



If calling, please ask for Democratic Services

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## Council

Thursday 30 March 2023, 9.30am

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

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## Members

Cr Ponter (Chair)

Cr Bassett

Cr Duthie

Cr Kirk-Burnnand

Cr Lee

Cr Ropata

Cr Woolf

Cr Staples (Deputy Chair)

Cr Connelly

Cr Gaylor

Cr Laban

Cr Nash

Cr Saw

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

# Council

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Thursday 30 March 2023, 9.30am

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

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Please note these minutes remain unconfirmed until the Council meeting on 30 March 2023

Report 23.68

## Public minutes of the Council meeting on Thursday 23 February 2023

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

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### Members Present

Councillor Ponter (Chair)  
Councillor Staples (Deputy Chair)  
Councillor Bassett  
Councillor Connelly  
Councillor Duthie  
Councillor Gaylor  
Councillor Kirk-Burnnand  
Councillor Laban (from 9.33am)  
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 Ponter / Cr Nash

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

The motion was **carried**.

## **2 Item not on the agenda to be dealt with**

The Chair advised that Council would need to deal with an additional report on the Ngāti Kahungunu easements.

Moved: Cr Ponter / Cr Staples

1. That under Standing Order 3.5.5, Report 22.546 – *Ngāti Kahungunu easements* is dealt with at this meeting.
2. This report is not on the agenda for this meeting as at the time the agenda was prepared Greater Wellington was still determining the necessary process required to sign the easements.
3. Discussion on matters contained in this report cannot be delayed until the Council's next meeting because the matters need to be progressed and finalised promptly before the Ngāti Kahungunu settlement date of 7 March 2023.

The motion was **carried**.

Councillor Laban arrived at 9.33am, at the conclusion of the above item.

## **3 Declarations of conflicts of interest**

There were no declarations of conflicts of interest.

## **4 Public participation**

There was no public participation.

## **5 Confirmation of the Public minutes of the Council meeting on 15 December 2022 – Report 22.543**

Moved: Cr Saw / Cr Nash

That Council confirms the Public minutes of the Council meeting on 15 December 2022 – Report 22.543.

The motion was **carried**.

## **Strategy, policy, or major issues**

### **6 Public Transport Fares: Annual Fares Review – Report 23.48**

Samantha Gain, General Manager, Metlink, and Tim Shackleton, Manager Commercial, Strategy and Investments, spoke to the report.

Moved: Cr Nash / Cr Lee

That Council:

- 1 Notes that the policy in Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-31 provides that fare

levels will be adjusted annually with inflation within 1% to 3%, subject to Council decision through annual fares review and the Annual Plan or Long Term Plan process.

- 2 Notes that on 16 June 2022 (Report 22.263), Council:
  - a agreed to increase fares by a minimum of 3 percent from 1 March 2023, with the option to increase above 3 percent to also cover financial year 2023/24
  - b noted that officers will bring a report to Council in February 2023 for the Council to determine any additional level of fare increase.
- 3 Notes that Annual Planning for 2023/24 (currently in progress) assumes a 5.8% annual inflationary increase to operating costs for 2023 (higher than the 2.5% LTP assumption).
- 4 Notes that fares have remained unchanged since the last increase of 1.5% on 1 February 2021, and annual inflation rose to 7.2% in the December 2022 quarter which has contributed toward a 13% increase to service costs over the last two years.
- 5 Agrees to increase fares by 6% from 1 April 2023.

The motion was **carried**.

**Noted:** Councillors Duthie, Laban, and Ropata requested that their votes against the motion be recorded.

**7 Public Transport Fares: Implementation of Future Fares Direction Initiatives – Report 23.23**

Samantha Gain, General Manager, Metlink, and Tim Shackleton, Manager Commercial, Strategy & Investments, spoke to the report.

Moved: Cr Connelly / Cr Saw

That Council:

- 1 Notes that on 25 August 2022 Council agreed through the adoption of the Future Fares Direction to the following fare initiatives:
  - a The adoption of an 'off-peak fares package' to be implemented from the beginning of the financial year 2023/24 which includes:
    - i. An increase to the off-peak discount from the current 25% discount on the full adult fare to 50%; and
    - ii. The introduction of cumulative off-peak discounts for all concession holders.
  - b The adoption of a policy that allows children to travel free on non-premium services, buses and trains on weekends and public holidays to be implemented in financial year 2023/24.
- 2 Agrees 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.
- 3 Notes that the Government's half price public transport fares initiative will continue to apply until the initiative ceases.
  - 4 Notes that the Community Connect Concession will not be available until after the Government's half price public transport fares initiative ceases.
  - 5 Notes that in adopting the policy on free travel for children on non-premium services, buses and trains on weekends and public holidays, the Council requested that the General Manager, Metlink, liaises with NZ Police and local authorities in relation to the introduction of the policy.
  - 6 Notes that the feedback received from the key stakeholders raised serious concerns about potentially severe and unintended consequences of offering free weekend travel for unaccompanied children.
  - 7 Notes that the increase to the off-peak discount compounded by the child concession will significantly reduce the fares for children on weekends and public holidays when paying with a Snapper card.
  - 8 Revokes its resolution of 25 August 2022 regarding children travelling free (as set in resolution 9 of Council's resolutions on Report 22.363) and withdraws the initiative.
  - 9 Notes that officers will continue to investigate mechanisms for implementing free travel for children on non-premium services, buses and trains on weekends and public holidays prior to 7pm, as part of the implementation of the National Ticketing Solution.

The motion was **carried**.

