-made' hazards), and particularly earthworks.

The urgent need for transport emissions reduction. The objectives do not directly address the urgent need for transport emissions reduction. This is despite the direction given by the Urban Development Act (s.5(1)(a)(v)) that urban development projects must enable low-emissions urban environments, in addition to the National Policy Statement on Urban Development (NPS-UD) which seeks urban environments that support climate resilience and reductions in greenhouse gas emissions (Objective 8 and Policy 1). We are therefore concerned that given the nature and location of the site, it will actually lead to an *increase* in transport emissions due to the challenges of achieving the level of mode shift (from private vehicle to public and active transport) that the initial project planning anticipates. We return to this point in Section 9 below.

Design principles to maximise environmental protection and climate and natural hazard resilience. We would also like to see a greater emphasis on design principles, including in relation to the use of nature-based solutions, water-sensitive urban design, and hydrological controls, and to climate-change resilience and supporting the transition to a low and zero-carbon future. At present the only reference to design is in proposed objective 6, and this is only at a high level.

It is critical at the design stage that the project shows how it will avoid development in natural wetlands and waterways in the first instance, rather than moving straight to mitigation and offsetting. This is required by the Effects Management Hierarchy in the National Policy Statement for Freshwater Management (NPS-FM), the National Policy Statement for Indigenous Biodiversity (NPS-IB) and the NRP.

Without objectives clearly setting out these expectations, GWRC's concern is that these aspects will not be prioritised. This may mean that the project will not align with national direction (e.g., the NPS-FM and the National Adaptation Plan), or regional policy such as the RPS and

NRP or with the strategic direction and place-making principles proposed in the FDS. High-quality design is a key mechanism and opportunity to achieve climate-resilient, accessible, environmentally response communities.

Restoration and protection of ecological values. We would also like to see an objective that seeks to protect, enhance and restore indigenous ecosystems with significant ecological values, and which considers connectivity of ecosystems with those beyond the boundaries of the SDP (encompassed by the concept of ki uta ki tai).

Capacity to deliver on affordable housing

The Public Notice outlines that one of the key reasons why this project is being assessed for consideration as an SDP is that: ‘...despite significant growth in the large-scale housing development sector, Porirua and the wider region is experiencing an acute under supply of housing, characterised by a lack of affordable housing and increasing rental costs.’

Yet, none of the project’s 17 objectives deal directly with affordability, aside from a reference to the development offering houses at a range of ‘price points’ (Objective 6). If this is part of the key rationale for the establishment of this SDP, then it is GWRC’s position that it should have a greater emphasis in the objectives, with at least one objective dealing exclusively with the matter of affordable housing.

Furthermore, it needs to be recognised that given Kāinga Ora’s role in this project is as the urban development project facilitator/lead, rather than as a housing developer/provider, delivery of affordable housing will be left to the market. Given the considerable challenges with this site, including but not limited to the steep terrain, cost of infrastructure provision, flood-risk mitigation requirements, and the considerable measures required to protect terrestrial ecosystems and freshwater environments, it is going to be challenging to build houses at an affordable price point. We are also unsure how the project can dictate the ‘range of tenures’ (Objective 6) (presumably including rentals), if the housing is to be delivered solely through the market.

6. Key features – project area

We are broadly supportive of the proposed project area. We understand that the project area can be adjusted after the project is approved, but we would like to take the opportunity to highlight that there may be a need to expand the boundaries around Pukerua Bay station and potentially also Plimmerton station to allow for better access for feeder buses (for turning circles, layby etc).

7. Key features – project objectives

In addition to some general remarks on the project objectives above, below we provide some more detailed comments on specific objectives. Cited project objectives are italicised.

Proposed project objective 1

The proposed objective states that:

A genuine partnership between local government, central government, and Mana Whenua is maintained for the duration of the project, to support the achievement of all project objectives, where:

a) the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are given effect to in all decisions

...

We fully support this objective but note that it needs to be fully realised through actions rather than just words. We note that concerns have been raised about the proposed SDP by Ngāti Toa Rangātira, and prior to that, on the proposed Northern Growth Area itself (as noted in Section 9). Despite this, our understanding is that these concerns have not necessarily been reflected or resolved through the process as it has progressed. We hope that all partners will seriously consider any concerns raised by mana whenua as represented by Ngāti Toa Rangātira.

Proposed project objective 2

The proposed objective states that:

Residential densities across the project area support the provision of high-frequency public transport infrastructure and services, to or between Pukerua Bay and Plimmerton railway stations over time.

We support the objective to deliver residential densities that enable public transport infrastructure delivery. However, we are concerned at the reference to 'over time' as this suggests that this infrastructure may not be in place until later stages of development, when travel patterns will already be established. We suggest that the term 'over-time' be deleted.

Proposed project objective 5

The proposed objective states that:

Land use and infrastructure enables a mix of local commercial and employment opportunities.

We support the intent of this objective, but the wording could be clearer. By 'local', does this mean that these commercial and employment opportunities will be available within the SDP development itself, or does it mean that they will be in the wider district? If the latter, we are concerned that it may only add to issues with congestion on SH59 and transport emissions if significant mode share shift (to public and active transport) is not achieved. The accompanying commentary in the Public Notification Report (at p. 44) suggests that the wording may mean 'within a 20-minute trip from home via walking, cycling or public transport', this needs to be clearer.

Proposed project objective 9

The proposed objective states that:

Neighbourhoods provide an appropriate mix of land uses including community facilities and amenities, so that most people are able to safely access most of the daily social, educational, recreational, and cultural needs, and also where possible employment needs, within a 20-minute trip from home.

We note that the wording '20-minute trip from home' would include a 20-minute trip by private vehicle, which would not align well with SDP goals to reduce emissions (see s.5(1)(a)(v))

Urban Development Act, which states that urban development projects must enable low-emissions urban environments) or with the direction in the NPS-UD. We note that in the Public Notification Report, the supplementary comment is provided (presumably to explain '20-minute trip'): 'To enable people to access most of their day to day needs within a 20-minute trip from home via walking, cycling or public transport' (noting however that this commentary is provided with objective 5 rather than objective 9).

As noted in the general remarks above, it would facilitate clarity to include this definition within the objective itself, rather than in supplementary commentary that is of uncertain legal status (i.e., likely to be outside the scope of the Order in Council). We recommend that for clarity, the objective be reworded to state:

'..., within a 20-minute trip *by public or active transport* from home.' (or similar).

GWRC's position is consistent with that of Waka Kotahi, as noted in the commentary accompanying this proposed objective.

Proposed project objective 10

The proposed objective states that:

The project area features an integrated network of high-quality public and open spaces that cater for the needs of the community, and that is integrated with community facilities, transport routes and commercial centres.

Again, in being all inclusive of roads as well as public transport with its reference to 'transport routes', this objective does little to encourage mode shift. By definition, all greenfield developments are connected by roads. This objective should specifically refer to the need to be integrated with public and active transport modes, including being within walkable catchments.

Proposed project objective 13

The proposed objective states that:

The transport network prioritises public transport, walking and cycling with:

a) early investment to achieve travel behaviour change to contribute to less car dependence over the medium to long term

b) fast, frequent, and reliable public transport services connecting, over time, to activity nodes within the project area and wider sub-region

c) enhanced walking and cycling access to the Pukerua Bay and Plimmerton railway stations.

We fully support the intent of this objective and the prioritisation of public and active transport modes. In relation to 'b) fast, frequent, and reliable public transport services connecting, over time, to activity nodes within the project area and wider sub-region', we question whether the public transport that will be delivered will be either 'fast' or 'frequent', though certainly hope that it will be reliable. The reality is that the service provided will be a bus that travels up the north-south spine along the western flank of the site, taking people to either the Pukerua Bay Station to the north or the Plimmerton Station to the south. Buses are by nature not especially fast, especially if they are stopping at regular intervals to pick up passengers, and the frequency

that we can expect is unlikely to be any more than at 20-minute intervals between services (scheduled to align, with as little wait-time as possible, with the train timetable). Note that trains are currently running at 20-minute intervals between services, but there are plans to reduce this to 15-minute intervals in the future.

We also query the second part of this clause, in relation to 'activity nodes' within the project area and wider sub-region. The bus service will only be able to ensure the capacity to transport residents to activity nodes within the project area if they are located along the north-south spine of the development. Therefore, it is suggested that this needs to be addressed through one of the urban form objectives (objectives 3–6), which should state that 'activity nodes' are located in places along the north-south spine so that they can be serviced by public transport. In relation to activity nodes in the wider sub-region, it is unlikely that the density of the development will support dedicated routes to destinations outside the development, beyond the two train stations.

Proposed objective 14

This is perhaps the objective that gives us the most concern, as referred to in the general remarks (at 3.) above, because it seems to open the way for trading off the natural environment against the imperative for development. The proposed objective states that:

Urban development, including infrastructure design and operation, integrates with te taiao in a manner that respects the whenua, whakapapa and wai, including the mauri (life-supporting capacity) of Te Awarua-O-Porirua, Taupō Swamp and other natural watercourses and wetlands, while:

- a) recognising that the efficient use of developable land and delivery of compact form in the western region of the project area may require natural environment modifications in order to achieve other project objectives...*

The verb 'respect' in the statement '... in a manner that respects the whenua, whakapapa and wai, including the mauri (life-supporting capacity) of Te Awarua-o-Porirua, Taupō Swamp and other natural watercourses and wetlands ...' is ambiguous. What does 'respect' mean in real terms and how will it be measured? Why has this verb been chosen instead of more tangible and measurable 'protect' or 'protect and enhance' or 'prevent further degradation of'.

The ambiguity of this statement is particularly of concern in the light of the subsequent balancing clause 'while: a) recognising that the efficient use of developable land and delivery of compact form in the western region of the project area may require natural environment modifications in order to achieve other project objectives... '.

This suggests that the already weak chapeau statement in this objective will be effectively balanced out by the imperative to use the developable land in an efficient manner. We also question how this aligns with the requirements of the NPS-FM, which requires that the health and wellbeing of water bodies (Te Mana o Te Wai) is prioritised (above the essential needs of people, followed by other uses).

We further consider this objective could result in development which is not consistent with the relevant sections of the RPS, including Proposed RPS Change 1, and with the NRP, which seek to maintain or improve the state of the region's water bodies and improve ecosystem health.

It is unclear why a sub-clause format has been taken with this objective, when there is only one sub-clause and a range of other relevant matters have not been referenced. In our view this objective should be re-formed to remove the sub-clause or clarify the intent.

Proposed project objective 16

This project objective states that:

Identify and enhance ecological corridors and buffer areas between and around areas of ecological value and integrate these into public open space.

GWRC strongly supports this proposed objective. To strengthen, we would further recommend adding the word 'protect', ('Identify, *protect* and enhance....') so that these areas receive long-term protection, rather than enhancement that could be eroded in the future.

Proposed project objective 17

This project objective states that:

Urban development in locations that are highly susceptible to moderate-or-higher severity natural hazard events is avoided, and in all other locations, the potential effects of natural hazards on urban development are mitigated.

We support the intent of this objective but consider it could be reworded to focus on natural hazard and climate resilience as an outcome. We would prefer to see the use of 'minimise' rather than 'mitigate', to be consistent with direction in Proposed RPS Change 1.

This objective should also refer to the critical role of urban design in achieving climate and natural hazard resilience, especially in the form of nature-based solutions such as generous areas of green and nature space, canopy trees and water-sensitive urban design.

8. Key features – Governance

The Public Notification documentation notes that Kāinga Ora is considering a committee appointed by the Kāinga Ora board for phase one (phase one comprises the development of 'Development Plan' to be approved by Ministers) with potentially a different governance entity established for phase two (delivery). It is proposed that the committee for the Development Plan phase include representatives of GWRC, along with representatives from Porirua City Council, Ngāti Toa Rangatira and Kāinga Ora. We support this approach and look forward to GWRC taking a governance role in Phase One of this important process.

We also note that the development of the Development Plan will require considerable technical and operational expertise, and it will be important that GWRC has the means (either through the governance committee or via a separate channel) to contribute to the planning process at the operational level.

9. Constraints and challenges of the site will make delivery on objectives difficult

Impacts on freshwater environments, ecological health and flood risk within the whitua

We are concerned about the wider environmental impacts of urban development both within the NGA site and in the wider whaitua. As part of scenario modelling to inform the Te Awarua-o-Porirua Whaitua Implementation Programme, it was found that due to the challenging nature of the topography within this site, any development is likely to have significant impacts on receiving environments – in particular, Taupō Swamp and Te Awarua-o-Porirua.

Both sediment erosion and the hydrological changes that will result from changes in the catchment due to urban development would result in negative ecological effects in the receiving environment, as well as implications for flooding risk to surrounding communities. This concern is amplified by the existence of a large forestry block within the NGA which is scheduled to be harvested over the next 5 years and would exacerbate erosion and sedimentation risks. Scenario modelling as part of the Te Awarua-o-Porirua Whaitua Implementation Programme found that very high levels of stormwater mitigation practices and erosion control measures would be needed to manage the expected consequences of development. This modelling and related technical work did not consider the physical feasibility or economic viability of such mitigation or the effect this would have on yields. Furthermore, while we support hydraulic neutrality from a stormwater perspective, we recommend that flood flows on and through the site are considered for up to and including the 1% annual exceedance probability (AEP) plus allowances for climate change events (e.g. in relation to peak rainfall intensities and river flows).

An additional concern relates to development in flood-prone land (in the form of low-lying areas and valleys), which has been identified in the Lucas, Skaiffe and Plimmerton Farm blocks and some areas of the Muri Road block. While it is not always practicable to avoid, a risk-based approach should be undertaken to determine the best use of land within the SDP site – this should also include consideration of emergency access and egress during flood events. However, avoidance is the preferred approach. Even though parts of the upper catchment in the SDP site may not be prone to flooding, land-use changes in this area would also impact run-off patterns and flood flows downstream of the site. Desired nature-based solutions for stormwater attenuation need to be carefully planned, designed and long-term maintenance considered to ensure they remain effective for the design life of the development.

The topography of the site is such that there are many gullies, streams and natural wetlands. These environments have important functions in the ecological health and lifecycle of aquatic and terrestrial species dependant on these environments. The Constraints and Opportunities Report identifies that the areas with the most development opportunities are those which contain sloping hills, which it suggests will require extensive infilling of gullies to flatten out. This is despite the report also mentioning that these gullies contain an extensive amount of native bush and wetland remnants, which are also said to be an opportunity for enhancing the ecological health and connectivity of the area. These potential outcomes are directly at odds with each other, and this further highlights the tension between objectives 3-6 (Land-use, housing, and urban form) and 14-16 (Respected natural environment).

It has been noted in the Constraints and Opportunities Report that work is still underway to

develop a water-sensitive urban design approach for the NGA, which was therefore not considered for the timing of this notification. Additionally, the report notes the need for trade-offs between the objectives provided in the notification. This is concerning given the challenging nature of the site and the implications any development would have on receiving environments. While the report identifies one of the key constraints being the significant amount of earthworks required to develop the terrain, it does not go further to address the environmental impacts as part of this constraint. Instead, another constraint identified is the stringency of the freshwater requirements in the NRP: particularly that the Taupō Swamp complex is designated with outstanding indigenous biodiversity value, meaning that all adverse effects should be avoided. The report reiterates that an SDP can modify a Regional Plan to align with its objectives, something which is identified as a potential opportunity in the report.

Our concerns are shared by Te Rūnanga o Toa Rangatira, who have communicated these to Kāinga Ora as part of previous processes (e.g., submissions on Variation 1 to the Proposed Porirua District Plan and Plan Change 19 to the Operative District Plan). Specifically, these concerns include the consideration of the ecological effects of the development – both within the site itself and to the wider environment. The mauri of Taupō Swamp, Te Awarua-o-Porirua, and the whānau of Hongoeka are of particular interest. Therefore, the process so far has left questions around whether enough weight is being given to the voice of mana whenua.

Delivery of public transport

GWRC supports the provision of reliable and accessible public transport (in this case a bus service) that will connect residents with the railway stations to the north and south of the SDP site. Due to the nature of the site, however, there will be some challenges which will need to be considered when the design is progressed as part of the Development Plan stage. These challenges include:

- steep topography likely to cause challenges – it may be impractical to ensure wheelchair accessibility of bus stops and to use a wheelchair ramp safely
- steep grades will make designing a main through-route which enables a coherent bus route challenging
- steep grades will slow buses down impacting timetabled services
- street layout may force buses to go around the block to turn around at Pukerua Bay (which is time consuming and results in poor legibility)
- steep local street layout will likely reduce people's willingness to walk any great distance to bus stops. This results in diminished stop catchment and will hinder mode shift
- Difficulty in developing flat building platforms for supermarkets etc may result in increased pressure from developers to locate bus stops in poor locations, such as the back of the shop. To reduce car dependency and meet our transport emissions

targets, bus infrastructure needs to be positioned to make bus travel to local centres an attractive option.

Transport emissions/VKT reduction

We are concerned that due to the nature and location of the site that the ambitious level of mode share anticipated in early planning is not realistic.

The site is some distance from existing amenities such as schools, supermarkets and other retail, sports grounds and facilities, medical facilities, churches and so on. While we understand that the objective is to have schools, a supermarket and other retail within the project site, these are unlikely to materialise until there is the density to support the investment and risk (in the case of commercial enterprises). These facilities have not yet materialised in the Aotea block development elsewhere in Porirua. This will mean that residents are likely to have to travel out of the SDP catchment for work, shopping, sports and other recreational and social activities, at least in the short to medium term.

While the project objectives anticipate a north-south connecting bus service to the railway stations to the north and south of the SDP site, without supporting measures (eg, congestion charging or increasing parking charges) this level of public transport service may not be sufficient to achieve the level of mode shift away from private vehicle use.

Furthermore, the steep topography of the site will likely be a deterrent to high levels of active mode uptake within the development – especially for bicycles, micro-mobility and wheelchairs.

In order to achieve the ambitious mode share envisaged, a broad range of interventions will be required, including those beyond the scope of the SDP itself. The design of the SDP, including mix of land use will be critical to supporting mode share, and these considerations need to guide the design and planning for the development from Day 1.

10. Final remarks

Thank you once again for the opportunity to provide our feedback on the public notification of the proposed SDP.

We look forward to working with Kāinga Ora as the proposal is further refined.

Ngā mihi nui

Daran Ponter

Chair, Greater Wellington Regional Council

Council
21 September 2023
Report 23.471



For Decision

CHRISTMAS EVE, CHRISTMAS DAY AND NEW YEAR'S EVE FARES

Te take mō te pūrongo

Purpose

1. To seek Council decision on fares on bus and rail services on Christmas Eve, Christmas Day and New Year's Eve 2023.

He tūtohu

Recommendations

That the Council:

- 1 **Notes** that in 2021 and 2022 Metlink provided free fares on its bus and rail services on Christmas Eve and Christmas Day and New Year's Eve, until 4am on 1 January 2024.
- 2 **Notes** that universal half price fares ended on 1 July 2023, but Council extended half price fares on the public transport network until 1 September 2023.
- 3 **Notes** that the Airport Service is a premium express service which was implemented in July 2022 and was included in the Christmas Eve, Christmas Day, and New Years eve free fare initiative in 2022.
- 4 **Agrees** to provide free travel on Metlink bus and rail services, excluding Airport Express, on Christmas Eve, Christmas Day, and New Year's Eve until 4am for 2023.
- 5 **Agrees** to:
either
 - a embed the provision of free travel on Metlink bus and rail services, excluding Airport Express, during Christmas Eve, Christmas Day, and New Year's Eve for future years and include budget provision for this in the Long-Term Plan.or
 - b consider the provision of free travel during Christmas Eve, Christmas and New Year's Eve annually as part of the fare review process (which takes place in January/February of every year).
- 6 **Notes** that officers will communicate the Council's decision to Metlink bus and rail operators and to Snapper for implementation.

- 7 **Notes** that free fares for the East by West Ferry service and On Demand service are not included.

Te tāhū kōrero

Background

2. Free travel on Christmas Day has been made available to customers on Metlink rail and bus services from 2018. This follows past general practice on rail and bus in the pre-Public Transport Operating Model environment.
3. Free travel on New Year's Eve was made available to customers on Metlink rail and bus services for the first time in 2020 and was made available again in 2021 and 2022.
4. Free travel on Christmas Eve was made available to customers on Metlink rail and bus services for the first time in 2021 and was made available again in 2022.
5. Harbour ferry services operate under a different (net) contract; unlike the bus and rail operators, the ferry operator has revenue responsibility for its Metlink ferry services.
6. Harbour ferry services do not operate on Christmas Day.

Fare initiatives introduced in 2023

7. On 23 February 2023 (refer Report 23.23) Council agreed to implement the following fare changes from 1 April 2023:
 - a Increase off-peak discount from the current 25% to 50%
 - b Apply the 50% off-peak discount to the adult Snapper fares and all concessions available on Snapper.
8. As part of the Government funded Community Connect initiative:
 - a from 1 July 2023, half price fares have been in place for registered Community Services Cardholders
 - b from 1 September 2023 public transport fares have been free for under 13 year olds and half price for under 25 year olds (using Snapper or ferry tickets).

Christmas Eve, Christmas Day and New Year's Eve 2022

9. The actual patronage and estimated fare revenue loss on Christmas Eve, Christmas Day and New Year's Eve 2022 is summarised in the below table:

Free travel day	Patronage			Fare revenue loss (GST excl)		
	Bus	Rail	Total	Bus	Rail	Total
Christmas Eve (24 th)	20,432	8,044	28,476	\$12,530	\$9,031	\$21,561
Christmas Day (25 th)	7,177	6,920	14,097	\$5,063	\$9,038	\$14,101
New Year's Eve (31 st)	24,176	7,759	31,935	\$15,133	\$8,586	\$23,719
Total	51,785	22,723	42,573	\$32,726	\$26,655	\$59,381

10. Compared to the same dates in 2021, patronage on bus in 2022 was lower on Christmas Eve (36%) and on New Year's Eve (11%) and higher on Christmas Day (9%).

Patronage on rail was lower on Christmas Eve (48%) but higher on Christmas Day (16%) and New Year's Eve (65%).

11. Note the following matters:
 - a Christmas Day in 2022 was a Sunday, while in 2021 it was a Saturday.
 - b Christmas Eve and New Year's Eve in 2022 were on a Saturday, while in 2021 they were on a Friday.
 - c Snapper was extended across the rail network from November 2022.
 - d On 31 December 2022, paper ticket sales at stations ceased, only allowing for Snapper and cash onboard and the use of current paper tickets.
 - e The year-on-year difference can be partly attributed to the higher patronage growth driven by the universal half-price fares, and the introduction of Snapper on Rail from November 2022.

Te tātaritanga Analysis

Strategic context and policy considerations

12. Providing free travel on Christmas Eve, Christmas Day and New Year is consistent with the following policy in the Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-31 (RPTP):
 - a Policy 1(e) – promote the public transport network to influence positive behaviour for customers.
13. For the customer, free travel on Christmas Eve, Christmas Day and New Year period could be seen as a goodwill gesture that gives families, and customers who do not normally (or cannot afford to) travel on public transport a chance to experience public transport and get around the Region to visit family and friends.
14. There are health and safety benefits from providing free fares for New Year's Eve, particularly where an alternative to private vehicle use could contribute to safety on our roads through a reduction in late evening traffic and drink driving.

Estimated patronage and revenue impact

15. The table below provides estimated patronage and fare revenue impacts for 2023.

Free travel day	Patronage			Fare revenue (GST excl)		
	Bus	Rail	Total	Bus	Rail	Total
Christmas Eve (24th)	26,000	10,000	36,000	\$44,000	\$37,000	\$81,000
Christmas Day (25th)	9,000	9,000	18,000	\$15,000	\$33,000	\$48,000
New Year's Eve (31st)	30,000	10,000	40,000	\$51,000	\$37,000	\$88,000
Total	65,000	29,000	94,000	\$110,000	\$107,000	\$217,000

Estimated fare revenue values are at full-price fare levels before accounting for Waka Kotahi funding contribution

Assuming an annual 25% patronage growth for Dec 2023 across the bus and rail network relative to Dec 2022 patronage levels

16. The following matters impact patronage and revenue expectations compared to last year:

- a Christmas Eve in 2022 was on a Saturday, while this year it is on a Sunday.
 - b Christmas Day in 2022 was on a Sunday, while this year it is on a Monday.
 - c New Year's Eve in 2022 was a Saturday while in 2023 it is on Sunday.
 - d In 2022, universal half-prices fares were in place. In 2023, all those who are not eligible for a concession now pay full price fares.
 - e Greater Wellington has increased the off-peak discount from 25% to 50% and compounded with concessions earlier this year.
17. Christmas Eve, and New Years Eve in 2023 all fall on weekend days. Weekend patronage is, on average, lower than weekday patronage.
18. As part of the Government funded Community Connect initiative:
- a from 1 July 2023, half price fares have been in place for registered Community Services Cardholders
 - b from 1 September 2023 public transport fares have been free for under 13-year-olds and half price for under 25-year-olds (using Snapper).
19. While the combined effect of the regional fare changes from 1 April 2022 and the Government's Community Connect initiatives from 1 July and 1 September 2023 is expected to result in lower average fares, there has been an observation of gradual increase in patronage which is expected to continue.
20. The higher patronage could potentially offset the lower revenue due to lower average fares and reduce the impact on revenue loss.
21. It is expected that offering free travel during those three days this year may encourage patronage to increase for adults paying full fare (25 – 64-year-olds) compared to Community Connect concession holders.
22. The Airport Express (AX) is a targeted express service that provides direct access between Wellington Railway Station and Wellington Airport with additional costs required. There is no funding provided by Waka Kotahi on this service.
23. Greater Wellington is required to pay a fee, per person, when the AX drops passengers off at the airport.

Ngā hua ahumoni

Financial implications

24. The estimated financial impact is set out at paragraph 15 of this report.
25. When compared to other years (see for example paragraph 9), the estimated financial impact of free fares on Christmas Eve, Christmas Day and New Year's Eve would be comparable with 2021.
26. The estimated revenue loss of providing free travel on Christmas Eve, Christmas Day and New Year's Eve for future years is approximately 0.3% of the total forecast revenue for the Long-Term Plan.

Ngā Take e hāngai ana te iwi Māori Implications for Māori

27. If adopted, free fares on Christmas Eve, Christmas Day and New Year's Eve would make Public Transport more accessible for all communities including Māori.
28. This contributes to the principles behind Te Tiriti o Waitangi: Partnership, Protection, and Participation. Public Transport allows Māori to travel affordably to places such as employment, social services, education, and culturally significant events. Public Transport also aims to decrease the amount of greenhouse gas emissions in the environment which appeals to the protection of the environment, which is important in te ao Māori, given a special connection to the whenua (land).