## **8 Council Submission on the draft Future for Local Government Report – Report 23.45**

Councillor Ponter spoke to the report.

Moved: Cr Ponter / Cr Staples

That Council:

- 1 Adopts its submission on the draft Future for Local Government Report - *He mata whāriki, he matawhānui*.
- 2 Authorises the Council Chair to approve minor editorial changes for the purpose of finalising the submission.

The motion was **carried**.

## **9 Ngāti Kahungunu Easements - Report 23.546**

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

Moved: Cr Staples / Cr Ponter

That Council authorises the Council Chair to sign three instruments establishing registrable easements in favour of Greater Wellington Regional Council on parcels of land that are the subject of Ngāti Kahungunu ki Wairarapa Tāmaki Nui-a-Rua settlement redress.

The motion was **carried**.

The meeting adjourned at 10.35am, at the conclusion of the above item, and reconvened at 10.50am.

## **Governance**

### **10 Triennial Agreement 2022-2025 – Report 23.46**

Moved: Cr Ponter / Cr Staples

That Council:

- 1 Approves the Wellington Regional Triennial Agreement 2022-25 (Attachment 1).
- 2 Authorises the Chief Executive and the Council Chair to make any minor amendments to the Triennial Agreement 2022-25 required as a result of changes requested by other local authorities in the Region as part of the adoption process.
- 3 Authorises the Council Chair to sign the finalised Wellington Regional Triennial Agreement 2022-25.

The motion was **carried**.

### **11 Establishment of the Waiōhine River Plan Advisory Committee – Report 23.5**

Wayne O’Donnell, General Manager, Catchment Management, spoke to the report.

Moved: Cr Staples / Cr Connelly

That Council:

- 1 Establishes the Waiōhine River Plan Advisory Committee.
- 2 Adopts the Terms of Reference for the Waiōhine River Plan Advisory Committee (Attachment 1), subject to the wording in section 3.3 being changed to read:

*“To be eligible for appointment under sections 3.2c and d, each person must either:*

- a Have river expertise, or*
- b Be a resident or ratepayer within the Waiōhine catchment, or*
- c Be a Friend of Waiōhine, or*
- d Be a sustainability advocate.”*

The motion was **carried**.

**12 Appointments to Greater Wellington advisory bodies – Report 23.16**

Wayne O’Donnell, General Manager, Catchment Management, spoke to the report.

Moved: Cr Bassett / Cr Staples

That Council:

- 1 Appoints to the Lower Ruamahanga Valley Floodplain Management Advisory Committee Councillor Pip Maynard to represent the South Wairarapa District Council.
- 2 Appoints to the Upper Ruamahanga River Management Advisory Committee:
  - a Councillors David Holmes, Craig Bowyer, and Stella Lennox to represent the Masterton District Council.
  - b Councillors Brian Deller and Steve Cretney to represent the Carterton District Council.

The motion was **carried**.

**13 Greater Wellington’s Quarter Two Summary Report 2022/23 – Report 23.50**

Nigel Corry, Chief Executive, spoke to the report.

Moved: Cr Bassett / Cr Laban

That Council accepts Greater Wellington’s performance report for the six months to 31 December 2022 (Greater Wellington’s Quarter Two Summary Report as at 31 December 2022 – Attachment 1).

The motion was **carried**.

**Resolution to exclude the public**

**14 Resolution to exclude the public – Report 23.56**

Moved: Cr Gaylor / Cr Kirk-Burnnand

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

Public Excluded minutes of the Council meeting 15 December 2022 – Report PE22.544

Appointment of Mana Whenua members to committees – Report PE23.40

Farming Reference Group membership – Report PE23.4

Appointment to Whaitua Kāpiti Committee – Report PE23.35

Appointment to the Lower Ruamahanga Valley Floodplain Management Advisory Committee – Report PE23.43

Interim review of the Chief Executive’s performance for 2022/23 – Report RPE23.20

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

<b>Public Excluded minutes of the Council meeting 15 December 2022 – Report PE22.544</b>	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>The matters referred to in these minutes relates to personal and identifying information about proposed freshwater hearing panel nominees. 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 their consideration for these appointments.</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>
<b>Appointment of Mana Whenua members to committees – Report PE23.40</b>	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Information contained in this report includes personal and identifying information about a proposed candidate for appointment to the Wairarapa Committee and Wellington Regional Leadership 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 a member of the Committee.</p> <p>Greater Wellington has considered whether the public interest outweighs 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>

<p>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><b>Farming Reference Group membership – PE23.4</b></p>	
<p><i>Reason/s for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>Information contained in this report includes personal and identifying information relating to the appointment of members to the Farming Reference Group. 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 a members of the Group.</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>
<p><b>Additional appointment to the Whaitua Kāpiti Committee PE23.35</b></p>	
<p><i>Reason/s for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>Information contained in this report includes personal and identifying information relating to a proposed candidate for appointment to the Whaitua Kāpiti 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</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>

<p>appointment as a member of the Committee.</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><b>Appointment to the Lower Ruamahanga Valley Floodplain Management Advisory Committee – Report PE23.43</b></p>	
<p><i>Reason/s for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>The information contained in this report includes personal and identifying information about the preferred candidate for appointment. Withholding the information prior to Council’s decision is necessary to protect the privacy of that natural person (section 7(2)(a) of the Act).</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>
<p><b>Interim review of the Chief Executive’s performance for 2022/23 – Report RPE23.20</b></p>	
<p><i>Reason/s for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>Information contained in this report relates to the Chief Executive’s interim performance review for 2022/23. Release of this information would prejudice the privacy of Nigel Corry, Chief Executive, by disclosing information pertaining to the employment relationship between the Chief Executive and the Council.</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>

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

The motion was **carried**.