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

29. The matters requiring decision in this report were considered by officers in accordance with the process set out in the Greater Wellington's Climate Change Considerations Guide.
30. There is no need to conduct a climate change assessment on these matters.

Mitigation and adaptation assessment

31. There is no need to conduct a climate change assessment on these matters. Officers note that should this proposal be adopted it may result in mode shift and may increase patronage.

Ngā tikanga whakatao Decision-making process

32. Officers recognise that the matter referenced in this report may have a high degree of importance to affected or interested parties.
33. The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

Te hiranga Significance

34. Officers have considered the significance of the matter, taking the Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-Making Guidelines* into account. Officers recommend that the matter be considered to have low significance.

Te whakatūtakitaki Engagement

35. Engagement on the matters contained in this report aligns with the level of significance assessed. In accordance with the significance and engagement policy, no engagement on the matters for decision is required.

Ngā tūāoma e whai ake nei

Next steps

36. The Council's decision will be communicated to the general public, rail and bus operators and to Snapper through standard Metlink channels.
37. Fares information on the Metlink website will be updated to reflect the decision.

Ngā kaiwaitohu

Signatories

Writers	Alice Brennan – Policy Advisor, Commercial Strategy & Investments Scott Walker – Acting Manager, Policy, Commercial Strategy & Investments
Approvers	Tim Shackleton – Senior Manager, Commercial, Strategy & Investments Samantha Gain – Group Manager, Metlink

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Council is responsible for reviewing the performance and effectiveness of Greater Wellington Regional Council's strategies, policies plans, programmes and initiatives.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> This aligns with the policies in the Regional Public Transport Plan.
<i>Internal consultation</i> Internal consultation was undertaken across the Metlink Group.
<i>Risks and impacts - legal / health and safety etc.</i> There are no known risks arising from the matter for decision.



Council
21 September 2023
Report 23.472

For Information

LOWER NORTH ISLAND RAIL INTEGRATED MOBILITY - UPDATE

Te take mō te pūrongo

Purpose

1. To provide Council with an update on progress of the Lower North Island Rail Integrated Mobility Programme.

Te tāhū kōrero

Background

2. The inter-regional Wairarapa and Manawatū commuter rail services are a critical part of the regional transport network, providing a commuter alternative to road travel. These services provide regional commuters with critical and affordable access to economic, social and health opportunities.
3. On 29 April 2023, the Government made a pre-budget announcement confirming the funding commitment for Lower North Island Rail Integrated Mobility (LNIRIM).
4. The Government agreed funding for the purchase of 18 four-car, tri-mode trains, for the Wairarapa and Manawatū rail lines, and associated works.
5. LNIRIM is a joint initiative between Greater Wellington Regional Council and Horizons Regional Council.

Lower North Island Rail Integrated Mobility Programme.

6. **Attachment 1** to the report provides an overview and update on the LNIRIM Programme.

Overview of Assets to be purchased under LNIRIM

7. The following set of assets will be purchased under LNIRIM:
 - a 18 four-car hybrid units
 - b Maintenance depot and tools
 - c Driver facilities
 - d Driver training simulator
 - e Regional station and carpark upgrades
8. Options for ownership of these assets are currently being developed, and when completed will be reported to Greater Wellington Regional Council (Greater Wellington) and Horizons Regional Council for consideration and decision.

LNIRIM Programme delivery

9. The LNIRIM Programme will be delivered under four work packages:
 - a Package 1: Rollingstock, Depot and Maintenance services
 - b Package 2: Station Upgrades
 - c Package 3: Stabling facilities and Track Upgrades
 - d Package 4: Operational Readiness

Package 1: Rollingstock, Depot and Maintenance services

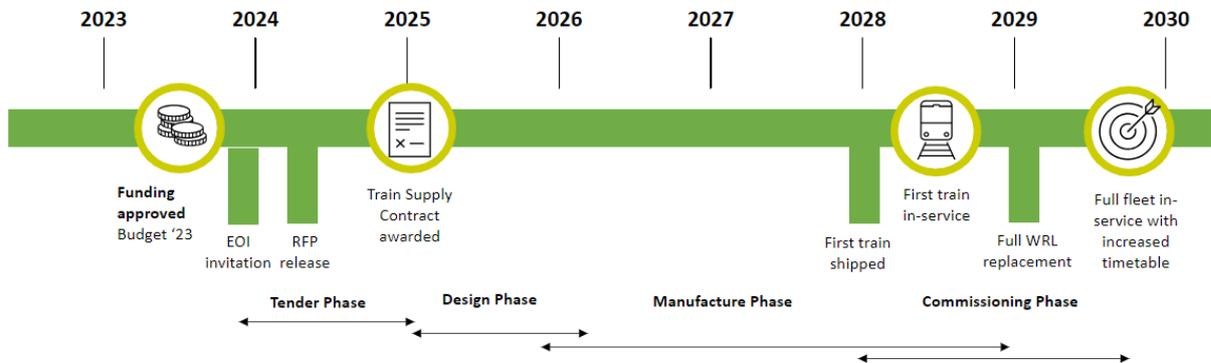
10. Package 1 defines the critical path for Programme delivery as it has the longest delivery time.
11. The initial phase of this Package has involved assembling the core project personnel and international expertise to run a major rollingstock procurement. This phase also has also involved the preparation of plans, agreements, tools, and processes that will ensure the project can progress effectively and efficiently. The process followed is set out below:
 - a On 29 May 2023, Greater Wellington published a Request for Proposals (RFP) for Professional Services to support the procurement of Package One - Rollingstock, Depot, and Maintenance Contract). The RFP sought a range of technical and transactional, and project management services to procure fit for purpose assets and services through an efficient, fair, and competitive procurement process.
 - b The RFP received nine responses which provided a range of experience and capability to provide the requirements outlined in the RFP. The evaluation of tenders was based on the Price Quality method without disclosure of the estimate. From this WSP New Zealand (WSP) were identified as the preferred supplier, delivering the best mix of quality and price. Subsequent negotiations led to GWRC signing a contract with WSP on 25 August 2023.
 - c Greater Wellington has formed a client-side team comprising:
 - i Project Director (vacant) – Responsible for overall direction of the LNIRIM Programme.
 - ii Project Lead – Responsible for delivery of the Package One project.
 - iii Legal Advisor – Responsible for overseeing legal aspects of the Programme.
 - iv Transaction Advisor– Responsible for overseeing the transaction and commercial activities
 - v Programme Coordinator – Providing project reporting and administrative support.

Programme timeline with key milestones

12. The key milestones for the procurement of the LNIRIM fleet and maintenance services include:
 - a Approval of the Procurement Strategy
 - b EOI release
 - c Short list bidders

- d RFP release
- e Preferred supplier
- f Contract award

13. The following diagram sets out the indicative timeline for the Programme.



Te whakatūtakitaki Engagement

- 14. Greater Wellington publicly consulted through the 2021-31 LTP Consultation Document and has included this project in the 2021-31 LTP.
- 15. We have commenced discussions with mana whenua on opportunities to be involved in the LNIRIM Programme.
- 16. We have continued to engage with all key stakeholders through a collective governance arrangement (LNIRIM Programme Governance Group). The LNIRIM Programme Governance Group has representation from Greater Wellington, Horizons Regional Council, Waka Kotahi, KiwiRail, and Transdev Wellington.
- 17. The Metlink Future Rail website [<https://www.metlink.org.nz/news-and-updates/news/future-rail/>] has also been updated to provide information to the public about the LNIRIM project.

Ngā tūāoma e whai ake nei Next steps

- 18. Councillors and the GWRL Board will receive a Probity briefing from the LNIRIM project Probity Advisor during the Council workshop on 5 October 2023 and will be required to complete Conflict of Interest declarations.
- 19. For this phase of the Programme, Council decisions on the following matters will be sought at upcoming meetings:
 - a Procurement Strategy
 - b Release of Expression of Interest to market
 - c Asset ownership model.

20. Officers will regularly report to Council on the progress of the LNIRIM Programme.

Ngā āpitihanga

Attachment

Number	Title
1	Presentation - Lower North Island Rail Integrated Mobility Business Case – Update

Ngā kaiwaitohu

Signatories

Writer	Rhys Hayward – Client Project Lead, Assets & Infrastructure, Metlink Barry Fryer – Manager Rail Assets, Assets & Infrastructure, Metlink
Approver	Fiona Abbott – Senior Manager, Assets & Infrastructure, Metlink Samantha Gain – Group Manager, Metlink

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> This report provides an update on the LNIRIM programme, which fits within the Council's responsibility
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> Replacement of regional rolling stock is set out in the 2021-31 LTP.
<i>Internal consultation</i> No internal consultation was required.
<i>Risks and impacts: legal / health and safety etc.</i> There are no risks and impacts related to this update.

Attachment 1 to Report 23.472

LNIRIM

**Lower North Island
Rail Integrated Mobility**

LNIRIM Programme

Update for GWRC

21 September 2023



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LNIRIM

Lower North Island Rail Integrated Mobility

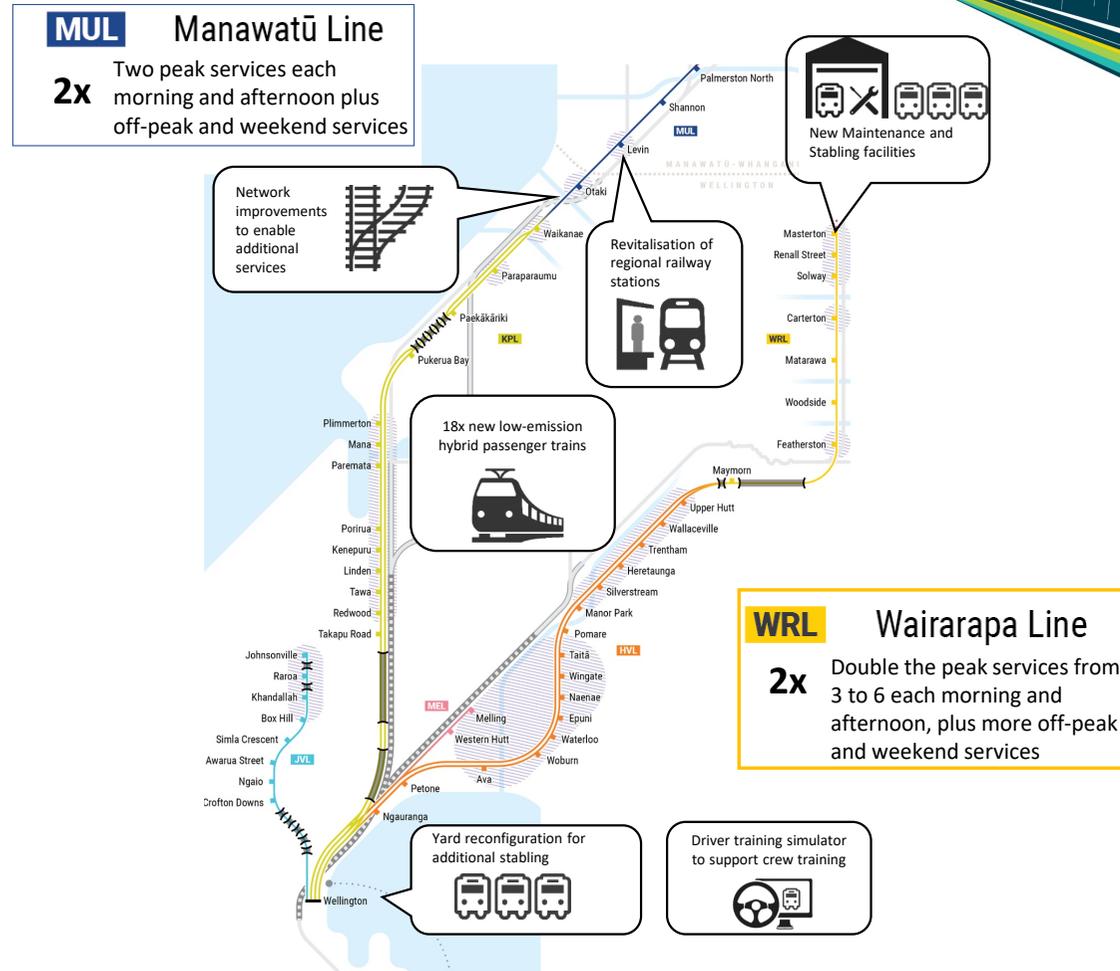
Enabling continuation of regional passenger rail for the Lower North Island, decarbonised

Attachment 1 to Report 23-472

LNIRIM will deliver new low-emission passenger trains and infrastructure improvements to ensure service continuity on the Wairarapa and Manawatū lines and enable a significant increase in service frequency to provide a reliable, convenient, affordable, and safe passenger transport option for the forecast population.

Eighteen 4-car tri-mode trains will replace the safety life-expired 1970's carriage fleets, enabling improved services which will increase connectivity across the lower North Island and support growth along these transport corridors. Network improvements will improve corridor capacity and resilience for both passenger and freight services, and stations will be revitalized to meet modern accessibility and amenity standards.

The project aligns with and contributes to the strategic direction of the national and regional transport priorities, reflected in critical government plans and policies, including the GPS on Land Transport and the Rail Plan. The project aims to support the government to facilitate mode shift and passenger VKT reduction, improve safety, reduce emissions, and improve access to future economic opportunities.

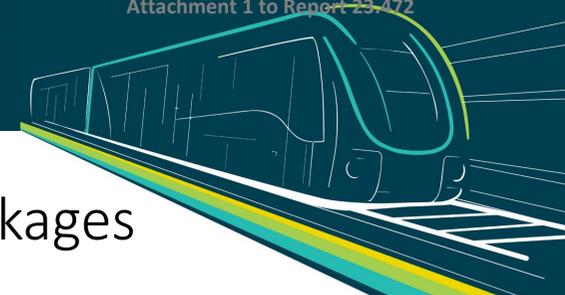


LNIRIM

Lower North Island
Rail Integrated Mobility

Enabling continuation of regional passenger
rail for the Lower North Island, decarbonised

Attachment 1 to Report 23/472



LNIRIM Programme to be delivered under four work packages

	Scope	Asset Ownership	Recommended Delivery model
Package 1:	Rollingstock, Depot and Maintenance services	Councils	Design, Build & Maintain (DBM)
Package 2:	Station Upgrades	Councils/ Iwi – stations KiwiRail - platforms	Managing contractor
Package 3	Stabling facilities and Track Upgrades	KiwiRail	KiwiRail
Package 4:	Operational Readiness		Direct Appointment



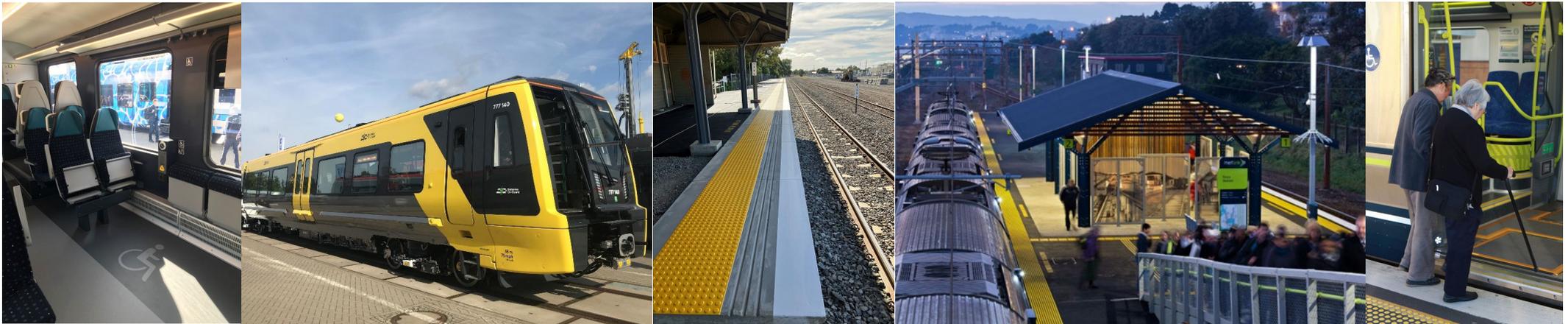
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Attachment 1 to Report 23/472



New Council Assets

- 18 four-car hybrid units
- Maintenance depot and tools
- Driver facilities
- Driver training simulator
- Regional station and carpark upgrades

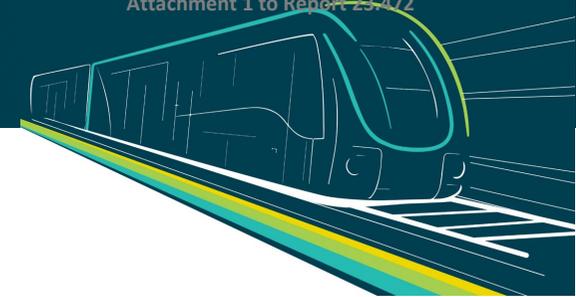




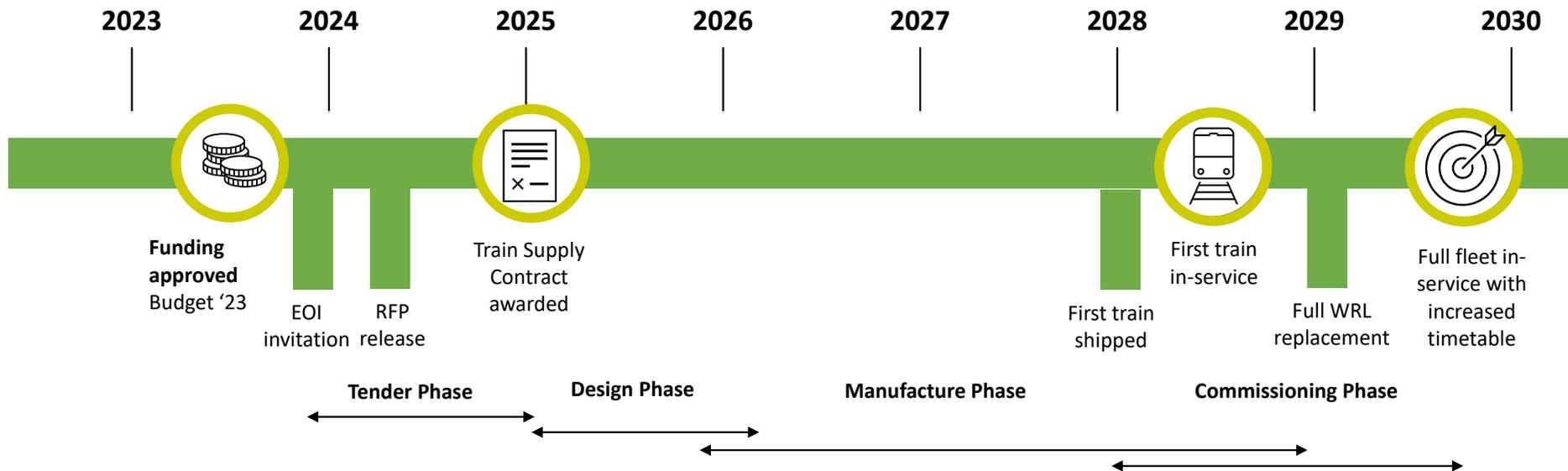
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Attachment 1 to Report 23-472



Timeline for Package 1: Rollingstock, Depot, and Maintenance





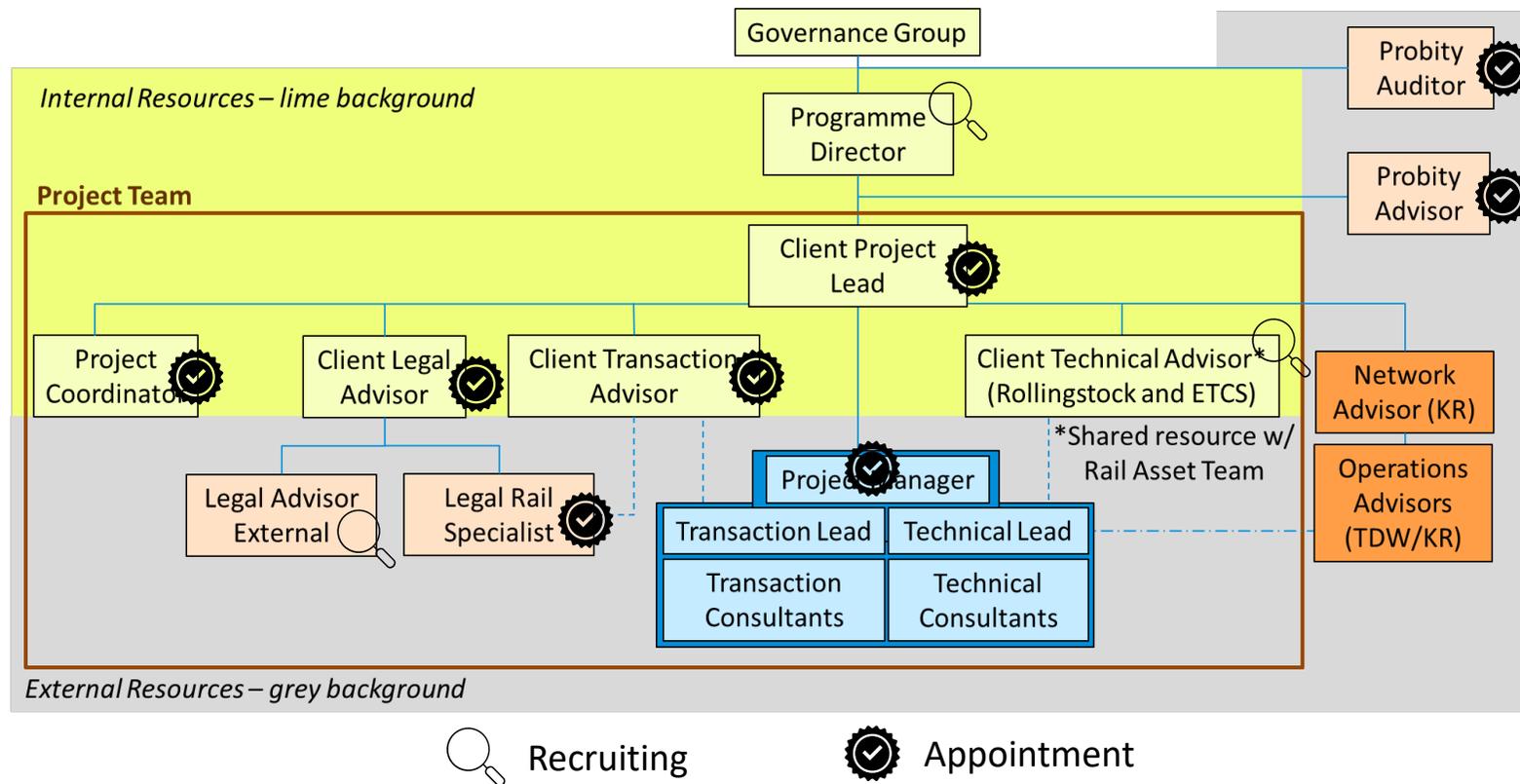
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Attachment 1 to Report 23/472



Project Team

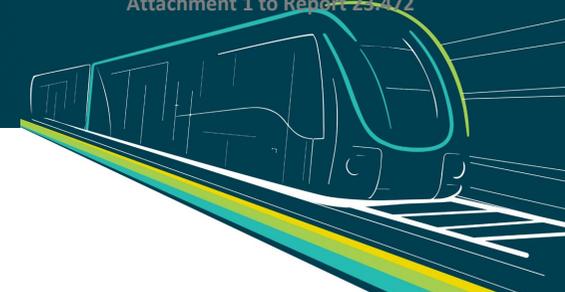




Lower North Island
Rail Integrated Mobility

Enabling continuation of regional passenger
rail for the Lower North Island, decarbonised

Attachment 1 to Report 23-472



Project Team – Professional Services

Professional Service	Supplier	
Technical and Transactional	WSP	Global rollingstock procurement and technical expertise with mix of local and international experience. Team members closely involved
Legal Services	Ashurst	Transport legal specialist with depth of experience working with GWRC to develop PTOM rail and bus Partnering contracts
Probity Advisor	Jonathan Kaye Law	Sole practitioner specialising in public law
Probity Auditor	McHale Group	Specialist assurance practice



Procurement Approach

Proposed to be a 2-stage approach

- Stage 1 - Expression of Interest (EOI) & Prequalification
- Stage 2 - Request for Proposals (RFP)



Lower North Island
Rail Integrated Mobility

Enabling continuation of regional passenger
rail for the Lower North Island, decarbonised

Attachment 1 to Report 23/472

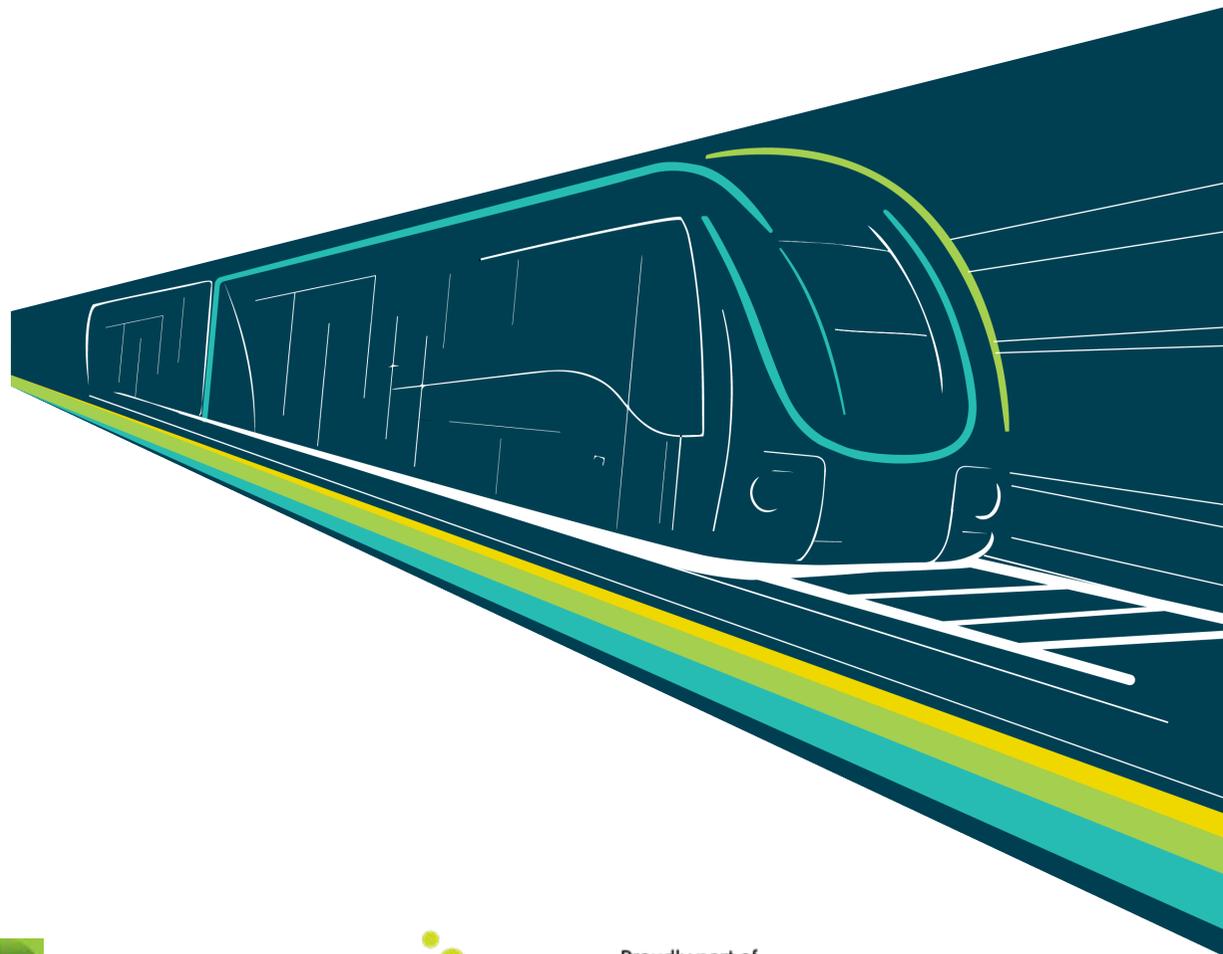


Project Plan

Tender Phase	Milestone	Date
1. Project establishment This phase comprises establishment of the Project Team and involves confirming the plans and multi-party agreements required throughout the Tender process	Procurement plan and strategy	August/ September 2023
2. Readiness for market (Pre EOI) Preparation of resources for approaching the market through an Expressions of Interest	EOI document package	September/October 2023
3. Expression Of Interest (EOI) Involves the release of the invitation for EOI and concludes with the selection of short-listed Proponents	EOI release	TBC
	EOIs submitted	TBC
	Shortlist announced	TBC
4. Request For Proposals (RFP) preparation Preparation of RFP documentation including detailed technical specifications and requirements, and draft contracts	RFP document package	TBC
5. Request For Proposals (RFP) Involves the issue of RFP to shortlisted Proponents, an intensive interactive tender process and submission of Proposals	RFP release	TBC
	Proposals received	TBC
6. RFP Evaluation and Contract Negotiation Evaluation of Proposals, final negotiations, appointment of Supplier and achievement of Supply and Maintenance Agreements	Contract Award	December 2024/January 2025

LNIRIM

Lower North Island
Rail Integrated Mobility



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Council
21 September 2023
Report 23.486



For Decision

AMENDMENT TO THE CONSTITUTION OF WRC HOLDINGS LIMITED

Te take mō te pūrongo

Purpose

1. To seek Council's agreement to amend the Constitution of WRC Holdings Limited to allow for a maximum of eight directors on its Board, increasing from the current maximum of seven directors.

He tūtohu

Recommendations

That Council

1. **Resolves** to pass a special resolution of WRC Holdings Limited, by way of written resolution contained in Attachment 2 – Shareholder's Resolution, to amend clause 19.1 of the constitution of WRC Holdings Limited to increase the maximum number of directors of WRC Holdings Limited from seven directors to eight.
2. **Authorises** the Chair of Council to sign the written resolution contained in Attachment 2 – Shareholder's Resolution.

Te tāhū kōrero

Background

Current composition of the WRC Holdings Board

2. The Constitution of WRC Holdings Limited currently allows for a minimum of four directors and a maximum of seven directors. At least two directors of the company must be external (not elected members nor employees of Greater Wellington).
3. The Council is currently represented by Councillors Kirk-Burnnand, Nash, Bassett and Lee as directors of WRC Holdings Limited and Greater Wellington Rail Limited. There are currently three external directors appointed to the companies - Nicholas Leggett, Helen Mexted and Nancy Ward. The terms of appointment for Ms Mexted, Ms Ward and Mr Leggett all end during 2023.

Review of board composition and key skillsets

4. A review of the skills required on the WRC Holdings Board was undertaken in early 2023 to ensure that the board overall comprises a balance of skills and experience that matches the strategic direction and needs of the company. This review was undertaken within the context of the Statement of Expectations from Council to WRC Holdings in

December 2022 and the objectives and activities set out in the WRC Holdings Statement of Intent for 2023-2024. Key activities for WRC Holdings as set out in its Statement of Intent for 2023/24 include:

- a progressing the investigation of strategic and ownership options for CentrePort and reporting back to Council on this
 - b an increased focus on maximising financial returns to the Council
 - c providing advice, as appropriate, to Council on any new public transport assets from a holding company perspective.
5. In addition to the general governance competencies required, specific experience across the five key skillsets (commercial strategy, asset management, financial management, legal and infrastructure) were identified as being key to the success of the Board's expected work programme.
 6. The Council's "Policy on the appointment and remuneration of directors of council organisations" notes that increasing the diversity of our boards is essential to ensuring we have high performing boards. The need to bring together a wide range of experiences and views on the WRC Holdings Board, including candidates from a Māori business background, was also identified as a key consideration for the Board's composition.

Te tātaritanga Analysis

7. Council agreed that an open recruitment process take place to seek directors for the three external director appointments to the WRC Holdings Board (Report PE23.115, 30 March 2023).
8. Through that process it has been recognised that increasing the size of the WRC Holdings Board to eight, with the addition of a fourth external director, would enable:
 - a additional skillsets and viewpoints to be represented on the Board that could contribute to the upcoming work programme and maximise financial returns for Council and benefits for the regional economy
 - b improved continuity arrangements for the Board across Council election cycles.
9. The increase in the number of directors to eight does not affect voting rights or any other part of the WRC Holdings Constitution, although it would of course dilute the voting power of each individual director. Each director has one vote (the Chair does not have a casting vote), and a resolution of the Board is only passed if it is agreed to by all directors present without dissent or if a majority of the votes cast on it are in favour of it. An even number of directors may increase the likelihood of a voting deadlock, however the risk of this to the board's governance and decision-making ability is considered minimal.
10. Key decisions continue to be subject to Council's approval (as sole shareholder), including:
 - a appointing or removing a director
 - b altering the constitution

- c approving a major transaction
- d approving a significant transaction
- e approving an amalgamation under the Companies Act 1993
- f putting the Company into liquidation.

11. **Attachment 1** sets out in full the current Constitution of WRC Holdings Limited.

Ngā hua ahumoni Financial implications

- 12. External directors currently receive annual fees of \$25,000, which includes responsibilities for both WRC Holdings and its subsidiary Greater Wellington Rail Limited. From 1 January 2024 onwards, Council agreed that this fee should increase to \$32,000 (Report 23.116, 30 March 2023).
- 13. An increase the number of directors to eight will allow for the number of external directors to increase from three to four. This will incur an additional director fee of \$25,000 per annum initially, increasing to \$32,000 per annum from 1 January 2023 onwards. Remuneration will be paid by WRC Holdings Limited.

Ngā Take e hāngai ana te iwi Māori Implications for Māori

- 14. The increase in the number of directors to eight provides an opportunity for a wider breath of experience and backgrounds on the Board.
- 15. The Council's "Policy on the appointment and remuneration of directors of council organisations" (the Policy) notes that increasing the diversity of our boards is essential to ensuring we have high performing boards. With an increase in the board size to eight directors, there is the opportunity to strengthen the Board across the five key skillsets and to enable the Board to better consider te ao Māori within its decision-making.

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 Regional Council's Climate Change Consideration Guide.
- 17. 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

18. The process for deciding these matters is explicitly prescribed by the Constitution of WRC Holdings Limited (clauses 3, 5, and 18.1), and the Companies Act 1993 (sections 32(2) and 122).

Te hiranga
Significance

19. 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 procedural.

Te whakatūtakitaki
Engagement

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

Ngā tūāoma e whai ake nei
Next steps

21. The Shareholder's Resolution in Attachment 2, once signed, will be uploaded to the Companies Office website within 10 working days.

Ngā āpitihanga
Attachments

Number	Title
1	Constitution of WRC Holdings Limited (19 May 2009)
2	Shareholders' resolution

Ngā kaiwaitohu
Signatories

Writer	Sarah Allen - Kaitohutohu Matua Principal Advisor, Company Portfolio and Economic Development
Approver	Luke Troy – Kaiwhakahaere Matua, Rautaki Group Manager, Strategy

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Constitution of WRC Holdings Limited (clauses 3 and 5), section 22 of the Companies Act 1993 and the Council "Policy on the appointment and remuneration of directors of council organisations" provides for Council's role in this matter.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> There are no known impacts on the Annual Plan or 2021-31 Long Term Plan.
<i>Internal consultation</i> Consultation has been undertaken with the Appointments Panel and with Council officers, as well as external legal advice.
<i>Risks and impacts - legal / health and safety etc.</i> There are no risks arising from the matters for decision in this report.



Constitution of WRC Holdings Limited



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CONSTITUTION OF WRC HOLDINGS LIMITED

Date:

INTRODUCTORY NOTE

The affairs of the Company are governed principally by the Companies Act 1993. This constitution should be read in conjunction with, and subject to, the provisions of that Act.

PART A: INTRODUCTION

INTERPRETATION

1 Defined terms

In this constitution:

1.1 The following expressions have the following meanings:

the Act means the Companies Act 1993.

the Board means Directors (or their alternates acting in accordance with clause 43) who number not less than the required quorum acting together as the board of directors of the Company.

the Company means WRC Holdings Limited.

this constitution means this constitution as it may be altered from time to time in accordance with the Act.

Director means a director of the Company at the time of adoption of this constitution and a person appointed as a director of the Company in accordance with this constitution.

Local Authority has the meaning as defined in the Local Government Act 2002.

Major transaction has the meaning as defined in section 129 of the Act.

Share means a share in the Company.

Shareholding Local Authority means any Local Authority that holds, directly or through a company controlled by any Local Authority, equity securities (as defined in the Securities Act 1978) that carry 50 percent or more of the voting rights at any annual or special meeting of the Company.



Shareholder Representative means a Director who is a member or employee of a Shareholding Local Authority.

Significant transaction has the meaning set out in clause 4 of this constitution.

Special resolution has the meaning set out in clause 3 of this constitution.

written or in writing in relation to words, figures and symbols includes all modes of presenting or reproducing those words, figures and symbols in a tangible and visible form.

- 1.2 Subject to clause 1.1, expressions which are defined in the Act (whether generally, or for the purposes of a particular subsection, section or sections) have the meanings given to them by the Act. Where an expression is defined in the Act more than once and in different contexts, its meaning is governed by the context in which it appears in this constitution.

2 **Construction**

In this constitution:

- 2.1 Headings appear as a matter of convenience and do not affect the interpretation of this constitution;
- 2.2 The singular includes the plural and vice versa, and words importing one gender include the other genders;
- 2.3 A reference to an enactment or any regulations is a reference to that enactment or those regulations as amended, or to any enactment or regulations substituted for that enactment or those regulations;
- 2.4 The Schedule forms part of this constitution.

SHAREHOLDER CONTROL

3 **Special resolution**

For the purposes of this constitution, special resolution means a shareholders resolution approved by those shareholders holding 100 percent of the Shares in the Company, that are entitled to vote and voting on the question.

4 **Significant transaction**

For the purposes of this constitution, a significant transaction in relation to the Company means:

- 4.1 the acquisition of, or an agreement to acquire, or a series of related acquisitions of, whether contingent or not, assets the value of which is more than 10 percent of the value of the Company's assets before the acquisition or a series of related acquisitions; or
- 4.2 the disposition of, or an agreement to dispose of, or a series of related dispositions of, whether contingent or not, assets of the Company the value of



which is more than 10 percent of the value of the Company's assets before the disposition or a series of related dispositions; or

- 4.3 a transaction or a series of related transactions that has or is likely to have the effect of the Company acquiring rights or interests or incurring obligations or liabilities the value of which is more than 10 percent of the value of the Company's assets before the transaction or a series of related transactions.

ALTERATION OR REVOCATION OF THIS CONSTITUTION

5 **Shareholders may alter or revoke this constitution**

The shareholders may alter or revoke this constitution by special resolution.

PART B: SHARES AND SHAREHOLDERS

SHARES

6 **Rights attached to ordinary Shares**

6.1 Subject to clause 7 and the terms on which a Share is issued, a Share confers on the holder:

- (a) the right to one vote on a poll at a meeting of shareholders on any resolution, including any resolution to:
- (i) appoint or remove a Director or an auditor;
 - (ii) adopt a constitution;
 - (iii) alter this constitution;
 - (iv) approve a major transaction;
 - (v) approve a significant transaction;
 - (vi) approve an amalgamation under the Act; and
 - (vii) put the Company into liquidation;
- (b) the right to an equal share in dividends authorised by the Board; and
- (c) the right to an equal share in the distribution of the Company's surplus assets.

6.2 At the time of reregistration under the Act, the Company had 24,041,100 ordinary Shares. No money is payable for calls made or otherwise on those Shares.

7 **Redeemable Shares**

7.1 The Company may redeem a Share:



- (a) at its option, if permitted by the terms of issue, or any contract for the issue, of that Share, by notice in writing;
- (b) at the option of the holder of the Share, if permitted by the terms of issue, or any contract for the issue, of that Share; or
- (c) on a date specified for redemption, by special resolution of shareholders which alters this constitution by adding that date, or (to the extent permitted by law) by the terms of issue, or any contract for the issue of, that Share,

for a consideration that is:

- (d) specified;
- (e) to be calculated by reference to a formula; or
- (f) required to be fixed by a suitably qualified person who is not associated with or interested in the Company.

7.2 On the date of reregistration of the Company under the Act, there were 2,691,600 redeemable preference Shares. No money is payable for calls made on those Shares. This constitution preserves the terms of issue of those Shares:

- (a) which negate, alter or add to (as the case may be) the rights conferred on the holder of a Share prescribed by the Act, to the extent of any inconsistency with those rights; and
- (b) except that any reference to a provision of, or a requirement under, the Companies Act 1955 will be deemed to have been replaced by a reference to the corresponding provision of, or requirement under, the Act.

CONSOLIDATION AND SUBDIVISION

8 Board may alter number of Shares

The Board may, with the prior approval of an ordinary resolution of shareholders:

- 8.1 consolidate and divide Shares or any class of Shares in proportion to those Shares or the Shares in that class respectively; or
- 8.2 subdivide Shares or any class of Shares in proportion to those Shares or the Shares in that class respectively.

ISSUE OF NEW SHARES

9 Issue of Shares

9.1 The Board may issue Shares or securities that are convertible into Shares or options to acquire Shares at any time, to any person, and in any number it thinks fit, provided:



- (a) that issue has first been approved by an ordinary resolution of shareholders;
or
 - (b) all entitled persons in the Company have first agreed to or concurred in the issue, in writing; or
 - (c) in the case of Shares, those Shares are issued in accordance with:
 - (i) the terms of conversion of securities convertible into Shares, or
 - (ii) the terms of any option to acquire Shares,which have been issued prior to the reregistration of the Company under the Act or have been issued in accordance with this clause 9.1.
- 9.2 Subject to clause 9.1, the Board may issue Shares that rank as to voting or distribution rights, or both, equally with or prior to any existing Shares, and any such issue will not be treated as an action affecting the rights attached to existing Shares.

10 **Board need not comply with statutory pre-emptive rights**

If the Board issues Shares that rank as to voting or distribution rights, or both, equally with or prior to the Shares already issued by the Company, the Board need not first offer those Shares for acquisition to existing shareholders.

TRANSFER OF SHARES

11 **Signed transfer to be delivered to Company**

11.1 Where Shares are to be transferred, a form of transfer signed by the present holder of the Shares, or by that holder's attorney or personal representative, or by any other person who may lawfully sign on behalf of that holder, must be delivered to the Company or to an agent who maintains the Company's share register.

11.2 The form of transfer shall be in a usual or common form, or in a form approved by the Board.

11.3 The transferee must sign the transfer form if the registration imposes a liability to the Company on the transferee.

12 **Shares transferred by entry on share register**

Shares shall be transferred by entry on the Company's share register of the name of the transferee which appears on the transfer form delivered to the Company.

CALLS

13 **Board may make calls**

With the prior approval of an ordinary resolution of shareholders, the Board may make calls on any shareholder for any money that is unpaid on that shareholder's Shares and not otherwise payable at a specified time or times under this constitution or the terms of issue of those Shares or any contract for the issue of those Shares.



A call may be made payable in instalments. The Board may revoke or postpone any call.

ACQUISITION OF OWN SHARES

14 Company may acquire and hold Shares

- 14.1 The Company may, with the prior approval of an ordinary resolution of shareholders or the prior written agreement or concurrence of all entitled persons, purchase or otherwise acquire Shares and may hold those Shares in accordance with the Act.
- 14.2 Subject to clause 14.1, the Board may purchase or otherwise acquire shares issued by the Company from such shareholders and in such numbers or proportions as it thinks fit, in accordance with the Act.
- 14.3 The transfer by the Company of any Share which it has acquired and held shall be subject to the provisions of this constitution relating to the issue of Shares.

DISTRIBUTIONS

15 Board may authorise distributions

The Board may authorise a distribution by the Company, in accordance with the Act.

MEETINGS OF SHAREHOLDERS

16 Company must hold annual meeting of shareholders

16.1 The Board must call an annual meeting of shareholders to be held:

- (a) once in each calendar year; and
- (b) not later than 15 months after the date of the previous annual meeting of shareholders; and
- (c) not later than 6 months after the balance date of the Company.

However no annual meeting need be called and held if everything required to be done at the meeting is done by resolution passed in accordance with clause 18.

16.2 The Company must hold the meeting on the date on which it is called by the Board to be held.

17 Company may hold special meetings of shareholders

A special meeting of shareholders entitled to vote on an issue may be called at any time by the Board, or by shareholders holding Shares which carry not less than 51 percent of the total votes attaching to Shares.

18 Written shareholders' resolution instead of holding a meeting

18.1 Subject to the requirements of clause 3, a written resolution signed by at least 75 percent of the shareholders who would be entitled to vote on that resolution at a meeting of shareholders, and who together hold at least 75 percent of the votes entitled to be cast on that resolution, is as valid as if it had been passed at a



meeting of those shareholders. Any such resolution may consist of several copies of the resolution, each signed by one or more shareholders. A copy of a resolution, which has been signed and sent by facsimile or any similar means of communication, will satisfy the requirements of this clause.

- 18.2 The Company must send a copy of the resolution to every shareholder who did not sign the resolution or on whose behalf the resolution was not signed, within five working days of the resolution being passed.
- 18.3 Subject to the terms of issue of any Share and any other provision of this constitution, the holder of a Share shall not lose the right to vote at a meeting of shareholders if a sum due to the Company in respect of that Share has not been paid.

PART C: DIRECTORS

APPOINTMENT AND REMOVAL

19 Number of Directors is restricted

- 19.1 The minimum and maximum number of Directors (excluding, for the avoidance of doubt, alternate directors) shall be 4 and 7, respectively. The maximum number of Directors may be increased by a special resolution of shareholders;
- 19.2 At least two Directors of the Company shall be persons who are neither :
- (a) members of a Shareholding Local Authority; or
 - (b) persons employed by a Shareholding Local Authority.

20 Shareholders to appoint Directors

- 20.1 Any person who is not disqualified under the Act may be appointed as a Director by a special resolution of shareholders.
- 20.2 A Shareholder Representative remains in office as a Director from the time of appointment as a Director until, and vacates office as a Director on, 31 December in the year in which an election of members of the appointing Shareholding Local Authority is held, unless the Shareholder Representative has earlier vacated office in accordance with clause 25. For the avoidance of doubt, this clause 20.2 does not apply to Directors appointed subsequent to an election in the year in which an election of members of the appointing Shareholding Local Authority is held.

21 Shareholders to remove Directors

Any Director may be removed from office by:

- 21.1 a special resolution of shareholders passed at a meeting called for the purpose of, or for purposes that include, removal of the Director; and
- 21.2 notice in writing to the Company signed by the shareholders, notifying the Company of such removal.



22 **Notice of removal of Directors**

Any notice of removal of a Director under clause 21.2 may be comprised in one or more notices in writing. The notice takes effect from the time it is served on the Company in accordance with the Act, or from such later time as the notice states that it is to take effect.

CHAIRPERSON

23 **Shareholders to elect chairperson of the Board**

The shareholders must, by special resolution, appoint one Director as chairperson of the Board.

24 **Chairperson to hold office on certain terms**

The chairperson of the Board holds that office until he or she vacates office or the shareholders appoint a chairperson in his or her place.

VACATION OF OFFICE

25 **Office of Director vacated in certain cases**

The office of Director is vacated if the person holding that office:

25.1 dies; or

25.2 becomes disqualified from being a director pursuant to the Act; or

25.3 resigns that office in accordance with this constitution; or

25.4 as a Shareholder Representative, receives notice from the Shareholding Local Authority terminating the appointment as a Director; or

25.5 is removed from or otherwise vacates office in accordance with this constitution or the Act.

26 **Directors' resignation procedure**

A Director may resign office by delivering a signed notice of resignation in writing to the address for service of the Company. The notice is effective when it is received at that address or at a later time specified in the notice.

MANAGEMENT OF THE COMPANY

27 **Board to manage Company**

The Company's business and affairs must be managed by, and under the direction or supervision of, the Board, except to the extent that the Act or this constitution provides otherwise.

28 **Board has powers necessary to manage Company**

28.1 Subject to clause 28.2, the Board has all the powers necessary for managing, and for directing and supervising the management of, the Company's business and affairs, except to the extent that the Act or this constitution provides otherwise;



28.2 If the Company is acting in its capacity as a shareholder of any subsidiary company, then prior to the Board resolving to pass any resolution required to be passed as a special resolution of shareholders by the Act or the constitution of any such subsidiary, the Board must first obtain the written consent of the shareholders.

29 **Special resolutions necessary for significant transactions**

The Company must not enter into a significant transaction unless the transaction is:

29.1 approved by a special resolution of shareholders; or

29.2 contingent on approval by a special resolution of shareholders.

30 **Restriction on sale of shares in subsidiary**

The Board must not sell, transfer or otherwise dispose of, or enter into any agreement or arrangement to sell, transfer or otherwise dispose of, one or more shares in any subsidiary of the Company unless the sale, transfer or other disposition has been approved by a special resolution of shareholders.

PROCEEDINGS OF THE BOARD

31 **Meetings of the Board**

The Schedule governs the proceedings at meetings of the Board, except where otherwise agreed by all Directors in relation to a particular meeting or meetings. The Third Schedule to the Act does not apply to proceedings of the Board.

32 **Written resolutions of Board permitted**

A resolution in writing signed or assented to by all of the Directors then entitled to receive notice of a meeting of the Board and entitled to vote on the resolution is as valid and effective as if it had been passed at a meeting of the Board duly convened and held, provided those Directors would constitute a quorum at such a meeting.

33 **Written resolutions may be in counterparts**

Any written resolution under clause 32 may consist of several copies of the resolution, each signed or assented to by one or more of the Directors. A copy of a written resolution, which has been signed and is sent by facsimile or any similar means of communication, will satisfy the requirements of this clause.

DIRECTORS' DUTIES

34 **Directors may act in best interests of holding company**

If at any time the Company is a wholly-owned subsidiary of a body corporate then, when exercising powers or performing duties as a Director, any Director may act in a manner which he or she believes is in the best interests of the Company's holding company even though it may not be in the best interests of the Company.

35 **Directors may act in best interests of holding company only with the agreement of other shareholders**

If at any time the Company is a subsidiary (but not a wholly-owned subsidiary) of a body corporate then, when exercising powers or performing duties as a Director, any Director may act in a manner which he or she believes is in the best interests of the



Company's holding company even though it may not be in the best interests of the Company. However, this clause will apply only if the shareholders other than the Company's holding company have agreed that it will apply.

DELEGATION OF POWERS

36 Restriction on Board's right to delegate its powers

Subject to the restrictions on delegation in the Act, the Board may delegate any one or more of its powers to a committee of Directors, a Director, an employee of the Company or any other person.

37 Board delegates to comply with regulations

In exercising the Board's delegated powers, any committee of Directors, Director, employee of the Company or other person must comply with any regulations that the Board may impose.

38 Committee proceedings

The provisions of this constitution relating to proceedings of the Board shall, insofar as they are not altered by regulations made by the Board, also apply to proceedings of any committee of Directors.

INTERESTED DIRECTORS

39 Directors must disclose their interests

As soon as a Director becomes aware of the fact that he or she is interested in a transaction or proposed transaction with the Company, then, unless the Act provides otherwise or all entitled persons have agreed to or concur in the Company entering into the transaction, that Director must disclose that interest in accordance with the Act.

REMUNERATION

40 Shareholders' to authorise remuneration and other benefits of Directors

Subject to clause 41 and any other enactment or rule of law, the shareholders may, by special resolution, authorise:

- 40.1 the payment of remuneration or the provision of other benefits by the Company to a Director for services as a director or in any other capacity;
- 40.2 the payment by the Company to a Director of compensation for loss of office;
- 40.3 the giving of guarantees by the Company for debts incurred by a Director;
and
- 40.4 the entering into of a contract to do any of the things set out in this clause 40.

Other than as provided for in clause 41, the Board shall not authorise the payment of any remuneration or other benefit to a Director.



41 **Expenses**

A Director may be reimbursed for reasonable travelling, accommodation and other expenses incurred in the course of performing duties or exercising powers as a director of the Company, without requiring the prior authorisation of shareholders.

ALTERNATE DIRECTORS

42 **Directors may appoint and remove alternate directors**

42.1 Subject to clause 42.2, every Director may:

(a) appoint any person who is not disqualified by the Act from being a director to act as an alternate director in his or her place either for a specified period, or generally during the absence or inability to act from time to time of such Director; and

(b) remove that person from that office,

by giving written notice to that effect to the Company.