The public part of the meeting closed at 11.34am.

Councillor D Ponter

**Chair**

Date:



Please note these minutes remain unconfirmed until the Council meeting on 30 March 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 PE23.66

## Public Excluded minutes of the Council meeting on Thursday 23 February 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington at 11.34am.

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### 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 Confirmation of the Public Excluded minutes of the Council meeting on 15 December 2022 – Report PE22.544**

Moved: Cr Saw/ Cr Bassett

That Council confirms the Public Excluded minutes of the Council meeting on 15 December 2022 – Report PE22.544.

The motion was **carried**.

## **2 Appointment of Mana Whenua members to committees – Report PE23.40**

Moved: Cr Gaylor / Cr Kirk-Burnnand

That the Council:

- 1 Appoints Amber Craig as the Rangitāne o Wairarapa Inc representative on the Wairarapa Committee.
- 2 Notes that staff continue to engage with Kahungunu ki Wairararapa Charitable Trust to advance its appointment to the Wairarapa Committee.
- 3 Notes, that as the Administering Authority, Council is responsible for appointing non-local government members to the Wellington Regional Leadership Committee.
- 4 Appoints Denise Hapeta as the Raukawa ki te Tonga representative on the Wellington Regional Leadership Committee.
- 5 Notes that staff continue to engage with all mana whenua partners to advance appointments to all relevant committees.

The motion was **carried**.

## **3 Farming Reference Group Membership – Report PE23.4**

Moved: Cr Staples / Cr Gaylor

That Council:

- 1 Confirms the appointments to the Farming Reference Group, as outlined in this report.
- 2 Confirms the appointment of Barbie Barton as Chair of the Farming Reference Group.
- 3 Notes that the Farming Reference Group has one vacancy, and that staff are identifying possible landowners to fill this vacancy.

The motion was **carried**.

## **4 Additional Appointment to the Whaitua Kāpiti Committee – Report PE23.35**

Moved: Cr Gaylor / Cr Kirk-Burnnand

That Council:

- 1 Appoints Shane Parata to the Whaitua Kāpiti Committee, as a Ngāti Toa Rangatira representative
- 2 Notes that this completes the Whaitua Kāpiti Committee membership ahead of the first meetings of the Committee in March.

The motion was **carried**.

**5 Appointment to the Lower Ruamāhanga Valley Floodplain Management Advisory Committee – Report PE23.43**

Moved: Cr Staples / Cr Bassett

That Council:

- 1 Notes that the Lower Ruamahanga Valley Floodplain Management Advisory Committee's terms of reference provide for the appointment of members nominated by local scheme committees.
- 2 Appoints Mark Guscott to the Lower Ruamahanga Valley Floodplain Management Advisory Committee to represent local scheme committees.

The motion was **carried**.

The Public Excluded part of the meeting closed at 11.36am.

Councillor D Ponter

**Chair**

Date:



Please note these minutes remain unconfirmed until the Council meeting on 30 March 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 RPE23.69

## Restricted Public Excluded minutes of the Council meeting on 23 February 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington at 11.36am.

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### 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

### .Restricted Public Excluded Business

- 1 **Interim review of the Chief Executive's performance for 2022/23 - Report RPE23.20** [For Information]

Cr Laban, Chair, Chief Executive Employment Review Committee, spoke to the report.

The Restricted Public Excluded part of the meeting closed at 12.04pm.

Councillor D Ponter

**Chair**

Date:



Please note these minutes remain unconfirmed until the Council meeting on 30 March 2023.

Report 23.90

## Public minutes of the Council meeting on Thursday 9 March 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington, at 1.03pm

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### Members Present

Councillor Ponter (Chair)  
Councillor Staples (Deputy Chair) (remotely, via Teams)  
Councillor Bassett  
Councillor Connelly  
Councillor Duthie (remotely, via Teams)  
Councillor Kirk-Burnnand  
Councillor Lee  
Councillor Ropata  
Councillor Saw  
Councillor Woolf (remotely, via Teams)

### Karakia timatanga

The Committee Chair opened the meeting with a karakia timatanga.

### Public Business

#### 1 Apologies

Moved: Cr Bassett / Cr Ropata

That Council accepts the apologies for absence from Councillors Gaylor, Laban, and Nash.

The motion was **carried**.

#### 2 Declarations of conflicts of interest

There were no declarations of conflicts of interest.

### **3 Public participation**

Sylvia Page spoke regarding signage on bus shelters, i.e. the need for large visible “no smoking” and “no vaping” signs.

**Noted:** The Council requested that the Chair of the Transport Committee and the General Manager Metlink, review signage responsibility and provision at bus shelters.

### **4 Territorial Authority Appointment to the Upper Ruamahanga River Management Advisory Committee – Report 23.81**

Francis Ryan, Manager, Governance and Democracy, spoke to the report.

Moved: Cr Kirk-Burnnand / Cr Saw

That Council:

- 1 Revokes the appointment of Councillor Stella Lennox as a member representing Masterton District Council on the Upper Ruamahanga River Management Advisory Committee.
- 2 Appoints Councillor Brent Goodwin to represent Masterton District Council on the Upper Ruamahanga River Management Advisory Committee.

The motion was **carried**.

**Noted:** Council requested that the Chief Executive discuss with territorial authorities the Council’s preference for diversity in the appointments made to bodies established by Council, and for the territorial authorities to consider this when making their nominations to these bodies.