42.2 The appointment of an alternate director shall only be effective on the receipt by the Company of written consent:

(a) signed by shareholders holding Shares which carry not less than 51 percent of the total votes attaching to the Shares; or

(b) in the form of an ordinary resolution of shareholders.

43 **Alternate director has powers of appointor**

While acting in the place of the Director who appointed him or her, an alternate director:

43.1 has, and may exercise and discharge, all the powers, rights, duties and privileges of that Director (including the right to receive notice of, be counted as part of the quorum of, and participate in, a meeting of the Board and to sign any document, including a written resolution, and to act as chairperson of the Board, but excluding the right to appoint an alternate Director);

43.2 is also subject to the same terms and conditions of appointment as that Director, except that he or she shall not be entitled to receive remuneration other than such proportion (if any) of the remuneration otherwise payable to his or her appointor as the appointor may by notice in writing to the Company from time to time direct.

44 **Termination of appointment of alternate director**

The appointment of an alternate director terminates automatically if the Director who appointed him or her ceases to be a Director.



PART D: GENERAL

CHANGE OF COMPANY NAME

45 **A Director may apply to change Company name**

A Director may apply to the Registrar of Companies to change the name of the Company if the Board has approved the Director doing so and the change of name has been approved by an ordinary resolution of shareholders.

INDEMNITY AND INSURANCE FOR DIRECTORS AND EMPLOYEES

46 **Company may indemnify directors and employees for certain liabilities**

The Company may indemnify a director or employee of the Company or a related company for any liability or costs for which a director or employee may be indemnified under the Act. The Board may determine the terms and conditions of any such indemnity.

47 **Company may effect insurance for directors and employees**

The Company may, with the prior approval of the Board, effect insurance for a director or employee of the Company or a related company for any liability or costs for which a company may effect insurance for a director or employee under the Act. The Board may determine the amounts and the terms and conditions of any such insurance.

EXECUTION ON BEHALF OF COMPANY

48 **Manner of execution**

A contract or other enforceable obligation may be entered into by the Company as follows:

48.1 an obligation which, if entered into by a natural person, would, by law, be required to be by deed, may be entered into on behalf of the Company in writing signed under the name of the Company by -

- (a) two or more Directors; or
- (b) a Director and any other person authorised by the Board, whose signatures must be witnessed; or
- (c) one or more attorneys appointed by the Company in accordance with clause 49;

48.2 an obligation which, if entered into by a natural person, is, by law, required to be in writing, may be entered into on behalf of the Company in writing by a person acting under the Company's express or implied authority; and

48.3 an obligation which, if entered into by a natural person, is not, by law, required to be in writing, may be entered into on behalf of the Company in writing or orally by a person acting under the Company's express or implied authority.



49 **Company may appoint attorneys**

The Company may, by an instrument in writing executed in accordance with clause 48.1, appoint one or more persons as its attorney or attorneys either generally or in relation to a specified matter or matters. An act of an attorney in accordance with any such instrument binds the Company.

LIQUIDATION

50 **Distribution of assets in kind**

If the Company is liquidated the liquidator may, with the approval by shareholders holding Shares which carry not less than 51 percent of the total votes attaching to Shares and any other sanction required by the Act:

50.1 divide among the shareholders in kind the whole or any part of the assets of the Company and for that purpose the liquidator may:

- (a) fix such values for assets as the liquidator considers to be appropriate, and
- (b) determine how the division will be carried out as between shareholders or different classes of shareholder;

and

50.2 vest the whole or any part of any such assets in trustees upon such trusts for the benefit such of those shareholders as the liquidator thinks fit,

but so that no shareholder is compelled to accept any shares or other securities on which there is any liability.

REMOVAL OF COMPANY FROM REGISTER

51 **Directors may remove Company from register**

If the Company:

51.1 has ceased to carry on business, discharged in full its liabilities to all known creditors, and distributed its surplus assets in accordance with the Act; or

51.2 has no surplus assets after paying its debts in full or in part, and no creditor has applied to the Court for an order putting the Company into liquidation,

the Board may, with the prior approval of an ordinary resolution of shareholders, request the Registrar to remove the Company from the New Zealand register.



SCHEDULE: PROCEEDINGS OF THE BOARD

NOTICE OF MEETING

- 1 **Director's power to convene meetings**
A Director, or any other person at the request of a Director, may convene a meeting of the Board by giving notice in accordance with this Schedule.
- 2 **Notice to be sent to Director's address**
The notice of meeting must be given to each Director personally (either in person or by telephone) or sent to the address or facsimile number which the Director provides to the Company for that purpose, or if an address or facsimile number is not provided, then to his or her last place of employment or residence or facsimile number known to the Company.
- 3 **Period of notice required to be given to Directors**
At least one day's notice of a meeting of the Board must be given unless the chairperson (or, in the chairperson's absence from New Zealand, any other Director) believes it is necessary to convene a meeting of the Board as a matter of urgency, in which case shorter notice of the meeting of the Board may be given, so long as at least one hour's notice is given.
- 4 **Absent Directors**
Notice need not be given to any Director for the time being absent from New Zealand. However, if he or she has an alternate director who is in New Zealand, then notice must be given to that person.
- 5 **Directors may waive irregularities in notice**
Any irregularity in the notice of a meeting is waived if all Directors entitled to receive notice of the meeting attend the meeting without protest as to the irregularity, or if all Directors entitled to receive notice of the meeting agree to the waiver.

MEETING AND QUORUM

- 6 **Methods of holding meetings**
A meeting of the Board may be held either:
 - 6.1 By a number of Directors who constitute a quorum being assembled together at the place, date and time appointed for the meeting; or
 - 6.2 By means of audio, or audio and visual, communication by which a quorum of Directors participating can simultaneously hear each other throughout the meeting.
- 7 **Quorum for Board meeting**
Unless otherwise determined by the shareholders, the quorum necessary for the transaction of business at a meeting of the Board is:



7.1 At least 3 Directors; and

7.2 not less than 2 of those 3 must be Shareholder Representatives.

CHAIRPERSON

8 Chairperson to chair meetings

The chairperson of the Board will chair all meetings of the Board. If no chairperson is elected, or if at a meeting of the Board the chairperson is not present within 5 minutes from the time appointed for the meeting, then the Directors present may elect one Shareholder Representative to be chairperson of the meeting.

VOTING

9 Voting on resolutions

Each Director has one vote. A resolution of the Board is passed if it is agreed to by all Directors present without dissent or if a majority of the votes cast on it are in favour of it. A Director present at a meeting of the Board may abstain from voting on a resolution, and any Director who abstains from voting on a resolution will not be treated as having voted in favour of it for the purposes of the Act.

MINUTES

10 Board must keep minutes of proceedings

The Board must ensure that minutes are kept of proceedings at meetings of the Board. Minutes which have been signed correct by the chairperson of the meeting are evidence of the proceedings at the meeting unless they are shown to be inaccurate.

OTHER PROCEEDINGS

11 Board may regulate other proceedings

11.1 Except as set out in this Schedule, the Board may regulate its own procedure;

11.2 For the avoidance of doubt, any member or employee of a Shareholding Local Authority may, with the approval of the Board, attend and speak at meetings of the Board. A right of attendance does not grant the attendee a right to vote on any resolution before the Board.

Attachment 2 to Report 23.486

Shareholder's Resolution

**WELLINGTON REGIONAL COUNCIL
(the *Shareholder*)**

**W R C HOLDINGS LIMITED
(the *Company*)**

Written resolution of the sole shareholder of the Company pursuant to section 122 of the Companies Act 1993 (the *Act*) and clauses 3 and 18.1 of the Company's constitution (the *Constitution*) and dated 21 September 2023

Background

- A. The Constitution contains the following provision at clause 19.1:

"The minimum and maximum number of Directors (excluding, for the avoidance of doubt, alternate directors) shall be 4 and 7, respectively. The maximum number of Directors may be increased by a special resolution of shareholders;"

- B. The Shareholder (being the Company's sole shareholder) wishes to amend clause 19.1 of the Constitution to increase the maximum number of directors that may be appointed to the board of the Company from seven to eight.

Resolution

It is resolved as a special resolution of the Company's sole shareholder pursuant to clauses 3 and 5 of the Company's constitution, and section 32(2) of the Act, that clause 19.1 of the Constitution be deleted and replaced by the following:

"The minimum and maximum number of Directors (excluding, for the avoidance of doubt, alternate directors) shall be 4 and 8, respectively. The maximum number of Directors may be increased by a special resolution of shareholders;"

Signed by **Wellington Regional Council**, being the sole shareholder of the Company, by:

Authorised Person

Council
21 September 2023
Report 23.434



For Decision

ISSUE OF UNPAID SHARE CAPITAL TO FUND GREATER WELLINGTON RAIL LIMITED CAPITAL EXPENDITURE FOR 2023/24

Te take mō te pūrongo Purpose

1. This report seeks Council's:
 - a approval and consent to the issue of 25.2 million unpaid \$1 shares by WRC Holdings Limited (WRCHL) to Council
 - b consent to WRCHL approving the issue of 25.2 million unpaid \$1 shares by Greater Wellington Rail Limited (GWRL) to WRCHL
 - c approval to execute an agreement for the issue of shares which makes provision for the respective boards to make calls for payment of the shares as GWRL's 2023/24 budget capital expenditure becomes due for payment.

He tūtohu Recommendations

That Council:

- 1 **Notes** that the amount of \$26.0 million is required by Greater Wellington Rail Limited to fund Greater Wellington Regional Rail's budgeted 2023/24 year capital expenditure.
- 2 **Notes** that Greater Wellington Rail Limited's budgeted 2023/24 capital expenditure will be funded by:
 - a The issue of 25.2 million unpaid ordinary \$1 shares by Greater Wellington Rail Limited to WRC Holdings Limited, and
 - b The issue of 25.2 million unpaid ordinary \$1 shares by WRC Holdings Limited to Council.
 - c The utilisation of 0.8 million unpaid ordinary \$1 shares issued by Greater Wellington Rail Limited to WRC Holdings Limited in prior periods but not yet called.
 - d The utilisation of 0.8 million unpaid ordinary \$1 shares issued by WRC Holdings Limited to Council in prior periods but not yet called.

- 3 **Approves** the issue of 25.2 million unpaid ordinary \$1 shares in WRC Holdings Limited to Council.
- 4 **Endorses** WRC Holdings Limited approving the issue of 25.2 million unpaid ordinary \$1 shares in Greater Wellington Rail Limited to WRCHL.
- 5 **Authorises** the Council Chair and Deputy Chair to sign the required Entitled Persons Agreement attached approving and consenting to the issue of shares on behalf of Council.
- 6 **Authorises** the Council Chair to sign the agreement attached for the issue of shares approving the basis upon which the respective WRC Holdings Limited and Greater Wellington Rail Limited boards may make calls for payment of the shares.
- 7 **Requests** that the Council Chair confirms the consent and approvals referred to in this report, in writing to WRC Holdings Limited.

Te tāhū kōrero

Background

2. Each year Council approves the issuance of share capital by WRCHL and in turn by GWRL to fund GWRL's capital programme.
3. The shares are issued as uncalled and when the funds are spent in GWRL the monies are drawn down against the respective shares.
4. On 20 June 2023, the WRCHL Board approved the Statement of Intent (SOI) for WRCHL for the three years ending June 2026. The SOI includes budgeted capital expenditure which is to be 100% funded by share capital.
5. The 2023/24 budgeted capital expenditure for GWRL is \$26.0 million.
6. As with all budgets they are estimates of expenditure, there remain shares which were issued in previous years and have not yet been called to match capital expenditure. This has occurred due to timing of expenditure and with projects coming in under budget due to either savings or non-utilisation of contingency allowances.
7. At 30 June 2023 after the call on shares for the 2022/23 year the total value of issued but uncalled shares remaining was \$0.8 million.
8. The new share issue of 25.2 million \$1 shares, plus the existing 0.8 million \$1 uncalled shares equates to this year's budgeted capital expenditure in GWRL of \$26.0 million.

Te tātaritanga

Analysis

9. The issue of the new unpaid shares required to fund part of GWRL's \$26.0 million budgeted 2023/24 year capital expenditure will occur as follows, and requires the following approvals:
 - a Council as the sole shareholder and entitled person of WRCHL is required to approve the issue of unpaid ordinary \$1 shares by WRCHL equivalent to \$25.2 million (being the balancing amount required to fund GWRL's budgeted 2023/24 year capital expenditure).

- b This is approved by authorising the signing of an entitled persons agreement (refer [Attachment 1](#)).
- c Council is required to approve and authorise the signing of the agreement for the issue of shares to record the basis upon which the respective boards of WRCHL and GWRL make calls for the payment of the shares (refer [Attachment 2](#)).
- d The Directors of WRCHL, subject to Council approval have approved the issue of unpaid shares to Council at the WRCHL meeting on 5 September 2023.
- e The Directors of GWRL, subject to Council approval have approved the issue of unpaid shares to WRCHL at the GWRL meeting on 5 September 2023.

Ngā hua ahumoni
Financial implications

- 10. There are financial implications to the issue of \$25.2 million shares in both WRCHL and GWRL. However, this is within the budgeted 2023/24 year capital expenditure of GWRL.

Ngā Take e hāngai ana te iwi Māori
Implications for Māori

- 11. There are no known impacts for Māori.

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

- 12. “Responding to the Climate Emergency” is one of four overarching strategic priorities that underpins Greater Wellington’s 2021-31 LTP, and therefore 2023/24 Annual Plan.
- 13. The matter for decision in this report is of a procedural nature, and there is no need to conduct climate change assessment.

Ngā tikanga whakatau
Decision-making process

- 14. The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

Te hiranga
Significance

- 15. Part 6 requires Greater Wellington Regional Council to consider the significance of the decision. The term ‘significance’ has a statutory definition set out in the Act.
- 16. Officers have considered the significance of the matter, taking the Council's significance and engagement policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance. As set out above, the matters for decision in this report implement budgeted capital expenditure set out in the Long Term Plan.

Te whakatūtakitaki

Engagement

17. Engagement on the matters contained in this report took place when the budgeted capital expenditure was consulted on as part of the Council's Long Term Plan.

Ngā āpitihanga

Attachments

Number	Title
1	Entitled Person Agreement of GWRC
2	Agreement for the issue of shares

Ngā kaiwaitohu

Signatories

Writer	Ashwin Pai - Financial Controller
Approvers	Alison Trustrum-Rainey – Group Manager, Finance and Risk

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> Council is responsible for approving the issue of shares with WRCHL and GWRL.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> The matters for decision implement budgeted capital expenditure set out in the Annual Plan.
<i>Internal consultation</i> Finance, Metlink, Strategic and Corporate Planning departments were consulted in preparing this report.
<i>Risks and impacts - legal / health and safety etc.</i> There are no identified risks relating to the content or recommendations of this report.

**WRC HOLDINGS LIMITED
(363481)
(the Company)**

**WELLINGTON REGIONAL COUNCIL
(the Shareholder)**

Agreement of the sole shareholder and entitled person of the Company pursuant to section 107 of the Companies Act 1993 (the Act) and dated 21 September 2023

- 1 The Shareholder, being the sole shareholder and entitled person of the Company agrees to the issue of 25.2 million ordinary unpaid shares valued at \$1 each by the Company (**the Shares**) to the Shareholder, on the terms set out in the annexed resolution of directors (the **Board Resolution**).
- 2 The Shares be unpaid, but otherwise issued on the same terms as, and ranking equally with the existing ordinary shares in the Company but to the extent that they are not inconsistent with the additional terms contained in the Board Resolution.
- 3 In accordance with section 50 of the Act, the Shareholder consents to becoming the holder of the Shares.

Signed by the **Wellington Regional Council**, being the sole shareholder and entitled person of the Company, by:

Authorised Person

Authorised Person

**COPY OF RESOLUTION SIGNED BY THE BOARD OF WRCHL AT ITS MEETING ON 5
September 2023**

**WRC HOLDINGS LIMITED
(363481)
(the Company)**

Directors' written resolution pursuant to clause 32 of the Company's Constitution and dated 5 September 2023

Resolved that:

- 1 Subject to the approval and agreement of the sole shareholder and entitled person of the Company, Wellington Regional Council (the Shareholder), under section 107(2) of the Companies Act 1993, the Company issues 25.2 million ordinary unpaid shares (the Shares) valued at \$1 each to the Shareholder.
- 2 The Shares be unpaid, but otherwise issued on the same terms as, and ranking equally with, the existing ordinary shares of the Company and shall be issued in accordance with the Agreement for the issue of those shares tabled at the Directors' meeting.
- 3 The share register of the Company be updated accordingly to reflect the issue of the Shares.
- 4 The Company acquire a further 25.2 million ordinary unpaid shares valued at \$1 each in the Company's wholly owned subsidiary, Greater Wellington Rail Limited (GWRL), on the same terms as, and ranking equally with, the Company's existing ordinary shares in GWRL.

Acknowledged that:

- 5 No call shall be made by the Company in respect of the Shares that is in excess of any certified amount required by the Company to fund all or a part of the Company's budgeted 2023/24 capital expenditure of up to \$26.0 million.

Signed by all the directors of **WRC Holdings Limited**:

Chris Kirk-Burnnand

Helen Mexted

Thomas Nash

Nick Leggett

David Lee

David Bassett

Nancy Ward

**Agreement for the issue of shares
(GWRL 2023/24 capital expenditure)**

Wellington Regional Council
WRC Holdings Limited
Greater Wellington Rail Limited

Parties

Wellington Regional Council (**WRC**)

WRC Holdings Limited registered number 363481 (**WRCHL**)

Greater Wellington Rail Limited registered number 1846367 (**GWRL**)

Background

- A. GWRL is a company wholly owned by WRCHL, which in turn is a company wholly owned by WRC.
- B. The Board of GWRL, with the prior approval of all entitled persons, has resolved to issue to WRCHL 25.2 million unpaid ordinary shares at \$1 each.
- C. The Board of WRCHL, with the prior approval of all entitled persons, has resolved to issue to WRC 25.2 million unpaid ordinary shares at \$1 each.
- D. The shares are being issued to provide funding for GWRL to partly meet budgeted 2023/24 year capital expenditure of \$26.0 million (the **FY23/24 Capital Expenditure**).
- E. WRC, WRCHL and GWRL are entering this contract for the issue of those shares to record the basis upon which the respective Boards may make calls for the payment of those shares.

It is agreed between the parties as follows

- 1. As GWRL is required to make payments to meet the FY23/24 Capital Expenditure, it shall be entitled to make a call on any of the 26.0 million \$1 shares issued to WRCHL, and within five business days of making that call WRCHL shall make payment. GWRL has authorised the Chief Financial Officer of WRC to make such calls on its behalf, and when giving notice of any such call, the Chief Financial Officer of WRC must certify that the amount being called will be used only to fund the FY23/24 Capital Expenditure and the amount of the call made does not exceed the amount certified which is due for payment in respect of such FY23/24 Capital Expenditure.
- 2. As WRCHL is required to make payments to meet a call made on the shares issued to it, WRCHL shall be entitled to make a call on any of the 26.0 million \$1 shares issued to WRC, and within five business days of making that call WRC shall make payment. WRCHL has authorised the Chief Financial Officer of WRC to make such calls on its behalf, but when giving notice of any such call, the Chief Financial Officer of WRC must certify that the amount being called will be used only to fund payment of sums unpaid in respect of the shares issued to WRC and that in turn, such sums will be used only by GWRL to meet GWRL's FY23/24 Capital Expenditure and the amount of the call made does not exceed the amount certified which is due for payment in respect of such FY23/24 Capital Expenditure.

Execution and date

Executed as an agreement.

Date:

Signed on behalf of
Wellington Regional Council

.....
Authorised officer

WRC Holdings Limited by:

.....
Signature of director

.....
Signature of director

.....
Name of director (print)

.....
Name of director (print)

Greater Wellington Rail Limited by:

.....
Signature of director

.....
Signature of director

.....
Name of director (print)

.....
Name of director (print)

Council
21 September 2023
Report 23.452



For Decision

CHANGES TO COUNCIL'S DELEGATIONS OF POWERS, FUNCTIONS AND DUTIES – SEPTEMBER 2023

Te take mō te pūrongo

Purpose

1. To advise Council of proposed changes to its delegation of powers, functions and duties under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 that give effect to the new position of Group Manager Finance and Risk.

He tūtohu

Recommendations

That Council:

- 1 **Notes** that Greater Wellington's Chief Executive has established the new position of Group Manager Finance and Risk, , effective 11 September 2023, with this new position including Chief Financial Officer responsibilities.
- 2 **Notes** that, as the Group Manager Finance and Risk will assume responsibility for appropriate delegations currently assigned to the Chief Financial Officer specified in Council's current delegations under the Resource Management Act 1991 and the Local Government (Rating) Act 2002, consequential updates to those delegations are needed to enable the Group Manager Finance and Risk to exercise the related powers, functions and duties.
- 3 **Revokes**, with effect from 21 September 2023, the delegations made by Council on 30 March 2023 to specified officers under the Resource Management Act 1991 and the Local Government (Rating) Act 2002.
- 4 **Delegates** its powers, functions and duties under the Resource Management Act 1991 to the specified officers in Attachment 2, except those powers retained explicitly by Council, with effect from 21 September 2023.
- 5 **Delegates** its powers, functions and duties under the Local Government (Rating) Act 2002 to the specified officers in Attachment 4, except those powers not capable of delegation or retained explicitly by Council, with effect from 21 September 2023.

Te tāhū kōrero

Background

2. Greater Wellington's Chief Executive has established the new position of Group Manager Finance and Risk, effective 11 September 2023. This position includes responsibility for Chief Financial Officer functions.
3. Greater Wellington considers that existing delegations to the Chief Financial Officer need updating to enable the Group Manager Finance and Risk to exercise the related powers, functions and duties.
4. Under Council's delegations framework, Council delegates its powers, functions and duties to the Chief Executive, who can (usually) sub-delegate these matters to specified officers. As most amendments to existing delegations fall into this category, officers will ensure these changes are in place for 11 September 2023.
5. However, under the Resource Management Act 1991 and the Local Government (Rating) Act 2002, the local authority must make all delegations. Accordingly, Council's practice is to adopt a full set of direct delegations that state any matters retained by Council, any matters not able to be delegated, and the matters delegated to the Chief Executive and specified officers. To ensure clarity, where Greater Wellington proposes updating these delegations, it recommends that Council revokes the current set of delegations and adopts a new updated set of delegations.

Te tātaritanga

Analysis

Resource Management Act 1991

6. On 30 March 2023, Council directly delegated to specified officers its powers, functions and duties under the Resource Management Act 1991 (Changes to Council's delegation of powers, functions and responsibilities – May 2023 – Report 23.92).
7. The proposed changes to these delegations are:
 - a Replacing references to the Chief Financial Officer with references to the Group Manager Finance and Risk
 - b Removing references to the Group Manager Corporate Services where the related functions are now undertaken by the Group Manager Finance and Risk.
8. We have reviewed the current Resource Management Act 1991 delegations and propose that Council revokes the current instrument of delegation and adopts an updated instrument of delegation that reflects the above proposed changes ([Attachment 2](#)). For Councillors' reference, a tracked changed version of these proposed changes is also included ([Attachment 1](#)).

Local Government (Rating) Act 2002

9. On 30 March 2023, Council directly delegated to specified officers its powers, functions and duties under the Local Government (Rating) Act 2002 (Changes to Council's delegation of powers, functions and responsibilities – May 2023 – Report 23.92).

10. We have reviewed the current delegations to align these with the proposed changes stated in paragraph 7 above.
11. Accordingly, we propose that Council revokes the current instrument of delegation under the Local Government (Rating) Act 2002 and adopts an updated instrument of delegation that reflects the above proposed changes ([Attachment 4](#)). For Councillors' reference, a tracked changed version of these proposed changes is also included ([Attachment 3](#)).

Ngā hua ahumoni Financial implications

12. There are no financial implications arising from this report.

Ngā Take e hāngai ana te iwi Māori Implications for Māori

13. There are no known implications for mana whenua or Māori arising from this report.

Ngā tikanga whakatau Decision-making process

14. 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

15. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matters for decision, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers consider that the matters outlined in the report are of low significance because of their administrative nature.

Te whakatūtakitaki Engagement

16. Given the significance of the matters for decision, no external engagement was considered necessary.

Ngā tūāoma e whai ake nei Next steps

17. If the proposed updated delegations are approved, officers will update Council's *Delegations Manual* and provide the Chief Executive and relevant Group Managers with a copy of the approved delegations.

**Ngā āpitihanga
Attachments**

Number	Title
1	Proposed delegations from Council to specified officers – Resource Management Act 1991 – track changed version
2	Proposed delegations from Council to specified officers – Resource Management Act 1991 – clean version
3	Proposed delegations from Council to specified officers – Local Government (Rating) Act 2002 – track changed version
4	Proposed delegations from Council to specified officers – Local Government (Rating) Act 2002 – clean version

**Ngā kaiwaitohu
Signatories**

Writer	Will Ogier – Principal Advisor Democratic Services
Approvers	Francis Ryan – Head of Governance and Democracy Luke Troy – Group Manager Strategy

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> Under the Resource Management Act 1991 and the Local Government (Rating) Act 2002, and in accordance with Council's delegations framework, Council must delegate directly to specified officers and parties any powers, functions and duties under those Acts.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> The proposed delegations do not contribute to the Annual Plan, Long Term Plan, or Council's or Greater Wellington's key strategies, policies and plans.
<i>Internal consultation</i> This report was prepared in consultation with the Finance and Human Resources functions.
<i>Risks and impacts - legal / health and safety etc.</i> There are no known risks or impacts arising from the matters for decision.

Attachment 1 to Report 23.452
Attachment 1 to Report 23.452

Proposed delegations from Council to specified officers – Resource Management Act 1991 – track changed version

Resource Management Act 1991

No power to sub-delegate

Note that in accordance with section 34A of the Resource Management Act 1991, the following delegations **may not** be sub-delegated.

General delegation to Chief Executive

The Council delegates to the Chief Executive all the powers, duties and responsibilities under the Resource Management Act 1991 (the RMA) other than the:

- (a) Powers to adopt policy statements and plans
- (b) Powers, duties, and responsibilities, delegated to a Committee of the Council
- (c) Powers, duties, and responsibilities identified in the following tables as being retained by Council.

In addition, if the Council has any powers, duties and responsibilities under the RMA that are not specified in the following tables that are of an enforcement, inspection, licensing and administrative nature, then the Chief Executive is delegated those powers, duties and responsibilities as if the matter was specified in the following tables.

For the avoidance of doubt, any powers, duties, or responsibilities in the RMA that are conferred on an enforcement officer or other specific position contained in the RMA do not form part of this delegation.

Specific delegations to Chief Executive and specified positions

Key to RMA delegations

Tier	Specified position(s)
Tier 1	Chief Executive
Tier 2	Group Manager (as specified)
Tier 3 Regulation	Director Strategy, Policy and Regulation
Tier 4 Regulation	Manager Environmental Regulation
Tier 5 Regulation	Team Leader Consents and Compliance Team Leader Compliance Monitoring and Enforcement Lead Consenting Advisor Lead Compliance Monitoring and Enforcement Advisor
Tier 6 Regulation	Senior Resource Advisor Senior Compliance Monitoring and Enforcement Officer

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Tier	Specified position(s)
Tier 7 Regulation	Resource Advisor Compliance Compliance Monitoring and Enforcement Officer Environment Technical Support
Tier 3 Policy	Director Strategy, Policy and Regulation
Tier 4 Policy	Manager Policy
Tier 5 Policy	Team Leader Policy
Tier 4 Knowledge	Manager Knowledge Manager Data and Monitoring
Tier 4 Delivery	Manager Ecosystems and Community Manager Environment Operations

* A contractor/consultant must be appointed as an officer in order to perform the relevant tier functions.

Delegations exercised by a Tier can be exercised by all those in the Tiers above (for example, a delegation to Tier 4 Regulation can be exercised by the Director Strategy, Policy and Regulation, the Group Manager Environment, and the Chief Executive).

Functions, powers and responsibilities

Section	Description	Delegate(s)
Transfer of powers		
33	<i>Transfer functions, powers, or duties under this Act, except this power of transfer, to another public authority (and revoke or change any transfer made).</i>	Retained by Council

Resource consents

Section(s)	Description	Delegate(s)
Waivers		
37(1) and 37A	Extend a time period and to waive compliance, or failure to comply with service of document requirements as provided in sections 37(1) and 37A. <u>*Limitation</u>	<i>Tier 4 Policy</i> <i>Tier 4 Knowledge</i> <i>Tier 5 Regulation</i> <i>*Tier 6 Regulation</i>

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Section(s)	Description	Delegate(s)
	Authority relates to the extension of time periods and when the applicant requests or agrees.	
37(2)	Power to direct the terms on which an omission or inaccuracy of information required, or a procedural requirement that was omitted, shall be rectified in accordance with section 37(2).	<i>Tier 4 Policy</i> <i>Tier 4 Knowledge</i> <i>Tier 4 Regulation</i>
Section 42A reports		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section).	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>
Permitted activities		
87BB	Powers regarding activities deemed to be a permitted activity.	<i>Tier 6 Regulation</i>
Direct referral		
87E	Power to determine Council position on a request for direct referral to the Environment Court.	<i>Tier 4 Regulation</i>
87F	Approve the content of a report prepared on an application that has been directly referred to the Environment Court.	<i>Tier 4 Regulation</i>
Application for resource consent		
88	Authority to determine whether an application for resource consent is incomplete (and give reasons why).	<i>Tier 7 Regulation</i>
41B	Power to direct applicant to provide evidence. <u>Limitation</u> Power only applies before hearing.	<i>Tier 5 Regulation</i>
41C	Authority to make directions and requests. <u>Limitation</u> Power only applies before hearing.	<i>Tier 7 Regulation</i>
41D	Strike out submissions. <u>Limitation</u> Power only applies before hearing.	<i>Tier 3 Regulation</i>
91	Power to determine not to proceed with a resource consent application on certain grounds.	<i>Tier 7 Regulation</i>

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Section(s)	Description	Delegate(s)
91C	Power to determine whether to return an application for a resource consent that has been suspended.	<i>Tier 7 Regulation</i>
91D	Power to suspend the processing of a non-notified application when requested in accordance with this section.	<i>Tier 7 Regulation</i>
91E	Requirement to cease to suspend the processing of a non-notified application when certain grounds apply.	<i>Tier 7 Regulation</i>
Further information requests		
92	Authority to request further information to be provided, or to commission a report before a decision on a consent application is made.	<i>Tier 7 Regulation</i>
92A	Set a time within which an applicant is to provide information.	<i>Tier 7 Regulation</i>
Notification		
95, 95A, 95B, 95C, 95D, and 127	Decide whether to publicly or limited notify an application for resource consent or change or cancellation of conditions. Power to determine whether the adverse effects on the environment of an application will be minor or whether special circumstances exist in relation to the application.	<i>Tier 7 Regulation</i>
95E	Determine which persons may be adversely affected by an application and to serve notice of the application on them if required.	<i>Tier 7 Regulation</i>
95F	Determine that a protected customary rights group is an affected group if the activity may have adverse effects on a protected customary right and written approval from the group has not been received.	<i>Tier 7 Regulation</i>
95G	Determine that a customary marine title group is an affected group if the activity may have adverse effects on customary marine title rights and written approval from the group has not been received.	<i>Tier 7 Regulation</i>
Submissions on applications, pre-hearing meetings and mediation		
96	The power to lodge a submission on a resource consent application.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>

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Section(s)	Description	Delegate(s)
		<i>(See submissions policy)</i>
97	Adopt an earlier closing date for submissions in accordance with section 97.	<i>Tier 7 Regulation</i>
99(1) to (4)	Power to call pre-hearing meetings and invite or require parties to attend and the duty to prepare a report of the meeting.	<i>Tier 7 Regulation</i>
99(8)	Power to decide whether to decline to process an application or submission if they fail to attend a pre-hearing meeting.	<i>Tier 4 Regulation</i>
99A(1) to (2)	Power to refer parties who have made a resource consent application or submissions on the application to mediation.	<i>Tier 4 Policy</i> <i>Tier 5 Regulation</i> <i>Tier 4 Knowledge</i>
99A(3)	Power to appoint mediators when the Council is the applicant.	<i>Tier 4 Regulation</i>
Hearings		
100	Authority to determine whether a hearing should be held in respect of any application for a resource consent and require that a hearing be held.	<i>Tier 7 Regulation</i>
101	Authority to fix and notify the commencement date, time and place where a hearing is to be held.	<i>Tier 7 Regulation</i>
102(1)	Authority to determine that applications to two or more consent authorities for the same proposal are sufficiently unrelated that a joint hearing is unnecessary.	<i>Tier 7 Regulation</i>
102(2)	If a joint hearing is held, agree that another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	<i>Tier 7 Regulation</i>
102(3)	Jointly or separately decide applications where those applications are heard jointly.	<i>Tier 7 Regulation</i>
103	Authority to determine that a combined hearing on applications for resource consents need not be held (proposals must be sufficiently unrelated).	<i>Tier 7 Regulation</i>
Decision making on resource consent applications		

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Section(s)	Description	Delegate(s)
104, 104A to D, 105, 106, 107, 108, 108A, and 108AA	<p>Determine or decline resource consent applications.</p> <p>Authority to impose conditions on any consent granted, including the provision of a bond.</p> <p><u>* Limitation</u></p> <p>Applies to applications where no hearing required.</p> <p><u># Limitation</u></p> <p>Applies to applications which are non-notified and no hearing is required.</p>	<p><i>* Tier 4 Regulation</i></p> <p><i># Tier 6 Regulation</i></p>
109	<p>Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed.</p>	<i>Tier 7 Regulation</i>
110	<p>Duty to refund financial contribution to consent holder where consent has lapsed.</p> <p>Power to retain portion of financial contribution in certain circumstances.</p>	<i>Tier 5 Regulation</i>
114	<p>Authority to serve consent applicant, submitters and determine other people that are considered appropriate with notice of the decision on an application.</p>	<i>Tier 7 Regulation</i>
120	<p>Authority to lodge, withdraw or oppose appeal on Council's behalf in Environment Court.</p>	<p><i>Group Manager Environment</i></p> <p><i>Tier 4 Knowledge</i></p>
Duration of consent		
123	<p>Power to specify duration of consent.</p>	<i>Tier 6 Regulation</i>
123A	<p>Power to decide duration of consent for aquaculture activities.</p>	<i>Tier 6 Regulation</i>
124	<p>Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent.</p>	<i>Tier 5 Regulation</i>
124B	<p>Process that must be followed when applications by existing holders received.</p>	<i>Tier 6 Regulation</i>
124C	<p>Process that must be followed when applications are received from persons who are not existing holders received.</p>	<i>Tier 6 Regulation</i>

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Section(s)	Description	Delegate(s)
125	Power to grant extension of period after which a consent will lapse.	<i>Tier 6 Regulation</i>
Cancellation and change of resource consents		
126	Power to cancel a resource consent by written notice and power to cancel notice of revocation.	<i>Tier 5 Regulation</i>
127	Determine non-notified applications for a change or cancellation of any condition of consent. <i>Explanatory note: See above notification delegations in relation to notification decisions on section 127 applications.</i>	<i>Tier 6 Regulation</i>
Review of consent conditions by consent authority		
128 and 129	Power to review resource consent conditions and to give notice of review.	<i>Tier 5 Regulation</i>
130	Determine whether notification of a review is required under section 130 and whether a hearing be held.	<i>Tier 5 Regulation</i>
131	Duty to consider certain matters during review of consent conditions and before changing the conditions of a discharge permit or a coastal permit. <u>Limitation</u> Power only applies where no hearing is required.	<i>Tier 5 Regulation</i>
132	Power to change the conditions of a resource consent on a review under section 128, or to cancel resource consent. <u>Limitation</u> Power only applies where no hearing is required.	<i>Tier 4 Regulation</i>
Minor corrections of resource consents		
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant).	<i>Tier 7 Regulation</i>
Transfer of resource consents		
136	Power to approve the transfer of a water permit.	<i>Tier 5 Regulation</i>

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Section(s)	Description	Delegate(s)
137	Approve the transfer of a discharge permit in whole or in part to another site and to any person.	<i>Tier 6 Regulation</i>
Surrender of consents		
138	Power to issue notice of acceptance of surrender of a resource consent, direct that person surrendering consent need not complete any work to give effect to the consent, and refuse acceptance of a part surrender of a resource consent.	<i>Tier 6 Regulation</i>
Coastal permits for dumping and incineration		
138A(1)	Power to request further information in relation to applications for coastal permits for dumping or incineration. <u>Limitation</u> Power only applies where no hearing is required.	<i>Tier 7 Regulation</i>
138A(3)	Power to review coastal permits for dumping or incineration.	<i>Tier 4 Regulation</i>
Certificates of compliance or existing use		
139 and 139A	Authority to determine and issue certificate of compliance and existing use certificates.	<i>Tier 6 Regulation</i>
(excluding 139(4))	Authority to request further information before determining whether to issue certificates.	
139(4)	To require further information to be provided in order to determine if a certificate of compliance must be issued.	<i>Tier 6 Regulation</i>
Planning		
Section(s)	Description	Delegate(s)
Officer reports		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section).	<i>Tier 5 Policy</i>
Combined documents		
80	Determine whether the council wishes to prepare, implement, and administer the	Retained by Council

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Section(s)	Description	Delegate(s)
	<i>combined regional and district documents as set out in subsections 80(2) to (6).</i>	
Referral of disputes		
82	Power to refer a dispute relating to a policy statement, plan or order to the Environment Court for a decision.	<i>Tier 4 Policy</i>
Legal effect of rules		
86B	<i>Resolve that a rule in a proposed plan has legal effect only once the proposed plan becomes operative .</i>	Retained by Council
86D	<i>Apply to the Environment Court for a rule to have legal effect from date other than standard date .</i>	Retained by Council
Time limits		
37(1), 37A, and Schedule 1, Clause 1(2)	Authority under section 37 to extend any time limit set in Schedule 1 and to waive compliance, or failure to comply, with a requirement in accordance with sections 37(1) and 37A.	<i>Tier 4 Policy</i>
37(2)	Direct the terms on which an omission or inaccuracy of any information required under the Resource Management Act 1991, regulation or plan, or a procedural requirement that was omitted, shall be rectified.	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i> <i>Tier 4 Knowledge</i>
Consultation		
Schedule 1	Provide consultation comments on behalf of the Council on a planning or recovery document of another authority.	<i>Tier 5 Policy</i>
Schedule 1, Clause 3	Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement or plan.	<i>Tier 5 Policy</i>
Evaluation reports		
32 and Schedule 1, Clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32.	<i>Tier 4 Policy</i>

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Section(s)	Description	Delegate(s)
(excluding Clause 5(1)(a))		
165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	<i>Tier 4 Policy</i>
Notification		
Schedule 1, Clause 5(1C)	Determine whether a person is likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons.	<i>Tier 4 Policy</i>
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available.	<i>Tier 4 Policy</i>
Freshwater planning process		
80A(3)	<i>Prepare a freshwater planning instrument.</i>	Retained by Council
80A(4)	<i>Give public notice of a freshwater planning instrument.</i>	Retained by Council
80A(5)(d)	<i>Accept or reject a recommendation of the freshwater hearings panel.</i>	Retained by Council
Schedule 1, Clause 37(1)	Provide written notice of intention to submit specified documents and nominate for appointment to the freshwater hearing panel. Submit the specified documents to the Chief Freshwater Commissioner.	<i>Tier 4 Policy</i>
Schedule 1, Clause 52	<i>Decide to accept or reject each recommendation of the freshwater hearings panel; decide on an alternative solution for each relevant rejected recommendation; and include a related assessment in the further evaluation report.</i> <i>Give public notice of these decisions; comply with clause 11 as if the decisions were notified under clause 10(4)(b); and give public notice of the specified matters.</i>	Retained by Council
Schedule 1, Clause 53	<i>Give written notice, and provide requested additional information, to the Chief Freshwater Commissioner of a needed variation to a freshwater planning</i>	Retained by Council

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Section(s)	Description	Delegate(s)
	<i>instrument (including where this is recommended by the freshwater hearings panel).</i>	
Schedule 1, Clause 59(1)(b)	Relevant regional council nominates two persons as members of each freshwater hearings panel.	<i>Chief Executive and Group Manager Environment (acting individually), following consultation with the Chair of the Environment Committee and the Council Chair</i>
Submissions		
Schedule 1, Clauses 6 and 8	Make a submission or further submission.	<i>Tier 4 Policy (See submissions policy)</i>
Schedule 1, Clause 7	Approve the public notification of the availability of a summary of decisions requested.	<i>Tier 4 Policy</i>
Resolution of disputes		
Schedule 1, Clause 8AA(1)	Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	<i>Tier 4 Policy</i>
Schedule 1, Clauses 8AA(3) and (4)	Authority to refer to mediation the issues raised by persons who have made submissions on the proposed plan or policy statement and appoint a mediator.	<i>Tier4 Policy</i>
Hearing, submissions and decisions		
Schedule 1, Clause 8D	<i>Withdraw a proposal to prepare, change, or vary a policy statement or plan.</i>	Retained by Council
Schedule 1, Clause 8B	<i>Hearings on proposed policy statements and plans.</i>	Retained by Council
Schedule 1, Clauses 10 and 55	<i>Decisions on provisions and submissions on proposed policy statement.</i>	Retained by Council
Appeals		
Schedule 1, Clause 14	Lodge or withdraw an appeal to the Environment Court.	<i>See below (Court Proceedings – Resource Management Act 1991)</i>

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Section(s)	Description	Delegate(s)
Amendments to proposed or operative policy statement or plan without using Schedule 1 process		
Schedule 1, Clauses 16(1), 16(2) and 20A	Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) and 20A without using the Schedule 1 process.	<i>Tier 4 Policy</i>
44A	Amend a plan or proposed plan to remove a duplication or conflict with a National Environmental Standard without using the process in Schedule 1.	<i>Group Manager Environment</i>
292	Duty to comply with Environment Court direction to amend a regional plan.	<i>Tier 4 Policy</i>
85(3A) and 293	Make an amendment directed by the Environment Court under sections 85(3) and 293 without using the process in Schedule 1.	<i>Tier 4 Policy</i>
Initiation of variations to policy statement or plan		
<i>Schedule 1, Clause 16A</i>	<i>Initiate variations (being alterations other than those under Schedule 1, Clause 16) to a proposed policy statement or plan, or to a change, at any time before the approval of the policy statement or plan.</i>	Retained by Council
Preparation of changes to policy statement or plan		
293	By direction of the Environment Court under section 293 prepare changes to a proposed policy statement or plan that is before the Environment Court, consult about the changes and submit the changes to the Court for confirmation.	<i>Tier 4 Policy</i>
Approval and making operative of proposed plan and policy statement		
<i>Schedule 1, Clause 17</i>	<i>Approval of Plan (other than regional coastal plan) and Policy Statement.</i>	Retained by Council
<i>Schedule 1, Clause 18</i>	<i>Adopt proposed regional coastal plan and refer to Minister of Conservation for that Minister's approval.</i>	Retained by Council
Schedule 1, Clause 20	Publicly notify a date on which a policy statement or plan becomes operative.	<i>Tier 4 Policy</i>
Private plan changes		

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Section(s)	Description	Delegate(s)
<i>Schedule 1, Clauses 21 and 28</i>	<i>Request a change (or withdraw a request) to a plan under Schedule 1, Clauses 21 and 28.</i>	Retained by Council
Schedule 1, Clauses 23(1) and 23(2)	Require by written notice, further or additional information in accordance with Schedule 1, Clause 23.	<i>Tier 4 Policy</i>
Schedule 1, Clause 23(3)	Commission a report in relation to a request made under Schedule 1, Clause 21 and notify the person who made the request.	<i>Tier 4 Policy</i>
<i>Schedule 1, Clause 23(6)</i>	<i>Reject a request made under Schedule 1, Clause 21 where there is insufficient information to enable the Council to consider the request.</i>	Retained by Council
Schedule 1, Clause 24	Modify a request made under Schedule 1, Clause 21 (with the agreement of the person who made the request).	<i>Tier 4 Policy</i>
<i>Schedule 1, Clause 25</i>	<i>Decide under Schedule 1, Clause 25 as to how to deal with a request made under Schedule 1, Clause 21.</i>	Retained by Council
Schedule 1, Clause 27	Lodge and withdraw an appeal to the Environment Court against a decision by a local authority in relation to a request under Schedule 1, Clause 21.	<i>See below (Court Proceedings - Resource Management Act 1991)</i>
Schedule 1, Clause 28	Give notice that request made under Schedule 1, Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request.	<i>Tier 4 Policy</i>
<i>Schedule 1, Clause 29</i>	<i>May decline, approve, or approve with modifications the plan or change requested under Schedule 1, Clause 21.</i>	Retained by Council
Incorporation of documents by reference		
Schedule 1, Clause 34	Consult on proposal to incorporate material by reference in a proposed plan, variation or change in accordance with Schedule 1, Clause 34.	<i>Tier 4 Policy</i>

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Administrative charges and cost recovery

Section(s)	Description	Delegate(s)
Administrative charges		
36(1)	<i>Fix administrative charges.</i>	Retained by Council
36(5)	Power to require additional charges under section 36.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
36AA(1)	Determine any discount under section 36AA on an administrative charge imposed under section 36.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
36AA(3)	<i>Adopt policy for discounting administrative charges.</i>	Retained by Council
36AAB(1)	Power to remit the whole or part of a charge.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
36AAB(2)	Authority to determine to not perform an action to which a charge applies until the charge has been paid in full.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
Proposals of national significance		
149ZD	Power to recover costs incurred by the Council from the applicant.	<i>Tier 4 Knowledge Tier 3 Regulation</i>
Emergency works		
331	Authority to seek reimbursement of Council's costs for emergency works.	<i>Group Manager Metlink Tier 4 Regulation</i>

Proposals of national significance

Section(s)	Description	Delegate(s)
142	<i>Request the Minister to call in a matter that is or is part of a proposal of national significance.</i>	Retained by Council
149E	Power to make or withdraw a submission on behalf of Council on matter of national importance.	<i>Tier 4 Regulation Tier 4 Policy (See submissions policy)</i>
149F	Power to make or withdraw a further submission on a proposed plan, change or variation.	<i>Tier 4 Regulation Tier 4 Policy (See submissions policy)</i>
149I	Power to withdraw a notified change or variation to a proposed plan subject to limits.	<i>Tier 4 Regulation</i>

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Section(s)	Description	Delegate(s)
		<i>Tier 4 Policy</i>
149K	Power to make suggestions about who should be appointed to a board.	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
149M	Prepare a proposed plan or change as directed by the board of inquiry.	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
149N	Prepare a proposed plan or change in consultation with the applicant and serve a copy on the Environmental Protection Agency.	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
149T	Power to give notice on Council's behalf under section 274 of matter referred directly to the Environment Court.	<i>Tier 4 Regulation</i> <i>4 Policy</i>
149V	Power to lodge appeal to the High Court on question of law on Council's behalf.	<i>See below (Court Proceedings - Resource Management Act 1991)</i>
149ZD	Power to recover costs incurred by the Council from the applicant.	<i>See above (Administrative charges and cost recovery)</i>

National environmental standards

Section(s)	Description	Delegate(s)
44	Make a submission on a proposed national environmental standard.	<i>Tier 4 Knowledge</i> <i>Tier 5 Policy</i> <i>Tier 5 Regulation</i> <i>(See submissions policy)</i>
44A	Amend a plan or proposed plan to remove a duplication or conflict with a National Environmental Standard without using the process in Schedule 1.	<i>Group Manager Environment</i>

National policy statements

Section(s)	Description	Delegate(s)
49	Make or withdraw a submission to a Board of Inquiry on a proposed national policy statement.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i> <i>(See submissions policy)</i>

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Section(s)	Description	Delegate(s)
55(2)	Make amendments in section 55(2) without using the process in Schedule 1, to give public notice of those amendments and to make other amendments as required using the process in Schedule 1 as soon as practicable. <u>Limitation</u> This power does not include amendments to a regional policy statement or plan.	Group Manager Environment
55(2)	Make amendments in section 55(2) to a regional policy statement or plan without using the process in Schedule 1.	Retained by Council
55(3)	Take any action directed by a national policy statement.	Retained by Council

Water Conservation Orders

Section(s)	Description	Delegate(s)
Water Conservation Orders		
201	Power to apply to the Minister for a Water Conservation Order.	Retained by Council
205	Power to make a submission to a tribunal concerning an application made under section 204.	Tier 4 Regulation Tier 4 Policy <i>(See submissions policy)</i>
211	Authority to represent Council at an inquiry conducted by the Environment Court under section 210.	Tier 4 Policy Tier 6 Regulation

Subdivision and reclamations

Section(s)	Description	Delegate(s)
234	Apply to territorial authority to vary or cancel instrument creating esplanade strip on Council land.	Tier 3 Regulation Group Manager Metlink
237B	Acquire, on behalf of the Council, an easement over land.	Tier 3 Regulation Group Manager Metlink
237C	Close an esplanade strip or access strip to the public.	Tier 3 Regulation Group Manager Metlink

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Section(s)	Description	Delegate(s)
237D	Power to declare, subject to receiving agreement from the relevant territorial authority, that an esplanade reserve or bed of river or lake shall vest in the regional council.	<i>Tier 3 Regulation</i> <i>Group Manager Metlink</i>
245	Power to approve a plan of survey of a reclamation.	<i>Tier 5 Regulation</i>
355A	Power to grant a coastal permit consenting to reclamation of land that had been reclaimed from coastal marine area unlawfully.	<i>Tier 5 Regulation</i>
355B	Power to seek enforcement order against person who unlawfully reclaimed land from the coastal marine area and take any necessary action to remove unlawfully reclaimed land from the coastal marine area.	<i>Tier 4 Regulation</i>

Occupation of the common marine and coastal area

Section(s)	Description	Delegate(s)
165D	Power to refuse to receive applications for coastal permits.	<i>Tier 4 Regulation</i>
165E	Power to grant a coastal permit authorising activity in aquaculture settlement area (to the extent authorised by section).	<i>Tier 4 Regulation</i>
165I	Duty to by public notice and in accordance with the regional coastal plan, offer authorisations for coastal permits for the occupation of space in the common marine and coastal area. Duty to give the Minister notice before making an offer of authorisation.	<i>Tier 4 Regulation</i>
369(4)	Power to grant a discharge permit or coastal permit to do something that would otherwise contravene section 15 and does not meet the minimum standards of water quality in certain circumstances.	<i>Tier 5 Regulation</i>

Ministerial approval of use of method of allocating authorisations

165L	<i>Request the Minister to approve a method for the allocation of authorisations for the space in the common marine and coastal area.</i>	Retained by Council
165N	If the request under section 165L is declined, publicly notify that applications may be made	<i>Tier 4 Policy</i>

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Section(s)	Description	Delegate(s)
	for coastal permits to occupy the space that was the subject of the request by public tender of authorisations.	
165P	Duty to publicly notify authorisation method made by the Minister under section 165N.	<i>Tier 4 Policy</i>
Authorisations		
165X	<i>Accept, reject and call for offers for authorisations, negotiate with any person who made an offer and give written notice of the decisions with reasons.</i>	Retained by Council
165Y	Duty to grant an authorisation if an offer is accepted or an agreement is reached under section 165X.	<i>Tier 4 Policy</i>
Ministerial powers in relation to applications for coastal permits to undertake aquaculture activities in common marine and coastal area		
165ZB and 165ZD	<i>Request the Minister of Aquaculture to suspend the receipt of applications for coastal permits to occupy space for the purpose of aquaculture activities.</i>	Retained by Council
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
Ministerial power to direct applications for coastal permits to undertake aquaculture activities in common marine and coastal area to be processed and heard together		
165ZF	Request the Minister of Aquaculture to direct Council to process and hear together applications for coastal permits to occupy the space for the purpose of aquaculture activities.	<i>Tier 4 Regulation</i>
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
Processing and hearing applications for coastal permits		
165ZFE(4)	Determine an applicant's request to have all affected applications determined by the Environment Court.	<i>Tier 4 Regulation</i>
165ZFE(6)	Prepare a report under section 165ZFE(6) in accordance with sections 87F(4) to (6).	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
165ZFE(11)	Cancel an applicant's affected application if applicant does not lodge a notice of motion.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>