## **Resolution to exclude the public**

### **5 Resolution to exclude the public – Report 23.80**

Moved: Cr Bassett / Cr Lee

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

Appointment of Mana Whenua Members to the Long Term Plan Committee – Report PE23.79

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:

<b>Appointment of Mana Whenua Members to the Long Term Plan Committee – Report PE23.79</b>	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Information contained in this report includes personal and identifying information about proposed candidates 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 member of the Committee.</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 1.20pm.

Councillor D Ponter

**Chair**

Date:



Please note these minutes remain unconfirmed until the Council meeting on 30 March 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 PE23.91

## Public Excluded minutes of the Council meeting on Thursday 9 March 2023

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington, at 1.20pm

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### Members Present

Councillor Ponter (Chair)  
Councillor Staples (Deputy Chair) (remotely, via Teams)  
Councillor Bassett  
Councillor Connelly  
Councillor Duthie (remotely, via Teams)  
Councillor Kirk-Burnnand  
Councillor Lee  
Councillor Ropata  
Councillor Saw  
Councillor Woolf (remotely, via Teams, until 1.24pm)

### Public Excluded Business

#### 1 Appointment of Mana Whenua Members to the Long Term Plan Committee – Report PE23.79

Francis Ryan, Manager, Governance and Democracy, spoke to the report.

Moved: Cr Saw / Cr Ropata

That Council:

- 1 Appoints Benjamin Wynyard-Terry to the Long Term Plan Committee, on the nomination of the Port Nicholson Block Settlement Trust.

- 2 Notes that Port Nicholson Block Settlement Trust has not provided an alternate member or Rangatahi observer for appointment at this time.
- 3 Appoints Denise Hapeta to the Long Term Plan Committee, on the nomination of Ngā Hapū o Ōtaki.
- 4 Notes that Ngā Hapū o Ōtaki has not provided an alternate member or Rangatahi observer for appointment at this time.
- 5 Notes that staff continue to engage with our mana whenua partners to progress appointments of mana whenua members to committees.

The motion was **carried**.

Cr Woolf left the meeting at 1.24pm during questions on the above item and did not return.

### **Karakia whakamutunga**

The Council Chair closed the meeting with a karakia whakamutunga.

The public excluded part of the meeting closed at 1.33pm.

Councillor D Ponter

**Chair**

Date:

Council  
30 March 2023  
Report 23.100



For Decision

## 2023/24 ANNUAL PLAN ENGAGEMENT

### Te take mō te pūrongo

#### Purpose

1. For Council to approve the approach and material for the 2023/24 Annual Plan engagement.

### He tūtohu

#### Recommendations

That Council:

1. **Agrees** the 'Inform and Engage' approach for the 2023/24 Annual Plan.
2. **Approves** the 2023/24 Annual Plan supporting information as set out in Attachment 1.
3. **Authorises** the Council Chair and Chief Executive to make minor editorial changes to the proposed 2023/24 Annual Plan supporting information to correct errors and improve public understanding.

### Te tāhū kōrero

#### Background

2. Section 95(1) of the Local Government Act 2002 (LGA) requires a local authority to prepare and adopt an annual plan for each financial year.
3. Under section 95(2) and (2A) of the LGA, Council must consult the community before adopting an annual plan, unless "*the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.*" Council has had several workshops to date to develop the 2023/24 Annual Plan draft budget and rates, and the approach and content for engagement with community.
4. This report notes the progress made to date in the preparation of the 2023/24 Annual Plan (Year Three of the 2021-31 Long Term Plan) and outlines the next steps.

## **Te tātaritanga Analysis**

### ***Draft budget and rates impact***

5. Along with the rest of the country, Greater Wellington is facing significant financial pressures. Increasing inflation impacts our ability to deliver our services and increasing interest rates put pressure on our debt servicing costs. This has resulted in pressure on the deliverability of our work programme and our rates for the 2023/24 financial year.
6. The planned rates increase in the 2021-31 Long Term Plan (LTP) for 2023/24 was indicated as 14.1 percent before any of the financial pressures that we are facing now. Council, in response to these pressures expressed a preference for officers to keep the 2023/24 average rates as close as we can to the planned LTP rates increase with the financial pressures we are facing.
7. To achieve this, officers went through a robust prioritisation of the 2023/24 work programme. The process had officers review what can be deferred or removed to ensure that our work programme is deliverable, affordable, supports staff wellbeing and has the highest positive impact on the community.
8. This prioritisation process limited any new projects and resources, deferred several minor planned projects, and maximised current revenue. Due to these changes the proposed rates increase was limited to 17.8 percent. This is 3.7 percent higher than the planned rates increase in the 2021-31 LTP.
9. When Council discussed the draft budget and proposed rates increase in December 2022, they decided to get feedback from the community on the proposed rates increase before adopting the final 2023/24 Annual Plan.

### ***'Inform and Engage' approach***

10. Section 95(2A) of the LGA states that if there are no significant or material differences from the content of the relevant year of the Long Term Plan, no consultation process is required.
11. Officers completed a significance and materiality assessment on the proposed changes from year three of the 2021-31 LTP, in line with Greater Wellington's Significance and Engagement Policy, and determined that no items trigger a requirement to consult.
12. However, given the proposed high rates increase, Council determined that we should inform the community on the proposed 2024/34 Annual Plan (including what we are planning to deliver and the draft rates) and provide the community an opportunity to comment on it.
13. Therefore Greater Wellington will not be consulting on the 2023/24 Annual Plan, however we will be informing the community of the proposed changes and asking for feedback.
14. More detail on this public engagement is provided in Te whakatūtakitaki | Engagement section (paragraphs 21-24) below.