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Section(s)	Description	Delegate(s)
165ZFG	Provide views to Minister for Aquaculture on whether Minister should call in an affected application.	<i>Tier 4 Policy Manager Knowledge</i>
Designations		
Section(s)	Description	Delegate(s)
Notice of Requirement		
168	Power to give notice of requirement/s, and withdraw a requirement by notice, to the territorial authority.	<i>Group Manager Environment Group Manager Metlink</i>
169	Lodge or withdraw a submission.	<i>See below (Lodging submissions)</i>
172	Power as requiring authority to accept, reject or modify a territorial authority's recommendations on requirements for a designation.	<i>Group Manager Environment Group Manager Metlink</i>
174	Lodge, withdraw or oppose an appeal to the Environment Court.	<i>See below (Court Proceedings – Resource Management Act 1991)</i>
176	Power to give written consent in relation to land subject to Council designation.	<i>Group Manager Environment Group Manager Metlink</i>
176A	Submit an outline plan to the territorial authority. Power to determine whether to make changes requested by territorial authority.	<i>Group Manager Environment Group Manager Metlink</i>
177	Power, as requiring authority to do anything in respect of land subject to existing designation or heritage order.	<i>Group Manager Environment Group Manager Metlink</i>
178	Power as requiring authority, to give written consent to person wishing to conduct work on an area subject to a requirement for a designation.	<i>Group Manager Environment Group Manager Metlink</i>
179	Lodge, withdraw or oppose an appeal to the Environment Court against a refusal of consent by a requiring authority.	<i>See below (Court Proceedings – Resource Management Act 1991)</i>

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Section(s)	Description	Delegate(s)
180	Power, as requiring authority to transfer rights and responsibilities for designations to another requiring authority.	<i>Group Manager Environment Group Manager Metlink</i>
181	Power, as requiring authority to give notice to the territorial authority of its requirement to alter the designation.	<i>Group Manager Environment Group Manager Metlink</i>
182	Power, as requiring authority, to determine that it no longer wants a designation or part thereof.	<i>Group Manager Environment Group Manager Metlink</i>
184	Power, as requiring authority to decide not to fix a longer period on a designation.	<i>Group Manager Environment Group Manager Metlink</i>

Enforcement and compliance

Section(s)	Description	Delegate(s)
Enforcement officers		
38	Appoint enforcement officers to carry out all or any of the functions and powers as an enforcement officer under the RMA.	<i>Chief Executive</i>
Enforcement orders		
316 and 320	Power to apply to the Environment Court for an enforcement order or an interim enforcement order.	<i>Tier 4 Regulation</i>
318	Power and duty to be heard in respect of application.	<i>Tier 5 Regulation</i>
321	Power, if directly affected, to apply to change or cancel an enforcement order.	<i>Tier 4 Regulation</i>
Abatement notices		
325	Duty to respond to Environment Judge (if they so request) before a decision on an abatement notice appeal is made.	<i>Tier 5 Regulation</i>
325A	Determine that an abatement notice be cancelled, changed or confirmed.	<i>Tier 5 Regulation</i>
Other		
217J	Functions of regional council for the purposes of Part 9A (Freshwater farm plans).	<i>Tier 7 Regulation</i>

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Section(s)	Description	Delegate(s)
217J	Keep and maintain records in relation to each freshwater farm in the regional council's jurisdiction.	<i>Tier 7 Regulation</i>
217K	Power to appoint certifiers to certify freshwater farm plans. Power to appoint auditors to audit freshwater farm plans.	<i>Tier 5 Regulation</i>
329	Issue a direction during a period of serious temporary shortage of water.	<i>Tier 4 Regulation</i>
330	Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment.	<i>Group Manager Metlink</i> <i>Group Manager Environment</i>
334	Authority to make application to the District Court for a warrant for entry for search where there are reasonable grounds to believe an offence against the Resource Management Act 1991 has been or is suspected of having been committed that is punishable by imprisonment.	<i>Tier 4 Regulation</i> <i>Tier 4 Knowledge</i>
Offences		
338	Make decision for Council to prosecute for offences against the RMA.	<i>Group Manager Environment and Tier 4 Regulation (acting jointly)</i>
338	Authority to file a charging document on decisions to prosecute for offences provided that such ability shall only be exercised once the decision to prosecute has been approved.	<i>Tier 4 Regulation</i>
338	Authority to withdraw a charging document that has been laid in relation to a prosecution.	<i>Tier 4 Regulation</i>
343C(4)	Commence, withdraw or join proceedings in respect of an offence to which an infringement notice relates.	<i>Tier 5 Regulation</i>
Objections		
Section(s)	Description	Delegate(s)
357D	Determine any objection made under sections 357, 357A and 357B. <u>Limitation</u>	<i>Tier 4 Regulation</i>

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Section(s)	Description	Delegate(s)
	Power only applies where objection resolved and no hearing is required.	
357, 357A, and 357B	Power, as requiring authority, to object to certain decisions by territorial authorities.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i>
357C	Power to agree to a resolution to an objection.	<i>Tier 5 Regulation</i>

Approvals on behalf of the Council

Section	Description	Delegate(s)
General	Give, or decline to give, written approval on behalf of the Council to a resource consent application, and withdraw any written approval given.	<i>Tier 4 Policy</i>
General	Give, or decline to give, written approval on behalf of the Council to a resource consent application, and withdraw any written approval given as a landowner or neighbour.	<i>Group Manager Corporate Services</i> <i>Chief Financial Officer</i> <i>Group Manager Environment</i> <i>Group Manager Metlink</i>

Acquisition

Section	Description	Delegate
86	<i>Acquire land by agreement under the Public Works Act 1981.</i>	<i>Group Manager Corporate Services</i> <i>Chief Financial Officer</i>
415	<i>Take, purchase, or acquire the whole or part of any deemed mining permit as a public work under the Public Works Act 1981 or by agreement or otherwise.</i>	Retained by Council

Lodging submissions

Section(s)	Description	Delegate(s)
44	Make a submission on a proposed national environmental standard	<i>Tier 3 Policy</i> <i>Tier 3 Regulation</i> <i>(See submissions policy)</i>

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Section(s)	Description	Delegate(s)
49	Make a submission to a Board of Inquiry on a proposed national policy statement in accordance with section 49.	<i>Tier 3 Policy</i> <i>(See submissions policy)</i>
96	Lodge or withdraw a submission on behalf of the Council.	<i>Tier 5 Policy</i> <i>(See submissions policy)</i>
149E and 149F	Lodge or withdraw a submission or further submission to the Environmental Protection Agency.	<i>Tier4 Policy</i> <i>Tier 4 Regulation</i> <i>(See submissions policy)</i>
169 and 190	Provide further information requested on Notice of Requirement. Lodge or withdraw a submission.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i> <i>(See submissions policy)</i>
293	By direction of the Environment Court under section 293 prepare changes to a proposed policy statement or plan that is before the Environment Court, consult about the changes and submit the changes to the Court for confirmation	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
Schedule 1, Clauses 6 and 8	Lodge or withdraw a submission or further submission on behalf of the Council.	<i>Tier 4 Policy</i> <i>(See submissions policy)</i>

Court Proceedings - Resource Management Act 1991

Section(s)	Description	Delegate(s)
Environment Court		
120	Lodge, withdraw or oppose an appeal to the Environment Court.	<i>Tier 3 Regulation</i>
174, 179, 192, 195, and Schedule 1, Clauses 14 and 27	Lodge, withdraw or oppose an appeal to the Environment Court.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i>
267	Authority to represent the Council at a conference and make decisions on matters that may reasonably be expected to arise at the conference.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>

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Section(s)	Description	Delegate(s)
268	Agree or disagree that a member of the Environment Court who conducts an alternative dispute resolution process is not disqualified from resuming his or her role to decide a matter.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>
268A	Settle a dispute or issues at stake at alternative dispute resolution sessions. Make decisions on matters that may reasonably be expected to arise at the conference.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>
272	Decide to appear at proceedings before the Environment Court and call evidence for the Council.	<i>Tier 4 Policy</i> <i>Tier 5 Regulation</i>
274	Lodge, withdraw or oppose a notice of intention to become an interested party to Environment Court proceedings under section 274. As a section 274 party, oppose the withdrawal or abandonment of proceedings and step into the shoes of the appellant withdrawing the appeal.	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>
278 and 279	Seek, withdraw or oppose orders in accordance with sections 278 and 279.	<i>Tier 4 Regulation</i>
280	Power to apply to an Environment Judge for leave to make an application for review of order made by an Environment Commissioner. If leave is granted, may apply to the Environment Court for a review.	<i>Tier 4 Regulation</i>
281	Lodge, withdraw or oppose an application for a waiver or direction in accordance with section 281.	<i>Tier 4 Regulation</i>
281B	Lodge an application to an Environment Court Judge to reconsider the exercise of a power by a Registrar.	<i>Tier 4 Regulation</i>
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	<i>Tier 4 Regulation</i>
286	File an order for costs in the District Court.	<i>Tier 4 Regulation</i>

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Section(s)	Description	Delegate(s)
291	Lodge, oppose or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application.	<i>Tier 4 Regulation</i>
294	Apply to the Environment Court for a rehearing of proceedings.	<i>Tier 4 Regulation</i>
308G and 311	Lodge, withdraw, join or oppose an application for declaration with the Environment Court.	<i>Group Manager Environment</i>
High Court		
149V	Power to lodge appeal to the High Court on question of law on Council's behalf.	<i>Group Manager Environment</i>
299 and 300	Lodge, withdraw, oppose or join an appeal to the High Court and any related applications or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions. Approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter.	<i>Group Manager Environment</i>
301	Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings.	<i>Tier 4 Regulation</i>
305	Lodge, withdraw, oppose or join an appeal to the High Court.	<i>Tier 4 Regulation</i>
306	Lodge, withdraw or respond to an application for an extension of time.	<i>Group Manager Environment</i>
Court of Appeal and Supreme Court		
308 RMA and Subpart 8 of Part 6 Criminal Procedure Act 2011	Lodge, withdraw, join or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal or any related applications or proceedings and be heard in relation to any application or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	<i>Group Manager Environment</i>

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Section(s)	Description	Delegate(s)
	Approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter.	

Resource Management (Simplifying and Streamlining) Amendment Act 2009

Duty to determine applications or matters lodged before the commencement of this Act (1 October 2009) in line with the Resource Management Act 1991 in place at that time. This includes the powers, functions and duties preliminary to determining matters or applications under the RMA in place at that time.	<i>Tier 5 Regulation</i>
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Resource Management Regulations

Section(s)	Description	Delegate(s)
Resource Management (Measurement and Reporting of Water Takes) Regulations 2010		
Clause 9	Approval to measure water taken each week (instead of each day)	<i>Tier 5 Regulation</i>
Clause 10	Approval to use device or system installed near (instead of at) location from which water taken	<i>Tier 5 Regulation</i>
Clause 11	Power to revoke approval granted under clauses 9 or 10	<i>Tier 5 Regulation</i>

Resource Management (Forms, Fees, and Procedure) Regulations 2003

Clause 10A(2)	Power as consent authority to require a notice to be affixed in a conspicuous place	<i>Tier 5 Regulation</i>
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Resource Management (Transitional, Fees, Rents and Royalties) Regulations 1991

5	Power to require additional fees for the costs associated with a hearing committee considering application for a restricted coastal activity	<i>Tier 6 Regulation</i>
6	Power to require administrative charges associated with monitoring and supervision of that resource consent	<i>Tier 6 Regulation</i>
7C	Power to fix an additional charge to recover actual or reasonable costs of administering,	<i>Tier 6 Regulation</i>

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Section(s)	Description	Delegate(s)
	monitoring, and supervision of the permit, licence, or other authorisation	

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Proposed delegations from Council to specified officers – Resource Management Act 1991 – clean version

Resource Management Act 1991

No power to sub-delegate

Note that in accordance with section 34A of the Resource Management Act 1991, the following delegations **may not** be sub-delegated.

General delegation to Chief Executive

The Council delegates to the Chief Executive all the powers, duties and responsibilities under the Resource Management Act 1991 (the RMA) other than the:

- (a) Powers to adopt policy statements and plans
- (b) Powers, duties, and responsibilities, delegated to a Committee of the Council
- (c) Powers, duties, and responsibilities identified in the following tables as being retained by Council.

In addition, if the Council has any powers, duties and responsibilities under the RMA that are not specified in the following tables that are of an enforcement, inspection, licensing and administrative nature, then the Chief Executive is delegated those powers, duties and responsibilities as if the matter was specified in the following tables.

For the avoidance of doubt, any powers, duties, or responsibilities in the RMA that are conferred on an enforcement officer or other specific position contained in the RMA do not form part of this delegation.

Specific delegations to Chief Executive and specified positions

Key to RMA delegations

Tier	Specified position(s)
Tier 1	Chief Executive
Tier 2	Group Manager (as specified)
Tier 3 Regulation	Director Strategy, Policy and Regulation
Tier 4 Regulation	Manager Environmental Regulation
Tier 5 Regulation	Team Leader Consents and Compliance Team Leader Compliance Monitoring and Enforcement Lead Consenting Advisor Lead Compliance Monitoring and Enforcement Advisor
Tier 6 Regulation	Senior Resource Advisor Senior Compliance Monitoring and Enforcement Officer

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Tier	Specified position(s)
Tier 7 Regulation	Resource Advisor Compliance Compliance Monitoring and Enforcement Officer Environment Technical Support
Tier 3 Policy	Director Strategy, Policy and Regulation
Tier 4 Policy	Manager Policy
Tier 5 Policy	Team Leader Policy
Tier 4 Knowledge	Manager Knowledge Manager Data and Monitoring
Tier 4 Delivery	Manager Ecosystems and Community Manager Environment Operations

* A contractor/consultant must be appointed as an officer in order to perform the relevant tier functions.

Delegations exercised by a Tier can be exercised by all those in the Tiers above (for example, a delegation to Tier 4 Regulation can be exercised by the Director Strategy, Policy and Regulation, the Group Manager Environment, and the Chief Executive).

Functions, powers and responsibilities

Section	Description	Delegate(s)
Transfer of powers		
33	<i>Transfer functions, powers, or duties under this Act, except this power of transfer, to another public authority (and revoke or change any transfer made).</i>	Retained by Council

Resource consents

Section(s)	Description	Delegate(s)
Waivers		
37(1) and 37A	Extend a time period and to waive compliance, or failure to comply with service of document requirements as provided in sections 37(1) and 37A.	<i>Tier 4 Policy</i> <i>Tier 4 Knowledge</i> <i>Tier 5 Regulation</i>

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Section(s)	Description	Delegate(s)
	<u>*Limitation</u> Authority relates to the extension of time periods and when the applicant requests or agrees.	<i>*Tier 6 Regulation</i>
37(2)	Power to direct the terms on which an omission or inaccuracy of information required, or a procedural requirement that was omitted, shall be rectified in accordance with section 37(2).	<i>Tier 4 Policy Tier 4 Knowledge Tier 4 Regulation</i>
Section 42A reports		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section).	<i>Tier 5 Policy Tier 5 Regulation</i>
Permitted activities		
87BB	Powers regarding activities deemed to be a permitted activity.	<i>Tier 6 Regulation</i>
Direct referral		
87E	Power to determine Council position on a request for direct referral to the Environment Court.	<i>Tier 4 Regulation</i>
87F	Approve the content of a report prepared on an application that has been directly referred to the Environment Court.	<i>Tier 4 Regulation</i>
Application for resource consent		
88	Authority to determine whether an application for resource consent is incomplete (and give reasons why).	<i>Tier 7 Regulation</i>
41B	Power to direct applicant to provide evidence. <u>Limitation</u> Power only applies before hearing.	<i>Tier 5 Regulation</i>
41C	Authority to make directions and requests. <u>Limitation</u> Power only applies before hearing.	<i>Tier 7 Regulation</i>
41D	Strike out submissions. <u>Limitation</u> Power only applies before hearing.	<i>Tier 3 Regulation</i>

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Section(s)	Description	Delegate(s)
91	Power to determine not to proceed with a resource consent application on certain grounds.	<i>Tier 7 Regulation</i>
91C	Power to determine whether to return an application for a resource consent that has been suspended.	<i>Tier 7 Regulation</i>
91D	Power to suspend the processing of a non-notified application when requested in accordance with this section.	<i>Tier 7 Regulation</i>
91E	Requirement to cease to suspend the processing of a non-notified application when certain grounds apply.	<i>Tier 7 Regulation</i>
Further information requests		
92	Authority to request further information to be provided, or to commission a report before a decision on a consent application is made.	<i>Tier 7 Regulation</i>
92A	Set a time within which an applicant is to provide information.	<i>Tier 7 Regulation</i>
Notification		
95, 95A, 95B, 95C, 95D, and 127	Decide whether to publicly or limited notify an application for resource consent or change or cancellation of conditions. Power to determine whether the adverse effects on the environment of an application will be minor or whether special circumstances exist in relation to the application.	<i>Tier 7 Regulation</i>
95E	Determine which persons may be adversely affected by an application and to serve notice of the application on them if required.	<i>Tier 7 Regulation</i>
95F	Determine that a protected customary rights group is an affected group if the activity may have adverse effects on a protected customary right and written approval from the group has not been received.	<i>Tier 7 Regulation</i>
95G	Determine that a customary marine title group is an affected group if the activity may have adverse effects on customary marine title rights and written approval from the group has not been received.	<i>Tier 7 Regulation</i>
Submissions on applications, pre-hearing meetings and mediation		

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Section(s)	Description	Delegate(s)
96	The power to lodge a submission on a resource consent application.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i> <i>(See submissions policy)</i>
97	Adopt an earlier closing date for submissions in accordance with section 97.	<i>Tier 7 Regulation</i>
99(1) to (4)	Power to call pre-hearing meetings and invite or require parties to attend and the duty to prepare a report of the meeting.	<i>Tier 7 Regulation</i>
99(8)	Power to decide whether to decline to process an application or submission if they fail to attend a pre-hearing meeting.	<i>Tier 4 Regulation</i>
99A(1) to (2)	Power to refer parties who have made a resource consent application or submissions on the application to mediation.	<i>Tier 4 Policy</i> <i>Tier 5 Regulation</i> <i>Tier 4 Knowledge</i>
99A(3)	Power to appoint mediators when the Council is the applicant.	<i>Tier 4 Regulation</i>
Hearings		
100	Authority to determine whether a hearing should be held in respect of any application for a resource consent and require that a hearing be held.	<i>Tier 7 Regulation</i>
101	Authority to fix and notify the commencement date, time and place where a hearing is to be held.	<i>Tier 7 Regulation</i>
102(1)	Authority to determine that applications to two or more consent authorities for the same proposal are sufficiently unrelated that a joint hearing is unnecessary.	<i>Tier 7 Regulation</i>
102(2)	If a joint hearing is held, agree that another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	<i>Tier 7 Regulation</i>
102(3)	Jointly or separately decide applications where those applications are heard jointly.	<i>Tier 7 Regulation</i>
103	Authority to determine that a combined hearing on applications for resource consents need not be held (proposals must be sufficiently unrelated).	<i>Tier 7 Regulation</i>

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Section(s)	Description	Delegate(s)
Decision making on resource consent applications		
104, 104A to D, 105, 106, 107, 108, 108A, and 108AA	Determine or decline resource consent applications. Authority to impose conditions on any consent granted, including the provision of a bond. <u>* Limitation</u> Applies to applications where no hearing required. <u># Limitation</u> Applies to applications which are non-notified and no hearing is required.	<i>* Tier 4 Regulation</i> <i># Tier 6 Regulation</i>
109	Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed.	<i>Tier 7 Regulation</i>
110	Duty to refund financial contribution to consent holder where consent has lapsed. Power to retain portion of financial contribution in certain circumstances.	<i>Tier 5 Regulation</i>
114	Authority to serve consent applicant, submitters and determine other people that are considered appropriate with notice of the decision on an application.	<i>Tier 7 Regulation</i>
120	Authority to lodge, withdraw or oppose appeal on Council's behalf in Environment Court.	<i>Group Manager Environment</i> <i>Tier 4 Knowledge</i>
Duration of consent		
123	Power to specify duration of consent.	<i>Tier 6 Regulation</i>
123A	Power to decide duration of consent for aquaculture activities.	<i>Tier 6 Regulation</i>
124	Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent.	<i>Tier 5 Regulation</i>
124B	Process that must be followed when applications by existing holders received.	<i>Tier 6 Regulation</i>
124C	Process that must be followed when applications are received from persons who are not existing holders received.	<i>Tier 6 Regulation</i>

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Section(s)	Description	Delegate(s)
125	Power to grant extension of period after which a consent will lapse.	<i>Tier 6 Regulation</i>
Cancellation and change of resource consents		
126	Power to cancel a resource consent by written notice and power to cancel notice of revocation.	<i>Tier 5 Regulation</i>
127	Determine non-notified applications for a change or cancellation of any condition of consent. <i>Explanatory note: See above notification delegations in relation to notification decisions on section 127 applications.</i>	<i>Tier 6 Regulation</i>
Review of consent conditions by consent authority		
128 and 129	Power to review resource consent conditions and to give notice of review.	<i>Tier 5 Regulation</i>
130	Determine whether notification of a review is required under section 130 and whether a hearing be held.	<i>Tier 5 Regulation</i>
131	Duty to consider certain matters during review of consent conditions and before changing the conditions of a discharge permit or a coastal permit. <u>Limitation</u> Power only applies where no hearing is required.	<i>Tier 5 Regulation</i>
132	Power to change the conditions of a resource consent on a review under section 128, or to cancel resource consent. <u>Limitation</u> Power only applies where no hearing is required.	<i>Tier 4 Regulation</i>
Minor corrections of resource consents		
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant).	<i>Tier 7 Regulation</i>
Transfer of resource consents		
136	Power to approve the transfer of a water permit.	<i>Tier 5 Regulation</i>

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Section(s)	Description	Delegate(s)
137	Approve the transfer of a discharge permit in whole or in part to another site and to any person.	<i>Tier 6 Regulation</i>
Surrender of consents		
138	Power to issue notice of acceptance of surrender of a resource consent, direct that person surrendering consent need not complete any work to give effect to the consent, and refuse acceptance of a part surrender of a resource consent.	<i>Tier 6 Regulation</i>
Coastal permits for dumping and incineration		
138A(1)	Power to request further information in relation to applications for coastal permits for dumping or incineration. <u>Limitation</u> Power only applies where no hearing is required.	<i>Tier 7 Regulation</i>
138A(3)	Power to review coastal permits for dumping or incineration.	<i>Tier 4 Regulation</i>
Certificates of compliance or existing use		
139 and 139A	Authority to determine and issue certificate of compliance and existing use certificates.	<i>Tier 6 Regulation</i>
(excluding 139(4))	Authority to request further information before determining whether to issue certificates.	
139(4)	To require further information to be provided in order to determine if a certificate of compliance must be issued.	<i>Tier 6 Regulation</i>
Planning		
Section(s)	Description	Delegate(s)
Officer reports		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section).	<i>Tier 5 Policy</i>
Combined documents		
80	<i>Determine whether the council wishes to prepare, implement, and administer the</i>	Retained by Council

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Section(s)	Description	Delegate(s)
	<i>combined regional and district documents as set out in subsections 80(2) to (6).</i>	
Referral of disputes		
82	Power to refer a dispute relating to a policy statement, plan or order to the Environment Court for a decision.	<i>Tier 4 Policy</i>
Legal effect of rules		
86B	<i>Resolve that a rule in a proposed plan has legal effect only once the proposed plan becomes operative .</i>	Retained by Council
86D	<i>Apply to the Environment Court for a rule to have legal effect from date other than standard date .</i>	Retained by Council
Time limits		
37(1), 37A, and Schedule 1, Clause 1(2)	Authority under section 37 to extend any time limit set in Schedule 1 and to waive compliance, or failure to comply, with a requirement in accordance with sections 37(1) and 37A.	<i>Tier 4 Policy</i>
37(2)	Direct the terms on which an omission or inaccuracy of any information required under the Resource Management Act 1991, regulation or plan, or a procedural requirement that was omitted, shall be rectified.	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i> <i>Tier 4 Knowledge</i>
Consultation		
Schedule 1	Provide consultation comments on behalf of the Council on a planning or recovery document of another authority.	<i>Tier 5 Policy</i>
Schedule 1, Clause 3	Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement or plan.	<i>Tier 5 Policy</i>
Evaluation reports		
32 and Schedule 1, Clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32.	<i>Tier 4 Policy</i>

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Section(s)	Description	Delegate(s)
(excluding Clause 5(1)(a))		
165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	<i>Tier 4 Policy</i>
Notification		
Schedule 1, Clause 5(1C)	Determine whether a person is likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons.	<i>Tier 4 Policy</i>
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available.	<i>Tier 4 Policy</i>
Freshwater planning process		
80A(3)	<i>Prepare a freshwater planning instrument.</i>	Retained by Council
80A(4)	<i>Give public notice of a freshwater planning instrument.</i>	Retained by Council
80A(5)(d)	<i>Accept or reject a recommendation of the freshwater hearings panel.</i>	Retained by Council
Schedule 1, Clause 37(1)	Provide written notice of intention to submit specified documents and nominate for appointment to the freshwater hearing panel. Submit the specified documents to the Chief Freshwater Commissioner.	<i>Tier 4 Policy</i>
Schedule 1, Clause 52	<i>Decide to accept or reject each recommendation of the freshwater hearings panel; decide on an alternative solution for each relevant rejected recommendation; and include a related assessment in the further evaluation report.</i> <i>Give public notice of these decisions; comply with clause 11 as if the decisions were notified under clause 10(4)(b); and give public notice of the specified matters.</i>	Retained by Council
Schedule 1, Clause 53	<i>Give written notice, and provide requested additional information, to the Chief Freshwater Commissioner of a needed variation to a freshwater planning</i>	Retained by Council

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Section(s)	Description	Delegate(s)
	<i>instrument (including where this is recommended by the freshwater hearings panel).</i>	
Schedule 1, Clause 59(1)(b)	Relevant regional council nominates two persons as members of each freshwater hearings panel.	<i>Chief Executive and Group Manager Environment (acting individually), following consultation with the Chair of the Environment Committee and the Council Chair</i>
Submissions		
Schedule 1, Clauses 6 and 8	Make a submission or further submission.	<i>Tier 4 Policy (See submissions policy)</i>
Schedule 1, Clause 7	Approve the public notification of the availability of a summary of decisions requested.	<i>Tier 4 Policy</i>
Resolution of disputes		
Schedule 1, Clause 8AA(1)	Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	<i>Tier 4 Policy</i>
Schedule 1, Clauses 8AA(3) and (4)	Authority to refer to mediation the issues raised by persons who have made submissions on the proposed plan or policy statement and appoint a mediator.	<i>Tier4 Policy</i>
Hearing, submissions and decisions		
<i>Schedule 1, Clause 8D</i>	<i>Withdraw a proposal to prepare, change, or vary a policy statement or plan.</i>	<i>Retained by Council</i>
<i>Schedule 1, Clause 8B</i>	<i>Hearings on proposed policy statements and plans.</i>	<i>Retained by Council</i>
<i>Schedule 1, Clauses 10 and 55</i>	<i>Decisions on provisions and submissions on proposed policy statement.</i>	<i>Retained by Council</i>
Appeals		
Schedule 1, Clause 14	Lodge or withdraw an appeal to the Environment Court.	<i>See below (Court Proceedings – Resource Management Act 1991)</i>