15. Greater Wellington will be running public consultation on the proposed Significance and Engagement policy at the same time (see Council Report 23.109: Significance and Engagement policy Consultation).

### **Ngā hua ahumoni Financial implications**

16. The costs associated with this proposal are included in the relevant operating budget of the 2022/23 the Annual Plan.

### **Ngā Take e hāngai ana te iwi Māori Implications for Māori**

17. Te Hunga Whiriwhiri relationship managers are planning to discuss the proposed 2023/24 Annual Plan with our mana whenua partners to get feedback before we go out to get feedback from the community.
18. In this discussion relationship managers will emphasise that mana whenua will be more involved in the planning process going forward through the 2024-34 LTP Committee structure.

### **Ngā tikanga whakatau Decision-making process**

19. 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**

20. Council staff used our current Significance and Engagement policy to determine that the 2023/24 Annual Plan does not have any significant changes from Year Three of the 2021-31 LTP, therefore we are not legislatively required to consult on the Annual Plan. The matters for decision in this report have therefore been assessed as being of low significance.

### **Te whakatūtakitaki Engagement**

21. To inform the community of the 2023/24 Annual Plan, Council will make a region-wide document available (see **Attachment 1**) to inform the community on:
  - a **The proposed rates increase for 2023/24:** A breakdown of what the 17.8 percent means in each area of the Region and for each rating category (residential, business and rural)
  - b **Financial pressures we are facing:** An outline of the pressures we are facing and what we have done to prioritise our work programme

- c **Projects/programmes that we are delivering:** Highlight the key projects/programmes we are delivering such as RiverLink and Let’s Get Wellington Moving, but also information on the business-as-usual services that the community get for their rates such as flood protection and pest management
  - d **Changes for Year Three of the 2021-31 LTP:** Outline of the minor changes from Year three of the 2021-31 LTP including projects that have been deferred/delayed.
22. Regional Factsheets (for Kāpiti Coast, Porirua, Hutt Valley, Wellington City, Wairarapa) have been prepared to provide local and regional information to support Councillors and staff to have discussions with community members on how the 2023/24 Annual Plan affects different parts of the Wellington Region (**Attachment 2**).
  23. To seek feedback from the community on the proposed 2023/24 Annual Plan we will run a ‘Have Your Say’ survey asking for general feedback for the first three weeks of April 2023, and then offer two online forums where the community can speak to Council about the feedback they have provided.
  24. This inform and get feedback approach meets our legislative requirements under the LGA.

**Ngā tūāoma e whai ake nei**

**Next steps**

25. The region-wide document and Regional Factsheets will be published and the community will be able to provide comment through the ‘Have your Say’ pages and the online forums.
26. The Council will consider and deliberate on any feedback on 17 May 2023, and the final 2023/24 Annual Plan will be presented for adoption by Council at its meeting on 29 June 2023.

**Ngā āpitihanga**

**Attachments**

Number	Title
1	2023/24 Annual Plan engagement document
2	5 Regional Fact Sheets for the 2023/24 Annual Plan

**Ngā kaiwaitohu**

**Signatories**

Writer	Rebecca Gillett – Kaitohutohu   Advisor, Planning and Reporting George Grover – Kaitohutohu   Advisor, Planning and Reporting
Approvers	Alex Smith – Kaitaki-a-tīma   Team Leader, Planning and Reporting Zofia Miliszewska – Kaiwhakahaere Matua   Manager, Strategy and Performance Luke Troy – Kaiwhakahaere Matua Rautaki   General Manager, Strategy

<p><b>He whakarāpopoto i ngā huritaonga</b>  <b>Summary of considerations</b></p>
<p><b><i>Fit with Council’s roles or with Committee’s terms of reference</i></b></p> <p>In accordance with clause 32 of Schedule 7 to the LGA, the Council is required by legislation to make decisions on rates in the Annual Plan.</p> <p>Section 95 of the Local Government Act requires Council to adopt an annual plan for each financial year, and to consult on the annual plan, unless the plan does not include significant or material differences for the content of the long term plan for the financial year to which the proposed annual plan relates.</p> <p>This Report is outlining the approach and material for communicating and getting feedback on the proposed 2023/24 rates increase, therefore Council is responsible for approving this information.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The 2023/24 Annual Plan sets out the budget, rates and deliverables for Year Three of the 2021-31 Long Term Plan.</p>
<p><b><i>Internal consultation</i></b></p> <p>The proposed 2023/24 Annual Plan information has been developed with input from across the organisation, specifically with Finance, Customer Engagement and Te Hunga Whiriwhiri.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>For the proposed 2023/24 Annual Plan material there is a reputational risk of releasing a proposed high rates increase; however, this risk has been mitigated by the work done to reduce the rates increase, and the approach to inform the community and get feedback early before adopting the rates increase.</p>

# Annual Plan 2023/24 – What you need to know

## What does Greater Wellington do? |

Greater Wellington Regional Council works to create an extraordinary Region, with a thriving environment, connected communities, and a resilient future.

Greater Wellington delivers of a wide range of activities that:

- Protect the environment
- Enable an efficient, accessible, low-carbon public transport network
- Support sustainable economic development
- Ensure a clean, safe, and sustainable drinking water supply

Our priorities include to improve outcomes for mana whenua and Māori and respond to the climate emergency, while continuing to respond and to adapt to both the impacts of COVID-19 and changes in Government direction.

## Looking ahead to 2023/24 |

The 2023/24 Annual Plan is the third year of our 2021-31 Long Term Plan (LTP).

### Delivery and cost pressures

The last few years have been challenging for the whole country and our Region, faced with COVID-19 lockdowns, supply issues, labour shortages, inflation, and rising interest rates. Greater Wellington is continuing to navigate these challenges heading into the 2023/24 financial year.

We are mindful of the financial pressure rates increases have on our communities. In response, we have carefully considered the following aspects in drafting our Annual Plan and determining what the rates requirement to deliver our services needs to be for the 2023/24 year:

- Establishing what work we could possibly stop or defer<sup>1</sup> from our planned 2023/24 programme of work, and what the implications of this would be on our communities and the environment now and in the future.
- Considering the use of debt funding to keep the rates requirement lower, noting that this would cost us more in future years and potentially increase rates further down the line.

Ultimately, Council believes our best way forward is to continue with the majority of our planned 2023/24 work programme as per our 2021-31 Long Term Plan with several projects deferred<sup>2</sup>.

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<sup>1</sup> In line with our Significance and Engagement Policy.

<sup>2</sup> See page 3 *Changes since our 2021-31 Long Term Plan*.

## Rates for 2023/24 |

The average regional rates increase for 2023/24 is 17.8 percent. The breakdown of the change in average rates increase for residential, business and rural can be seen in the table below:

Proposed Region-wide average rates increase <sup>3</sup>	Change in amount per year:	Change in amount per week:
Residential (incl. GST)	\$103.48	\$1.99
Business (excl. GST)	\$691.60	\$13.30
Rural (excl. GST)	\$110.24	\$2.12

- For a further breakdown of average rates and the services we are delivering in each area (Wellington, Hutt Valley, Porirua, Kāpiti Coast and Wairarapa) please see our Area Fact Sheets: <https://www.gw.govt.nz/your-region/plans-policies-and-bylaws/plans-and-reports/annual-plans/>
- For a more personalised estimate of your 2023/24 rates, please check out our rates calculator on our website: [rates.gw.govt.nz](https://www.gw.govt.nz/rates)

### Financial pressures

We acknowledge an average rates increase of 17.8 percent is high, and higher than the planned rate increase for the year of 14.01 percent originally set out for year three of the 2021-31 Long Term Plan.

Notable reasons for it being higher than planned include:

- Higher borrowing interest rates – increased costs to service debt (up 3.10 percent)
- Higher Inflation – increased costs to provide services and complete projects (up 2.70 percent)
- Bus Driver wage lift (up 1.67 percent)

The above reasons pushing up rates were partially offset by the re-phasing of project expenditure (2.95 percent) and additional revenue.

### Assistance in paying your rates

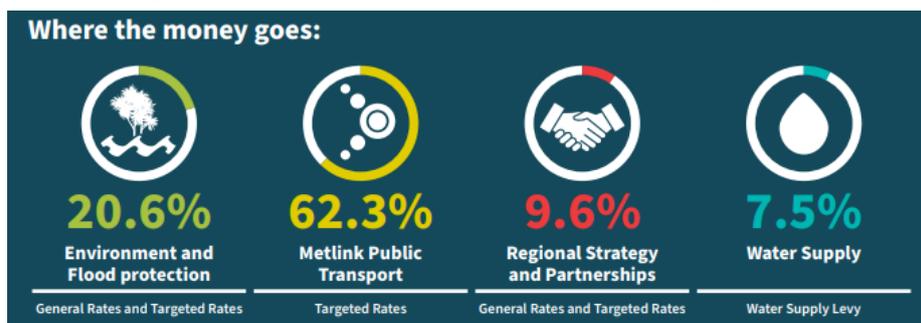
If you need assistance with paying your rates and fit the criteria, rates Remission and postponement can be applied for on our website: <https://www.gw.govt.nz/your-region/your-rates/remission-and-postponement-policies/>

<sup>3</sup> Your individual rate demand may differ from the figures in the table as they are an average across the whole region. Each area within the region has a different set of inputs on which your rates are calculated. What this means is that your rates bill is likely to differ from that of your neighbour's and your neighbouring areas.

## He aha ā mātou mahi mō tō tātou takiwā hei te 2023/24 | What we have planned for our region in 2023/24

What your rates get you in 2023/24 includes:	Specific to your area in 2023/24:
<ul style="list-style-type: none"> <li>• <b>Public Transport improvements</b>, improving accessibility, decarbonising the bus fleet, updating real time information, and improving driver wages</li> <li>• <b>Flood Protection services</b> – flood warning and response improvements and implementation of more flood management plans.</li> <li>• <b>Pest Control services</b> – to mitigate adverse impacts of pest animals and plants on our environment e.g., Predator Free Wellington expanding after 500 hectares of pests already cleared across Miramar.</li> <li>• <b>Improving our eight Regional Parks</b> – by ending grazing, carrying out restorative work, and master planning with a focus on recreation.</li> <li>• <b>Biodiversity Management</b> – implement our new Biodiversity Framework Mauri Tūhono with regional partners, and our Rivers Riparian programme with 25 hectares of planting and 67,000 natives.</li> <li>• <b>Resource management</b> – to achieve integrated management of natural and physical resources.</li> <li>• <b>Publishing scientific monitoring reports</b> on the quality and quantity of our region's air, land, fresh waters and coasts</li> <li>• <b>Bulk Water Supply</b> – continued capacity and resilience improvements to our network</li> <li>• <b>Climate Change</b> – continue our climate emergency response programme to strengthen regional climate action and increase Greater Wellington's role in pursuit of a climate safe region.</li> <li>• <b>Lead and enable regional economic development</b> – with implementation of the Regional Economic Development Plan</li> </ul>	<p><b>You can look through our area fact sheets to see some examples of the key projects we are delivering in your area and across the region:</b></p> <ul style="list-style-type: none"> <li>• <b>Wellington</b></li> <li>• <b>Hutt Valley</b></li> <li>• <b>Porirua</b></li> <li>• <b>Kapiti Coast</b></li> <li>• <b>Wairarapa</b></li> </ul>