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Section(s)	Description	Delegate(s)
Amendments to proposed or operative policy statement or plan without using Schedule 1 process		
Schedule 1, Clauses 16(1), 16(2) and 20A	Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) and 20A without using the Schedule 1 process.	<i>Tier 4 Policy</i>
44A	Amend a plan or proposed plan to remove a duplication or conflict with a National Environmental Standard without using the process in Schedule 1.	<i>Group Manager Environment</i>
292	Duty to comply with Environment Court direction to amend a regional plan.	<i>Tier 4 Policy</i>
85(3A) and 293	Make an amendment directed by the Environment Court under sections 85(3) and 293 without using the process in Schedule 1.	<i>Tier 4 Policy</i>
Initiation of variations to policy statement or plan		
<i>Schedule 1, Clause 16A</i>	<i>Initiate variations (being alterations other than those under Schedule 1, Clause 16) to a proposed policy statement or plan, or to a change, at any time before the approval of the policy statement or plan.</i>	<i>Retained by Council</i>
Preparation of changes to policy statement or plan		
293	By direction of the Environment Court under section 293 prepare changes to a proposed policy statement or plan that is before the Environment Court, consult about the changes and submit the changes to the Court for confirmation.	<i>Tier 4 Policy</i>
Approval and making operative of proposed plan and policy statement		
<i>Schedule 1, Clause 17</i>	<i>Approval of Plan (other than regional coastal plan) and Policy Statement.</i>	<i>Retained by Council</i>
<i>Schedule 1, Clause 18</i>	<i>Adopt proposed regional coastal plan and refer to Minister of Conservation for that Minister's approval.</i>	<i>Retained by Council</i>
Schedule 1, Clause 20	Publicly notify a date on which a policy statement or plan becomes operative.	<i>Tier 4 Policy</i>
Private plan changes		

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Section(s)	Description	Delegate(s)
<i>Schedule 1, Clauses 21 and 28</i>	<i>Request a change (or withdraw a request) to a plan under Schedule 1, Clauses 21 and 28.</i>	Retained by Council
Schedule 1, Clauses 23(1) and 23(2)	Require by written notice, further or additional information in accordance with Schedule 1, Clause 23.	<i>Tier 4 Policy</i>
Schedule 1, Clause 23(3)	Commission a report in relation to a request made under Schedule 1, Clause 21 and notify the person who made the request.	<i>Tier 4 Policy</i>
<i>Schedule 1, Clause 23(6)</i>	<i>Reject a request made under Schedule 1, Clause 21 where there is insufficient information to enable the Council to consider the request.</i>	Retained by Council
Schedule 1, Clause 24	Modify a request made under Schedule 1, Clause 21 (with the agreement of the person who made the request).	<i>Tier 4 Policy</i>
<i>Schedule 1, Clause 25</i>	<i>Decide under Schedule 1, Clause 25 as to how to deal with a request made under Schedule 1, Clause 21.</i>	Retained by Council
Schedule 1, Clause 27	Lodge and withdraw an appeal to the Environment Court against a decision by a local authority in relation to a request under Schedule 1, Clause 21.	<i>See below (Court Proceedings - Resource Management Act 1991)</i>
Schedule 1, Clause 28	Give notice that request made under Schedule 1, Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request.	<i>Tier 4 Policy</i>
<i>Schedule 1, Clause 29</i>	<i>May decline, approve, or approve with modifications the plan or change requested under Schedule 1, Clause 21.</i>	Retained by Council
Incorporation of documents by reference		
Schedule 1, Clause 34	Consult on proposal to incorporate material by reference in a proposed plan, variation or change in accordance with Schedule 1, Clause 34.	<i>Tier 4 Policy</i>

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Administrative charges and cost recovery

Section(s)	Description	Delegate(s)
Administrative charges		
36(1)	<i>Fix administrative charges.</i>	Retained by Council
36(5)	Power to require additional charges under section 36.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
36AA(1)	Determine any discount under section 36AA on an administrative charge imposed under section 36.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
36AA(3)	<i>Adopt policy for discounting administrative charges.</i>	Retained by Council
36AAB(1)	Power to remit the whole or part of a charge.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
36AAB(2)	Authority to determine to not perform an action to which a charge applies until the charge has been paid in full.	<i>Tier 4 Knowledge Tier 6 Regulation</i>
Proposals of national significance		
149ZD	Power to recover costs incurred by the Council from the applicant.	<i>Tier 4 Knowledge Tier 3 Regulation</i>
Emergency works		
331	Authority to seek reimbursement of Council's costs for emergency works.	<i>Group Manager Metlink Tier 4 Regulation</i>

Proposals of national significance

Section(s)	Description	Delegate(s)
142	<i>Request the Minister to call in a matter that is or is part of a proposal of national significance.</i>	Retained by Council
149E	Power to make or withdraw a submission on behalf of Council on matter of national importance.	<i>Tier 4 Regulation Tier 4 Policy (See submissions policy)</i>
149F	Power to make or withdraw a further submission on a proposed plan, change or variation.	<i>Tier 4 Regulation Tier 4 Policy (See submissions policy)</i>
149I	Power to withdraw a notified change or variation to a proposed plan subject to limits.	<i>Tier 4 Regulation</i>

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Section(s)	Description	Delegate(s)
		<i>Tier 4 Policy</i>
149K	Power to make suggestions about who should be appointed to a board.	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
149M	Prepare a proposed plan or change as directed by the board of inquiry.	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
149N	Prepare a proposed plan or change in consultation with the applicant and serve a copy on the Environmental Protection Agency.	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
149T	Power to give notice on Council's behalf under section 274 of matter referred directly to the Environment Court.	<i>Tier 4 Regulation</i> <i>4 Policy</i>
149V	Power to lodge appeal to the High Court on question of law on Council's behalf.	<i>See below (Court Proceedings - Resource Management Act 1991)</i>
149ZD	Power to recover costs incurred by the Council from the applicant.	<i>See above (Administrative charges and cost recovery)</i>

National environmental standards

Section(s)	Description	Delegate(s)
44	Make a submission on a proposed national environmental standard.	<i>Tier 4 Knowledge</i> <i>Tier 5 Policy</i> <i>Tier 5 Regulation</i> <i>(See submissions policy)</i>
44A	Amend a plan or proposed plan to remove a duplication or conflict with a National Environmental Standard without using the process in Schedule 1.	<i>Group Manager Environment</i>

National policy statements

Section(s)	Description	Delegate(s)
49	Make or withdraw a submission to a Board of Inquiry on a proposed national policy statement.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i> <i>(See submissions policy)</i>

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Section(s)	Description	Delegate(s)
55(2)	Make amendments in section 55(2) without using the process in Schedule 1, to give public notice of those amendments and to make other amendments as required using the process in Schedule 1 as soon as practicable. <u>Limitation</u> This power does not include amendments to a regional policy statement or plan.	<i>Group Manager Environment</i>
55(2)	<i>Make amendments in section 55(2) to a regional policy statement or plan without using the process in Schedule 1.</i>	Retained by Council
55(3)	<i>Take any action directed by a national policy statement.</i>	Retained by Council

Water Conservation Orders

Section(s)	Description	Delegate(s)
Water Conservation Orders		
201	<i>Power to apply to the Minister for a Water Conservation Order.</i>	Retained by Council
205	Power to make a submission to a tribunal concerning an application made under section 204.	<i>Tier 4 Regulation Tier 4 Policy (See submissions policy)</i>
211	Authority to represent Council at an inquiry conducted by the Environment Court under section 210.	<i>Tier 4 Policy Tier 6 Regulation</i>

Subdivision and reclamations

Section(s)	Description	Delegate(s)
234	Apply to territorial authority to vary or cancel instrument creating esplanade strip on Council land.	<i>Tier 3 Regulation Group Manager Metlink</i>
237B	Acquire, on behalf of the Council, an easement over land.	<i>Tier 3 Regulation Group Manager Metlink</i>
237C	Close an esplanade strip or access strip to the public.	<i>Tier 3 Regulation Group Manager Metlink</i>

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Section(s)	Description	Delegate(s)
237D	Power to declare, subject to receiving agreement from the relevant territorial authority, that an esplanade reserve or bed of river or lake shall vest in the regional council.	<i>Tier 3 Regulation</i> <i>Group Manager Metlink</i>
245	Power to approve a plan of survey of a reclamation.	<i>Tier 5 Regulation</i>
355A	Power to grant a coastal permit consenting to reclamation of land that had been reclaimed from coastal marine area unlawfully.	<i>Tier 5 Regulation</i>
355B	Power to seek enforcement order against person who unlawfully reclaimed land from the coastal marine area and take any necessary action to remove unlawfully reclaimed land from the coastal marine area.	<i>Tier 4 Regulation</i>

Occupation of the common marine and coastal area

Section(s)	Description	Delegate(s)
165D	Power to refuse to receive applications for coastal permits.	<i>Tier 4 Regulation</i>
165E	Power to grant a coastal permit authorising activity in aquaculture settlement area (to the extent authorised by section).	<i>Tier 4 Regulation</i>
165I	Duty to by public notice and in accordance with the regional coastal plan, offer authorisations for coastal permits for the occupation of space in the common marine and coastal area. Duty to give the Minister notice before making an offer of authorisation.	<i>Tier 4 Regulation</i>
369(4)	Power to grant a discharge permit or coastal permit to do something that would otherwise contravene section 15 and does not meet the minimum standards of water quality in certain circumstances.	<i>Tier 5 Regulation</i>

Ministerial approval of use of method of allocating authorisations

165L	<i>Request the Minister to approve a method for the allocation of authorisations for the space in the common marine and coastal area.</i>	<i>Retained by Council</i>
165N	If the request under section 165L is declined, publicly notify that applications may be made	<i>Tier 4 Policy</i>

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Section(s)	Description	Delegate(s)
	for coastal permits to occupy the space that was the subject of the request by public tender of authorisations.	
165P	Duty to publicly notify authorisation method made by the Minister under section 165N.	<i>Tier 4 Policy</i>
Authorisations		
165X	<i>Accept, reject and call for offers for authorisations, negotiate with any person who made an offer and give written notice of the decisions with reasons.</i>	Retained by Council
165Y	Duty to grant an authorisation if an offer is accepted or an agreement is reached under section 165X.	<i>Tier 4 Policy</i>
Ministerial powers in relation to applications for coastal permits to undertake aquaculture activities in common marine and coastal area		
165ZB and 165ZD	<i>Request the Minister of Aquaculture to suspend the receipt of applications for coastal permits to occupy space for the purpose of aquaculture activities.</i>	Retained by Council
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
Ministerial power to direct applications for coastal permits to undertake aquaculture activities in common marine and coastal area to be processed and heard together		
165ZF	Request the Minister of Aquaculture to direct Council to process and hear together applications for coastal permits to occupy the space for the purpose of aquaculture activities.	<i>Tier 4 Regulation</i>
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
Processing and hearing applications for coastal permits		
165ZFE(4)	Determine an applicant's request to have all affected applications determined by the Environment Court.	<i>Tier 4 Regulation</i>
165ZFE(6)	Prepare a report under section 165ZFE(6) in accordance with sections 87F(4) to (6).	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
165ZFE(11)	Cancel an applicant's affected application if applicant does not lodge a notice of motion.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>

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Section(s)	Description	Delegate(s)
165ZFG	Provide views to Minister for Aquaculture on whether Minister should call in an affected application.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
Designations		
Section(s)	Description	Delegate(s)
Notice of Requirement		
168	Power to give notice of requirement/s, and withdraw a requirement by notice, to the territorial authority.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i>
169	Lodge or withdraw a submission.	<i>See below (Lodging submissions)</i>
172	Power as requiring authority to accept, reject or modify a territorial authority's recommendations on requirements for a designation.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i>
174	Lodge, withdraw or oppose an appeal to the Environment Court.	<i>See below (Court Proceedings – Resource Management Act 1991)</i>
176	Power to give written consent in relation to land subject to Council designation.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i>
176A	Submit an outline plan to the territorial authority.	<i>Group Manager</i> <i>Environment</i>
	Power to determine whether to make changes requested by territorial authority.	<i>Group Manager Metlink</i>
177	Power, as requiring authority to do anything in respect of land subject to existing designation or heritage order.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i>
178	Power as requiring authority, to give written consent to person wishing to conduct work on an area subject to a requirement for a designation.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i>
179	Lodge, withdraw or oppose an appeal to the Environment Court against a refusal of consent by a requiring authority.	<i>See below (Court Proceedings – Resource Management Act 1991)</i>

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Section(s)	Description	Delegate(s)
180	Power, as requiring authority to transfer rights and responsibilities for designations to another requiring authority.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i>
181	Power, as requiring authority to give notice to the territorial authority of its requirement to alter the designation.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i>
182	Power, as requiring authority, to determine that it no longer wants a designation or part thereof.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i>
184	Power, as requiring authority to decide not to fix a longer period on a designation.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i>

Enforcement and compliance

Section(s)	Description	Delegate(s)
Enforcement officers		
38	Appoint enforcement officers to carry out all or any of the functions and powers as an enforcement officer under the RMA.	<i>Chief Executive</i>
Enforcement orders		
316 and 320	Power to apply to the Environment Court for an enforcement order or an interim enforcement order.	<i>Tier 4 Regulation</i>
318	Power and duty to be heard in respect of application.	<i>Tier 5 Regulation</i>
321	Power, if directly affected, to apply to change or cancel an enforcement order.	<i>Tier 4 Regulation</i>
Abatement notices		
325	Duty to respond to Environment Judge (if they so request) before a decision on an abatement notice appeal is made.	<i>Tier 5 Regulation</i>
325A	Determine that an abatement notice be cancelled, changed or confirmed.	<i>Tier 5 Regulation</i>
Other		
217J	Functions of regional council for the purposes of Part 9A (Freshwater farm plans).	<i>Tier 7 Regulation</i>

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Section(s)	Description	Delegate(s)
217J	Keep and maintain records in relation to each freshwater farm in the regional council's jurisdiction.	<i>Tier 7 Regulation</i>
217K	Power to appoint certifiers to certify freshwater farm plans. Power to appoint auditors to audit freshwater farm plans.	<i>Tier 5 Regulation</i>
329	Issue a direction during a period of serious temporary shortage of water.	<i>Tier 4 Regulation</i>
330	Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment.	<i>Group Manager Metlink</i> <i>Group Manager Environment</i>
334	Authority to make application to the District Court for a warrant for entry for search where there are reasonable grounds to believe an offence against the Resource Management Act 1991 has been or is suspected of having been committed that is punishable by imprisonment.	<i>Tier 4 Regulation</i> <i>Tier 4 Knowledge</i>
Offences		
338	Make decision for Council to prosecute for offences against the RMA.	<i>Group Manager Environment and Tier 4 Regulation (acting jointly)</i>
338	Authority to file a charging document on decisions to prosecute for offences provided that such ability shall only be exercised once the decision to prosecute has been approved.	<i>Tier 4 Regulation</i>
338	Authority to withdraw a charging document that has been laid in relation to a prosecution.	<i>Tier 4 Regulation</i>
343C(4)	Commence, withdraw or join proceedings in respect of an offence to which an infringement notice relates.	<i>Tier 5 Regulation</i>
Objections		
Section(s)	Description	Delegate(s)
357D	Determine any objection made under sections 357, 357A and 357B. <u>Limitation</u>	<i>Tier 4 Regulation</i>

Attachment 2 to Report 23.452

Section(s)	Description	Delegate(s)
	Power only applies where objection resolved and no hearing is required.	
357, 357A, and 357B	Power, as requiring authority, to object to certain decisions by territorial authorities.	<i>Group Manager Environment</i> <i>Group Manager Metlink</i>
357C	Power to agree to a resolution to an objection.	<i>Tier 5 Regulation</i>

Approvals on behalf of the Council

Section	Description	Delegate(s)
General	Give, or decline to give, written approval on behalf of the Council to a resource consent application, and withdraw any written approval given.	<i>Tier 4 Policy</i>
General	Give, or decline to give, written approval on behalf of the Council to a resource consent application, and withdraw any written approval given as a landowner or neighbour.	<i>Group Manager Corporate Services</i> <i>Group Manager Environment</i> <i>Group Manager Metlink</i>

Acquisition

Section	Description	Delegate
86	<i>Acquire land by agreement under the Public Works Act 1981.</i>	<i>Group Manager Corporate Services</i>
415	<i>Take, purchase, or acquire the whole or part of any deemed mining permit as a public work under the Public Works Act 1981 or by agreement or otherwise.</i>	<i>Retained by Council</i>

Lodging submissions

Section(s)	Description	Delegate(s)
44	Make a submission on a proposed national environmental standard	<i>Tier 3 Policy</i> <i>Tier 3 Regulation</i> <i>(See submissions policy)</i>

Attachment 2 to Report 23.452

Section(s)	Description	Delegate(s)
49	Make a submission to a Board of Inquiry on a proposed national policy statement in accordance with section 49.	<i>Tier 3 Policy</i> <i>(See submissions policy)</i>
96	Lodge or withdraw a submission on behalf of the Council.	<i>Tier 5 Policy</i> <i>(See submissions policy)</i>
149E and 149F	Lodge or withdraw a submission or further submission to the Environmental Protection Agency.	<i>Tier4 Policy</i> <i>Tier 4 Regulation</i> <i>(See submissions policy)</i>
169 and 190	Provide further information requested on Notice of Requirement. Lodge or withdraw a submission.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i> <i>(See submissions policy)</i>
293	By direction of the Environment Court under section 293 prepare changes to a proposed policy statement or plan that is before the Environment Court, consult about the changes and submit the changes to the Court for confirmation	<i>Tier 4 Regulation</i> <i>Tier 4 Policy</i>
Schedule 1, Clauses 6 and 8	Lodge or withdraw a submission or further submission on behalf of the Council.	<i>Tier 4 Policy</i> <i>(See submissions policy)</i>

Court Proceedings - Resource Management Act 1991

Section(s)	Description	Delegate(s)
Environment Court		
120	Lodge, withdraw or oppose an appeal to the Environment Court.	<i>Tier 3 Regulation</i>
174, 179, 192, 195, and Schedule 1, Clauses 14 and 27	Lodge, withdraw or oppose an appeal to the Environment Court.	<i>Group Manager</i> <i>Environment</i> <i>Group Manager Metlink</i>
267	Authority to represent the Council at a conference and make decisions on matters that may reasonably be expected to arise at the conference.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>

Attachment 2 to Report 23.452

Section(s)	Description	Delegate(s)
268	Agree or disagree that a member of the Environment Court who conducts an alternative dispute resolution process is not disqualified from resuming his or her role to decide a matter.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>
268A	Settle a dispute or issues at stake at alternative dispute resolution sessions. Make decisions on matters that may reasonably be expected to arise at the conference.	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>
272	Decide to appear at proceedings before the Environment Court and call evidence for the Council.	<i>Tier 4 Policy</i> <i>Tier 5 Regulation</i>
274	Lodge, withdraw or oppose a notice of intention to become an interested party to Environment Court proceedings under section 274. As a section 274 party, oppose the withdrawal or abandonment of proceedings and step into the shoes of the appellant withdrawing the appeal.	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>
278 and 279	Seek, withdraw or oppose orders in accordance with sections 278 and 279.	<i>Tier 4 Regulation</i>
280	Power to apply to an Environment Judge for leave to make an application for review of order made by an Environment Commissioner. If leave is granted, may apply to the Environment Court for a review.	<i>Tier 4 Regulation</i>
281	Lodge, withdraw or oppose an application for a waiver or direction in accordance with section 281.	<i>Tier 4 Regulation</i>
281B	Lodge an application to an Environment Court Judge to reconsider the exercise of a power by a Registrar.	<i>Tier 4 Regulation</i>
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	<i>Tier 4 Regulation</i>
286	File an order for costs in the District Court.	<i>Tier 4 Regulation</i>

Attachment 2 to Report 23.452

Section(s)	Description	Delegate(s)
291	Lodge, oppose or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application.	<i>Tier 4 Regulation</i>
294	Apply to the Environment Court for a rehearing of proceedings.	<i>Tier 4 Regulation</i>
308G and 311	Lodge, withdraw, join or oppose an application for declaration with the Environment Court.	<i>Group Manager Environment</i>
High Court		
149V	Power to lodge appeal to the High Court on question of law on Council's behalf.	<i>Group Manager Environment</i>
299 and 300	Lodge, withdraw, oppose or join an appeal to the High Court and any related applications or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions. Approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter.	<i>Group Manager Environment</i>
301	Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings.	<i>Tier 4 Regulation</i>
305	Lodge, withdraw, oppose or join an appeal to the High Court.	<i>Tier 4 Regulation</i>
306	Lodge, withdraw or respond to an application for an extension of time.	<i>Group Manager Environment</i>
Court of Appeal and Supreme Court		
308 RMA and Subpart 8 of Part 6 Criminal Procedure Act 2011	Lodge, withdraw, join or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal or any related applications or proceedings and be heard in relation to any application or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	<i>Group Manager Environment</i>

Attachment 2 to Report 23.452

Section(s)	Description	Delegate(s)
	Approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter.	

Resource Management (Simplifying and Streamlining) Amendment Act 2009

	Duty to determine applications or matters lodged before the commencement of this Act (1 October 2009) in line with the Resource Management Act 1991 in place at that time. This includes the powers, functions and duties preliminary to determining matters or applications under the RMA in place at that time.	<i>Tier 5 Regulation</i>
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Resource Management Regulations

Section(s)	Description	Delegate(s)
Resource Management (Measurement and Reporting of Water Takes) Regulations 2010		
Clause 9	Approval to measure water taken each week (instead of each day)	<i>Tier 5 Regulation</i>
Clause 10	Approval to use device or system installed near (instead of at) location from which water taken	<i>Tier 5 Regulation</i>
Clause 11	Power to revoke approval granted under clauses 9 or 10	<i>Tier 5 Regulation</i>

Resource Management (Forms, Fees, and Procedure) Regulations 2003

Clause 10A(2)	Power as consent authority to require a notice to be affixed in a conspicuous place	<i>Tier 5 Regulation</i>
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Resource Management (Transitional, Fees, Rents and Royalties) Regulations 1991

5	Power to require additional fees for the costs associated with a hearing committee considering application for a restricted coastal activity	<i>Tier 6 Regulation</i>
6	Power to require administrative charges associated with monitoring and supervision of that resource consent	<i>Tier 6 Regulation</i>
7C	Power to fix an additional charge to recover actual or reasonable costs of administering,	<i>Tier 6 Regulation</i>

Attachment 2 to Report 23.452

Section(s)	Description	Delegate(s)
	monitoring, and supervision of the permit, licence, or other authorisation	

Attachment 3 to Report 23.452

Proposed delegations from Council to specified officers – Local Government (Rating) Act 2002 – track changed version

No power to sub-delegate

Note that in accordance with section 132(2)(a) of the Local Government (Rating) Act 2002, the following delegations **may not** be sub-delegated.

General delegation to Chief Executive

The Council delegates to the Chief Executive all powers, duties and responsibilities under the Local Government (Rating) Act 2002 that are legally able to be delegated under section 132 of the Local Government (Rating) Act 2002 other than matters identified in the following tables as being retained by Council or not capable of delegation.

Specific delegations to Chief Executive and specified positions

The following table sets out a range of other delegations made by the Council to specified officers.

Unless otherwise stated, delegations exercised by a specified position can be exercised by all those in the organisational positions above (for example, a delegation to Financial Controller can be exercised by the ~~Chief Financial Officer~~Group Manager Finance and Risk, ~~the Group Manager Corporate Services~~, and the Chief Executive).