Your rates go towards funding services and projects across our four activity groups as set out in our 2021-31 Long Term Plan. The breakdown of where the money goes can be seen here<sup>4</sup>:



<sup>4</sup> General rates are paid by all ratepayers and applied to services which benefit the whole community. Targeted rates are paid by a specific group of ratepayers who receive a specific service.

<p><b>What our four Activity groups deliver</b></p> <p><b>Environment and Flood Protection</b></p> <ul style="list-style-type: none"><li>• Protect and restore our freshwater quality, indigenous biodiversity, and ecosystem health</li><li>• Implement Nature based solutions to climate change</li><li>• Safeguard communities from flooding</li></ul> <p><b>Metlink Public Transport</b></p> <ul style="list-style-type: none"><li>• An efficient, accessible and low carbon public transport network</li></ul> <p><b>Regional Strategy and Partnerships</b></p> <ul style="list-style-type: none"><li>• Regional economic development</li><li>• Regional spatial planning</li><li>• Climate action through regional strategy, collaboration, and advocacy</li><li>• Effective partnerships and codesigned agreements with mana whenua</li></ul> <p><b>Water Supply</b></p> <ul style="list-style-type: none"><li>• A clean, safe and sustainable future drinking water supply</li><li>• Reduce water demand to support a sustainable water supply</li></ul>
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## Changes since our 2021-31 Long Term Plan

There have been no significant or material changes<sup>5</sup> to what we planned for in Year Three of our 2021-31 Long Term Plan (LTP), so in line with the requirements of the Local Government Act 2002 (Section 95 (2A)) we are not conducting a formal consultation process on our 2023/24 Annual Plan. However, we wanted to make you aware of some of the changes from Year Three (2023/24) of the 2021-31 LTP that may be of interest to you. These relate to either specific projects or how we measure our performance.

### Metlink Public Transport:

- Deferral of additional growth buses due to decreases in patronage. We had initially planned to purchase additional busses this year, anticipating an increase in the number of people travelling by bus in 2023/24 as per our LTP.
- Commencing investigations into an opportunity to develop a bus depot in Wellington city'.
- Increasing bus driver wages up to \$30 an hour on average in urban areas and \$28 an hour on average in rural areas, as part of our response with our operators to address the bus driver shortages. We are using central government's Climate Emergency Respond Fund (CERF) to help fund this initiative.

### Environment and Flood Protection:

- Delays in Master Planning and projects at Queen Elizabeth Park, including aspects such as a new coastal track and ranger house, as we review whether some original changes proposed are still necessary.
- We are making some significant internal structure changes to support a catchment-based approach to our delivery of environment and flood protection activities. This approach aims to enable better delivery of environmental outcomes and services with our partners and communities.

### Regional Strategy and Partnerships:

- We are removing the performance measure in our 2021-31 Long Term Plan (LTP) regarding mana whenua and Māori preparedness for responding to civil defence and other emergencies. This is due to the fact that since the measure was included in the 2021-31 LTP it is now being delivered, and reported on, by the Wellington Regional Emergency Management Office rather than Greater Wellington.

## We value your feedback

We understand there is a balance to find between affordability and best serving the needs of our environment and community both now and into the future, and we are always interested on whether you think we've hit the mark.

Looking beyond the 2023/24 year is also the development of our next Long Term Plan (2024-34), and this will be a great opportunity to reprioritise what's important and how we spend money going forward.

*Please let us know if you have any feedback. This may relate to:*

- *Our approach to the 2023/24 Annual Plan*
- *Our priorities and/or how we spend our money*

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<sup>5</sup> As defined by our Significance and Engagement Policy

- *Our upcoming 2024-34 Long Term Plan*
- *Anything else*

**We are also reviewing our Significance and Engagement Policy.** The Significance and Engagement Policy determines the 'when' and 'how' of Council engagement with the community.

### How to provide feedback

You can provide feedback online via our Have Your Say platform **from 3 April to 23 April 2023.**

- **Provide feedback online via our 'Have Your Say' platform at:**  
<https://haveyoursay.gw.govt.nz/>
- **Register for an online discussion with your Councilors on 3 May 2023 and 6 May 2023 at:**  
<https://haveyoursay.gw.govt.nz/>

The Council will consider all feedback and deliberate on the Annual Plan 2023/24 at a meeting in May/June 2023.

Please contact [Corporate.Planning@Gw.govt.nz](mailto:Corporate.Planning@Gw.govt.nz) if you have any other feedback or questions relating to the Annual Plan 2023/24.