Section(s)	Description	Delegate(s)
General	Power to supervise those territorial authorities that are appointed to collect rates in accordance with section 53	<i>Financial Controller</i>
General	Power to supervise those territorial authorities that are delegated the authority to keep and maintain the rating information database in accordance with section 27	<i>Financial Controller</i>
7 to 26	<i>Key provisions (setting and assessing rates)</i>	<i>Not capable of delegation</i>
27	<i>Requirement to keep and maintain a rating information database for the constituent districts in the region</i>	<i>Retained by Council</i>
28(4)	Requirement to give, during May, public notice of the availability of the rating information database for inspection, and at any other time	Chief Financial Officer <u>Group Manager Finance and Risk</u>
28A(4)	Power to make the rating information database available at any other Council office	Chief Financial Officer <u>Group Manager Finance and Risk</u>

Attachment 3 to Report 23.452

Section(s)	Description	Delegate(s)
28B	Requirement to inform owners of rating units, and ratepayers for separate areas, of the right to withhold information from the rating information database	Chief Financial Officer Group Manager <u>Finance and Risk</u>
28C(3) and (4)	Requirement to remove or restore relevant particulars from the rating information database where appropriately requested by an owner or ratepayer	Chief Financial Officer Group Manager <u>Finance and Risk</u>
29(3)	Requirement to notify the objector in writing of decision on an objection to the information contained in the rating information database	Financial Controller
33(2)	Requirement to update the rating information database upon notification of transfer or assignment of lease or licence	Chief Financial Officer Group Manager <u>Finance and Risk</u>
35(b)	Requirement to be satisfied that a name is removed from the land transfer register before removing that name from the rating information database	Chief Financial Officer Group Manager <u>Finance and Risk</u>
36(2)	Requirement to update the rating information database upon notification of change of name	Chief Financial Officer Group Manager <u>Finance and Risk</u>
37	Requirements to keep and maintain a rates record for each rating unit and separate rating area; and to ensure the information is consistent with section 27(4) (where applicable)	Chief Financial Officer Group Manager <u>Finance and Risk</u>
38(3)	Power to request confirmation of certain information from a person covered by section 38(1)(d)(i)	Chief Financial Officer Group Manager <u>Finance and Risk</u>
39(3)	Power to determine any objection to the rates records and notify the objector	Financial Controller
40	Power to correct rates	Chief Financial Officer Group Manager <u>Finance and Risk</u>

Attachment 3 to Report 23.452

Section(s)	Description	Delegate(s)
41 to 41A	Power to issue an amended rates assessment and refund overpayment, if an error is corrected	Chief Financial Officer Group Manager Finance and Risk
44 to 51	Requirements to deliver rates assessments and rates invoices to ratepayers setting out the information stated by the Act	Chief Financial Officer Group Manager Finance and Risk
53	<i>Power to appoint a rates collector</i>	Retained by Council
54	Power to decide not to collect rates that are uneconomic to collect <u>Limitation</u> If rates exceed \$1000 then Council approval must be sought	Chief Financial Officer Group Manager Finance and Risk
55	<i>Power to adopt a policy for the early payment of rates</i>	Retained by Council
56	<i>Power to adopt a policy for the early payment of rates in anticipation of rates for subsequent financial years</i>	Retained by Council
61 and 62	Powers for recovery of unpaid rates	Chief Financial Officer Group Manager Finance and Risk
62A(4)	Requirement to deliver the rates assessment and rates invoice to the person actually using the land to which section 62A applies	Chief Financial Officer Group Manager Finance and Risk
63	Power to commence legal proceedings to recover rates	Chief Financial Officer Group Manager Finance and Risk
67	<i>Power to have judgments of the court enforced by the court by sale or lease of the rating unit</i>	Retained by Council
72	Power to consent to the sale or lease of a rating unit by the Registrar by private treaty (if the unit cannot be sold or leased by public auction or public tender)	Chief Financial Officer Group Manager Finance and Risk
77	<i>Powers of sale or lease of abandoned land</i>	Retained by Council
79	<i>Determine matters for the sale or lease of abandoned land</i>	Retained by Council

Attachment 3 to Report 23.452

Section(s)	Description	Delegate(s)
82	Power to write off the deficiency, if the proceeds of a sale or lease of abandoned land under section 79 are not sufficient to meet the rates, interest, costs, and expenses <u>Limitation</u> If rates exceed \$1000 then Council approval must be sought	Chief Financial Officer Group Manager Finance and Risk
85 and 86	Power to remit rates pursuant to Council's rates remission policy	Chief Financial Officer Group Manager Finance and Risk
87 to 90	Power to postpone rates pursuant to Council's rates postponement policy	Chief Financial Officer Group Manager Finance and Risk
90D	Requirement to ensure the amount of rates written off each financial year is disclosed in the notes to financial statements	Financial Controller
93(2)	Power to request trustees of rateable Māori freehold land to provide copies of any annual financial statements provided to the beneficial owners	Chief Financial Officer Group Manager Finance and Risk
94	Power to apply to the Māori Land Court to appoint one of the owners, or an agent, to receive rates assessments and rates invoices for Māori freehold land in multiple ownership	Chief Financial Officer Group Manager Finance and Risk
98A(1)	Power, on request of a person under section 98A, to divide a separate rating area from a rating unit on Māori freehold land	Chief Financial Officer Group Manager Finance and Risk
98A(2)	Requirement to determine a part of a rating unit on Māori freehold land to be a separate rating unit	Chief Financial Officer Group Manager Finance and Risk
98A(5)	Requirement, following a request under section 98A(4), to notify any ratepayers for the rating unit of a request for a separate rating area	Chief Financial Officer Group Manager Finance and Risk
98B	Requirement to apportion rates assessed for the underlying rating unit between each separate rating area and any residual rating area	Chief Financial Officer Group Manager Finance and Risk

Attachment 3 to Report 23.452

Section(s)	Description	Delegate(s)
98D(3)	Power to do anything required to adjust who is liable for rates (or apportionments of rates) and any related matters	Chief Financial Officer Group Manager Finance and Risk
98E(1)	Power to determine that a separate rating area divided from a rating unit is no longer a separate rating unit	Chief Financial Officer Group Manager Finance and Risk
98E(3)	Requirement to write off any rates outstanding for a separate rating area when Council ceases to apportion the rates between separate rating areas under section 98E(2)	Chief Financial Officer Group Manager Finance and Risk
99	Power to apply to Māori Land Court for charging order	Chief Financial Officer Group Manager Finance and Risk
104	Power to consent to an owner dealing with land	Chief Financial Officer Group Manager Finance and Risk
108	Power to apply to Māori Land Court to enforce charging order	Chief Financial Officer Group Manager Finance and Risk
111	Power to apply to Māori Land Court for payment of unpaid rates	Chief Financial Officer Group Manager Finance and Risk
114 and 115	Power to remit or postpone rates on Māori freehold land pursuant to Council policy	One of Chief Executive Group Manager Corporate Services Chief Financial Officer Group Manager Finance and Risk jointly with Te Pou Whakarae
114A(2)	Requirement to consider an application by a ratepayer for a remission of rates on Māori freehold land	One of Chief Executive Group Manager Corporate Services

Attachment 3 to Report 23.452

Section(s)	Description	Delegate(s)
		Chief Financial Officer Group Manager Finance and Risk jointly with Te Pou Whakarae
114A(3) to (5)	Power to remit all or part of the rates (including penalties) on Māori freehold land	One of: Chief Executive Group Manager Corporate Services Chief Financial Officer Group Manager Finance and Risk jointly with Te Pou Whakarae
116	Requirements in relation to consenting to an Order in Council made by the Governor-General to exempt Māori freehold land from some or all liability for rates	Retained by Council
118 to 130	Powers relating to the replacement of rates and other matters	Not capable of delegation
131	Power to arrange for a registered valuer to make an estimate of the projected valuation of all the rateable land in the districts of the constituent territorial authorities	Financial Controller
135	Requirement to sign documents as correct copies for the purpose of Court or Tribunal proceedings	Chief Financial Officer Group Manager Finance and Risk
Clause 2, Schedule 1AA	Requirement to write off rates arrears for land that is subject to a Ngā Whenua Rāhui kawenuta and unused Māori freehold land	One of: Chief Executive Group Manager Corporate Services Chief Financial Officer Group Manager Finance and Risk

Attachment 3 to Report 23.452

Section(s)	Description	Delegate(s)
		<i>jointly with Te Pou Whakarae</i>
Clause 3, Schedule 1AA	Power to take into account any pre-commencement actions and processes in determining a part of a rating unit to be a separate rating unit	Chief Financial Officer <u>Group Manager Finance and Risk</u>

Attachment 4 to Report 23.452**Proposed delegations from Council to specified officers – Local Government (Rating) Act 2002 – clean version*****No power to sub-delegate***

Note that in accordance with section 132(2)(a) of the Local Government (Rating) Act 2002, the following delegations **may not** be sub-delegated.

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Specific delegations to Chief Executive and specified positions

The following table sets out a range of other delegations made by the Council to specified officers.

Unless otherwise stated, delegations exercised by a specified position can be exercised by all those in the organisational positions above (for example, a delegation to Financial Controller can be exercised by the Group Manager Finance and Risk and the Chief Executive).

Section(s)	Description	Delegate(s)
General	Power to supervise those territorial authorities that are appointed to collect rates in accordance with section 53	<i>Financial Controller</i>
General	Power to supervise those territorial authorities that are delegated the authority to keep and maintain the rating information database in accordance with section 27	<i>Financial Controller</i>
7 to 26	<i>Key provisions (setting and assessing rates)</i>	<i>Not capable of delegation</i>
27	<i>Requirement to keep and maintain a rating information database for the constituent districts in the region</i>	<i>Retained by Council</i>
28(4)	Requirement to give, during May, public notice of the availability of the rating information database for inspection, and at any other time	<i>Group Manager Finance and Risk</i>
28A(4)	Power to make the rating information database available at any other Council office	<i>Group Manager Finance and Risk</i>
28B	Requirement to inform owners of rating units, and ratepayers for separate areas, of the right to withhold information from the rating information database	<i>Group Manager Finance and Risk</i>
28C(3) and (4)	Requirement to remove or restore relevant particulars from the rating information database where appropriately requested by an owner or ratepayer	<i>Group Manager Finance and Risk</i>

Attachment 4 to Report 23.452

Section(s)	Description	Delegate(s)
29(3)	Requirement to notify the objector in writing of decision on an objection to the information contained in the rating information database	<i>Financial Controller</i>
33(2)	Requirement to update the rating information database upon notification of transfer or assignment of lease or licence	<i>Group Manager Finance and Risk</i>
35(b)	Requirement to be satisfied that a name is removed from the land transfer register before removing that name from the rating information database	<i>Group Manager Finance and Risk</i>
36(2)	Requirement to update the rating information database upon notification of change of name	<i>Group Manager Finance and Risk</i>
37	Requirements to keep and maintain a rates record for each rating unit and separate rating area; and to ensure the information is consistent with section 27(4) (where applicable)	<i>Group Manager Finance and Risk</i>
38(3)	Power to request confirmation of certain information from a person covered by section 38(1)(d)(i)	<i>Group Manager Finance and Risk</i>
39(3)	Power to determine any objection to the rates records and notify the objector	<i>Financial Controller</i>
40	Power to correct rates	<i>Group Manager Finance and Risk</i>
41 to 41A	Power to issue an amended rates assessment and refund overpayment, if an error is corrected	<i>Group Manager Finance and Risk</i>
44 to 51	Requirements to deliver rates assessments and rates invoices to ratepayers setting out the information stated by the Act	<i>Group Manager Finance and Risk</i>
53	<i>Power to appoint a rates collector</i>	<i>Retained by Council</i>
54	Power to decide not to collect rates that are uneconomic to collect <u>Limitation</u> If rates exceed \$1000 then Council approval must be sought	<i>Group Manager Finance and Risk</i>
55	<i>Power to adopt a policy for the early payment of rates</i>	<i>Retained by Council</i>

Attachment 4 to Report 23.452

Section(s)	Description	Delegate(s)
56	<i>Power to adopt a policy for the early payment of rates in anticipation of rates for subsequent financial years</i>	Retained by Council
61 and 62	Powers for recovery of unpaid rates	<i>Group Manager Finance and Risk</i>
62A(4)	Requirement to deliver the rates assessment and rates invoice to the person actually using the land to which section 62A applies	<i>Group Manager Finance and Risk</i>
63	Power to commence legal proceedings to recover rates	<i>Group Manager Finance and Risk</i>
67	<i>Power to have judgments of the court enforced by the court by sale or lease of the rating unit</i>	Retained by Council
72	Power to consent to the sale or lease of a rating unit by the Registrar by private treaty (if the unit cannot be sold or leased by public auction or public tender)	<i>Group Manager Finance and Risk</i>
77	<i>Powers of sale or lease of abandoned land</i>	Retained by Council
79	<i>Determine matters for the sale or lease of abandoned land</i>	Retained by Council
82	Power to write off the deficiency, if the proceeds of a sale or lease of abandoned land under section 79 are not sufficient to meet the rates, interest, costs, and expenses <u>Limitation</u> If rates exceed \$1000 then Council approval must be sought	<i>Group Manager Finance and Risk</i>
85 and 86	Power to remit rates pursuant to Council's rates remission policy	<i>Group Manager Finance and Risk</i>
87 to 90	Power to postpone rates pursuant to Council's rates postponement policy	<i>Group Manager Finance and Risk</i>
90D	Requirement to ensure the amount of rates written off each financial year is disclosed in the notes to financial statements	<i>Financial Controller</i>
93(2)	Power to request trustees of rateable Māori freehold land to provide copies of any annual financial statements provided to the beneficial owners	<i>Group Manager Finance and Risk</i>

Attachment 4 to Report 23.452

Section(s)	Description	Delegate(s)
94	Power to apply to the Māori Land Court to appoint one of the owners, or an agent, to receive rates assessments and rates invoices for Māori freehold land in multiple ownership	<i>Group Manager Finance and Risk</i>
98A(1)	Power, on request of a person under section 98A, to divide a separate rating area from a rating unit on Māori freehold land	<i>Group Manager Finance and Risk</i>
98A(2)	Requirement to determine a part of a rating unit on Māori freehold land to be a separate rating unit	<i>Group Manager Finance and Risk</i>
98A(5)	Requirement, following a request under section 98A(4), to notify any ratepayers for the rating unit of a request for a separate rating area	<i>Group Manager Finance and Risk</i>
98B	Requirement to apportion rates assessed for the underlying rating unit between each separate rating area and any residual rating area	<i>Group Manager Finance and Risk</i>
98D(3)	Power to do anything required to adjust who is liable for rates (or apportionments of rates) and any related matters	<i>Group Manager Finance and Risk</i>
98E(1)	Power to determine that a separate rating area divided from a rating unit is no longer a separate rating unit	<i>Group Manager Finance and Risk</i>
98E(3)	Requirement to write off any rates outstanding for a separate rating area when Council ceases to apportion the rates between separate rating areas under section 98E(2)	<i>Group Manager Finance and Risk</i>
99	Power to apply to Māori Land Court for charging order	<i>Group Manager Finance and Risk</i>
104	Power to consent to an owner dealing with land	<i>Group Manager Finance and Risk</i>
108	Power to apply to Māori Land Court to enforce charging order	<i>Group Manager Finance and Risk</i>
111	Power to apply to Māori Land Court for payment of unpaid rates	<i>Group Manager Finance and Risk</i>
114 and 115	Power to remit or postpone rates on Māori freehold land pursuant to Council policy	<i>One of Chief Executive Group Manager</i>

Attachment 4 to Report 23.452

Section(s)	Description	Delegate(s)
		<i>Finance and Risk</i> <i>jointly with Te Pou Whakarae</i>
114A(2)	Requirement to consider an application by a ratepayer for a remission of rates on Māori freehold land	<i>One of</i> <i>Chief Executive</i> <i>Group Manager</i> <i>Finance and Risk</i> <i>jointly with Te Pou Whakarae</i>
114A(3) to (5)	Power to remit all or part of the rates (including penalties) on Māori freehold land	<i>One of:</i> <i>Chief Executive</i> <i>Group Manager</i> <i>Finance and Risk</i> <i>jointly with Te Pou Whakarae</i>
116	<i>Requirements in relation to consenting to an Order in Council made by the Governor-General to exempt Māori freehold land from some or all liability for rates</i>	Retained by Council
118 to 130	<i>Powers relating to the replacement of rates and other matters</i>	Not capable of delegation
131	Power to arrange for a registered valuer to make an estimate of the projected valuation of all the rateable land in the districts of the constituent territorial authorities	<i>Financial Controller</i>
135	Requirement to sign documents as correct copies for the purpose of Court or Tribunal proceedings	<i>Group Manager</i> <i>Finance and Risk</i>
Clause 2, Schedule 1AA	Requirement to write off rates arrears for land that is subject to a Ngā Whenua Rāhui kawenuta and unused Māori freehold land	<i>One of:</i> <i>Chief Executive</i> <i>Group Manager</i>

Attachment 4 to Report 23.452

Section(s)	Description	Delegate(s)
		<i>Finance and Risk</i> <i>jointly with Te Pou Whakarae</i>
Clause 3, Schedule 1AA	Power to take into account any pre-commencement actions and processes in determining a part of a rating unit to be a separate rating unit	<i>Group Manager</i> <i>Finance and Risk</i>

Council
21 September 2023
Report 23.489



For Information

FINANCE UPDATE – July 2023

Te take mō te pūrongo

Purpose

0. To provide Council with Greater Wellington Regional Council's (Greater Wellington's) summary financial reports for the month ended 31 July 2023.

Te tāhū kōrero

Background

1. This report provides a summary of the financial performance of Greater Wellington's activities for the month ended 31 July 2023 - **Attachment 1** refers. The amounts stated in this report and the attachment are GST Exclusive.
2. The result to July 2023 is a (\$5.2) million operating deficit. Greater Wellington had budgeted for an operating deficit of (\$1.8) million. This unfavourable variance to budget of (\$3.4) million is explained in the Analysis section of this report.

Te tātaritanga

Analysis

Key results

Revenue

3. Other revenue is (\$6.6) million lower mainly as a result of providing half-price fares (\$3.4) million for public transport without Waka Kotahi support. This will continue until the Government enacted fares are implemented in September. Additionally (\$2.4) million is due a change in travel behaviours and a mode shift.
4. Grants and subsidies revenue is (\$2.9) million lower than budgeted due to underspend in operational projects, with the deferral of the EV bus programme and underspend within the Rail Wellington Network Agreement projects the main drivers. This is also reflected in grants and subsidies expenditure.

Expenses

5. Consultants, contractors, and suppliers is underspent by \$3.7 million resulting from weather, consenting and general delays across multiple OPEX projects in Metlink, Environment and Strategy (LGWM).

Capital Expenditure (CAPEX)

6. CAPEX is 22% down on budget due to delays caused by winter weather.

Ngā hua ahumoni

Financial implications

7. The report has no financial implications.

Ngā Take e hāngai ana te iwi Māori

Implications for Māori

8. The report has no implications for Māori.

Ngā āpitihanga

Attachment

Number	Title
1	Councillor Financial Report – 31 July 2023

Ngā kaiwaitohu

Signatories

Writers	Sean Nicholson – Te Whakamahere me te Kaute Pūrongo Planning & Reporting Accountant Darryl Joyce – Kaiwhakahaere Matua Manager Accounting Services
Approver	Ali Trustrum-Rainey – Kaiwhakahaere Matua, Pūtea me ngā Tūraru Group Manager Finance and Risk

<p>He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or with Committee's terms of reference</i></p> <p>The Council has governance oversight of the robustness of the organisation's financial performance.</p>
<p><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></p> <p>The report reviews performance against the financial statements in Council's 23/24 Annual Plan.</p>
<p><i>Implications for Māori</i></p> <p>Improving outcomes for mana whenua and Māori is one of the overarching strategic priorities in the Greater Wellington's 2021-31 Long Term Plan, and therefore reported against in Annual reports and outcomes are included in our budgeting and financial results.</p>
<p><i>Risks and impacts - legal / health and safety etc.</i></p> <p>There are no risks arising from this report.</p>

Monthly Financial Update

Group Manager/CFO Overview

We continue to have external economic challenges and the associated financial pressures. While higher financing and inflationary cost were built into the 2023/24 Annual Plan Budget using the best available data at the time, we are expecting additional expenditure to be incurred over the current financial year.

The clean sheet capital budgeting exercise is reflected in this financial year's budgets so we should start to see a reducing in the large variance (30% down 23/24) between actual and budget that have been usual for CAPEX in prior years.

Farebox revenue has been impacted from the council decision to continue to provide half-price fares without Waka Kotahi support by (\$3.3m). This will continue until Government enacted fares are implemented in September. Noting this amount is 65% more than anticipated and puts significant pressure on the Public Transport reserves. The balance of the reduced farebox is contributed to a change in travel behaviours and a mode shift (\$2.4m).

A slow start to the year with several operational projects across multiple business units has helped offset the reduced revenue. With underspends in Let's Get Wellington Moving and the deferral of the Metlink EV bus programme being the largest contributors.

Other Items of Interest

- Green loans relating to 2022/23 Riverlink capital expenditure to the value of \$14m have been drawn down in 2023/24. The Riverlink project qualifies for green loans at a favourable loan rate from the LGFA as it supports climate change adaptation.
- Environment group restructure went live on 22 May 2023. The Group are still filling in vacancies in Policy and Regulation.
- Council currently has external debt of \$805m up from a starting balance of \$775m on 1 July 2023.
- Council currently holds investments (excluding subsidiaries) of \$265m up from a starting balance of \$247m on 1 July 2023. This includes water investments of \$50m, and prefunding of \$35m.
- Fair value movements are caused by the changes in valuations of financial instruments that Council holds.

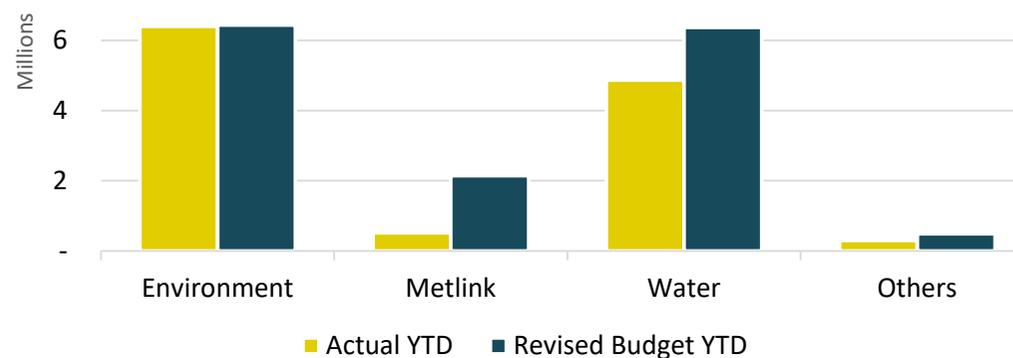
Summarised Profit and Loss as at 31 July 2023

This statement provides year to date financials for the first month of financial year 2023-24 with comparisons to the budget set in the 2023-24 Annual Plan.

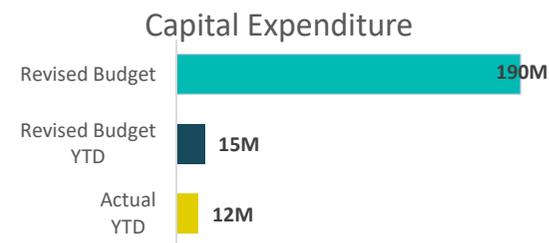
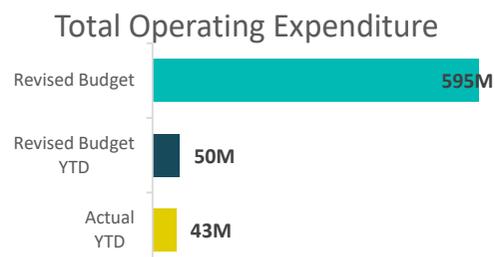
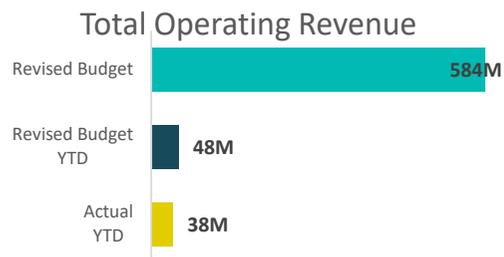
Summarised Profit and Loss as at July 2023

	Year to date				Full Year
	Actual YTD	Revised Budget YTD	Variance		Revised Budget
	\$000s	\$000s	\$000s		\$000s
Operating Revenue					
Rates and Levies	21,758	21,968	(210)	-1%	263,622
Grants and Subsidies	10,245	13,153	(2,908)	-22%	157,953
Other Revenue	6,106	12,657	(6,551)	-52%	162,189
Total Operating Revenue	38,109	47,778	(9,669)	-20%	583,764
Operating Expenditure					
Personnel	6,232	6,548	(315)	-5%	83,878
Grants and Subsidies	18,074	20,634	(2,561)	-12%	252,152
Consultants, Contractors, and Suppliers	12,786	16,443	(3,657)	-22%	183,769
Finance Costs	3,679	3,191	489	15%	42,252
Depreciation	2,565	2,808	(243)	-9%	33,181
Total Operating Expenditure	43,336	49,623	(6,287)	-13%	595,232
Operating Surplus/(Deficit) before other items	(5,227)	(1,845)	(3,382)	183%	(11,468)
Fair Value Movements	(00)	-	(00)	0%	-
Operating Surplus/(Deficit)	(5,227)	(1,845)	(3,382)	183%	(11,468)
Capital Expenditure	12,086	15,435	(3,350)	-22%	190,077

Capital Expenditure by Group



Key Variance Commentary



Metlink PT –

Continuing to provide half-price fares without Waka Kotahi support has reduced farebox by **(\$3.3m)**. This will continue until Government enacted fares are implemented in September. The balance of the reduced fare box is contributed to a change in travel behaviours and a mode shift **(\$2.4m)**.

A slow start with operational projects, mainly deferrals of the EV bus programme and within the Rail Wellington Network Agreement projects. This is also reflected in grants and subsidies expenditure. **(\$2.9m)**

Metlink PT –

Slow start with operational projects, mainly deferrals of the EV bus programme and within the Rail Wellington Network Agreement projects. This is also reflected in grants and subsidies revenue. **\$3.6m**

Delays in bus fleet and shelter projects. **\$0.7m**

Environment –

Timing of Pinehaven, river maintenance, winter planting expenditure monitoring programmes. **\$1.2m**

Akura internal purchases for planting programmes, offset by savings in materials and contractors. **\$0.5m**

Metlink PT –

Net Capital Expenditure and Investment additions are below budget due to particularly wet winter period across the initial month causing delays in projects. **\$3.3m**

Council
21 September 2023
Report 23.491



For Decision

RESOLUTION TO EXCLUDE THE PUBLIC

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

WRC Holdings – Director appointments – Report PE23.481

Appointment of mana whenua member to committee – Report PE23.487

Appointment of members to the Waiōhine River Plan Advisory Committee – Report PE23.426

Confirmation of the Restricted Public Excluded minutes of the Council meeting of 24 August 2023 – Report RPE23.351

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:

WRC Holdings – Director appointments – Report PE23.481	
<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 includes personal and identifying information about the proposed candidates for appointment as directors of WRC Holdings Limited. Withholding this information prior to Council’s decision is necessary to protect the privacy of that natural person (section 7(2)(a) of the Act) as releasing this information would disclose their consideration as a board member of WRC Holdings.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act, to protect the privacy of natural persons.</p>

Appointment of mana whenua members to committees – Report PE23.487	
<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 includes personal and identifying information about a candidate for appointment to the Long Term Plan Committee. Release of this information is likely to prejudice the privacy of natural persons (section 7(2)(a) of the Act) as releasing this information would disclose their consideration for appointment as a Committee member.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act, to protect the privacy of natural persons.</p>
Appointment of members to the Waiōhine River Plan Advisory Committee – Report PE23.426	
<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 includes personal and identifying information about proposed candidates for appointment to the Waiōhine River Plan Advisory Committee. Release of this information prior to Council’s decision is likely to prejudice the privacy of natural persons (section 7(2)(a) of the Act) as releasing this information would disclose their consideration for appointment as members of the Waiōhine River Plan Advisory Committee.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act, to protect the privacy of natural persons.</p>

Confirmation of the Restricted Public Excluded minutes of the Council meeting of 24 August 2023 – Report RPE23.351	
<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 matters referred to in these minutes relates to the current Chief Executive’s full year performance and remuneration review. Withholding this information is necessary to protect the privacy of those natural persons (section 7(2)(a) of the Act) as releasing this information would disclose information pertaining to the employment relationship between the Chief Executive and the Council.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act, to protect the privacy of natural persons.</p>

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