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# Mahere ā-Tau 2023/24 | Annual Plan 2023/24

[For all fact sheets:]

<p><b>E aha ana a Te Pane Matua Taiao?   What does Greater Wellington do?</b></p> <p>Greater Wellington Regional Council works to create an extraordinary Region, with a thriving environment, connected communities, and a resilient future.</p> <p>Greater Wellington delivers a wide range of activities that:</p> <ul style="list-style-type: none"> <li>• Protect the environment</li> <li>• Enable an efficient, accessible, low-carbon public transport network</li> <li>• Supports sustainable economic development</li> <li>• Ensures a clean, safe, and sustainable drinking water supply</li> </ul> <p>Our priorities include to improve outcomes for mana whenua and Māori and respond to the climate emergency, while continuing to respond and to adapt to both the impacts of COVID-19 and changes in Government direction.</p>
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[Activities specific for each area:]

<p>[awaiting translation]   What Greater Wellington is planning to deliver in... <b>Wellington City in 2023/24</b></p>	
<p><b>Predator Free Wellington project</b> – completion of Phase One – the eradication of rats, mustelids and possums on the Miramar Peninsula – and pushing the operations into Phase Two – CBD to Ōwhiro Bay.</p> <p><b>Implementation of the Whaitua Programme</b> in the Te Whanganui-a-Tara Harbour..</p>	<p><b>Johnsonville Stop D Development*</b> – a new bus stop will be built in Johnsonville on Moorefield Rd for Metlink customers</p> <p><i>With a footnote: *these projects are subject to funding from the Government's Climate Emergency Response Fund</i></p>
	<p><b>Let's Get Wellington Moving</b> – commence construction on Golden Mile and Thorndon Quay and Hutt Road. Detailed planning and design for People Friendly City Streets and Transformation Programme (Mass Rapid Transit, Basin Reserve, Mt Victoria Tunnel).</p>
	<p><b>Public Transport On Demand</b> – trial and analysis continues</p>

<p>[awaiting translation]   What Greater Wellington is planning to deliver in the... <b>Hutt Valley in 2023/24</b></p>			
<p><b>RiverLink infrastructure and urban development project</b> – appoint RiverLink Alliance partner with completion of the procurement process, and begin early construction works.</p>	<p><b>Activity across our Regional Parks:</b></p> <ul style="list-style-type: none"> <li>• Completion of Baring Head firebreak works and road upgrade.</li> <li>• Complete Baring Head cottage one fitout for rental</li> <li>• Parangarahu Lakes toilet construction</li> <li>• Belmont Dry Creek stream works and bridge repairs</li> <li>• Waiuomata Regional Park and East Belmont special planning with community and mana whenua.</li> </ul>	<p><b>Bus Accessibility Improvements*</b> – civil infrastructure improvements to existing Bus Stops at Jackson Street and Ava Railway Station to make them more accessible to all Bus Customers.</p> <p><i>With footnote: *these projects are subject to funding from the Government's Climate Emergency Response Fund</i></p>	<p><b>Waterloo Station Complex Development Opportunity</b> – Implement Phase Two in partnership with Hutt City Council and stakeholders</p>

<p>[awaiting translation]   What Greater Wellington is planning to deliver in the... <b>Wairarapa in 2023/24</b></p>			
<p><b>Major Rivers Riparian Management Project implementation:</b></p> <ul style="list-style-type: none"> <li>• Planting across 25 hectares with 62,773 natives, and installing 5km of fencing</li> <li>• Maintaining a pest animal network with 190 traps</li> <li>• Maintaining previous planting sites spanning 50 hectares</li> </ul>	<p><b>Masterton and Solway bike parking improvements**</b> – installation of new bike parking facilities at Masterton and Solway Railway Stations</p> <p><i>With footnote: **this project has been funded from the Government's Climate Emergency Response Fund</i></p>	<p><b>Implementation of the Whaitua Programme</b> in the Ruamāhanga Whaitua,, to improve availability and quality of waterbodies</p>	<p><b>Wairarapa Moana Wetland Project</b> – continuing ecological restoration by planting 50,000 plants, increasing pest control, maintaining 792 hectares of trapping networks, supporting community groups restoration efforts, and engaging with schools and community groups through freshwater events and education programmes.</p> <p><b>Greytown stopbank and Masterton erosion protection work - capital works programmes to increase security of communities from the risks of flooding.</b></p>
	<p><b>Longer Distance Rolling Stock</b> - subject to funding being received in Budget 2023, commence procurement activities to deliver the desired fleet replacement, and service/capacity improvements for services between Wellington and Masterton</p>		

<p>[awaiting translation]   What Greater Wellington is planning to deliver in... <b>Porirua in 2023/24</b></p>			
<p><b>Te Awarua-o-Porirua Harbour Community Environment Fund</b> – co-managed with Te Rūnanga o Toa Rangatira, and supports community led groups in undertaking environmental restoration projects, including pest control, planting, and supporting community nurseries to provide plants for restoration projects</p>	<p><b>Waitangirua Western Belmont Regional Park</b> – Planting and spatial planning with community and mana whenua</p> <p><b>Whitireia Park</b> – new toilet construction</p>	<p><b>Network Design</b> – Porirua Bus Service reviews: undertake reviews and community consultation for Route changes to respond to growth</p>	<p><b>Porirua Bus Hub*</b> – design and build</p> <p><i>With a footnote: *these projects are subject to funding from the Government's Climate Emergency Response Fund</i></p>

<p>[awaiting translation]   What Greater Wellington is planning to deliver in... <b>Kāpiti Coast in 2023/24</b></p>			
<p><b>Queen Elizabeth Park Track</b> metalling to provide more durable and accessible track surfaces as part of the Maclean Trust project</p>	<p><b>Ongoing Flood Hazard Modelling Programme</b> – community engagement, hydrology and hydraulic modelling across Ōtaki, Manapouri, Waitohu and Waikanae.</p>	<p><b>Development of Whaitua programme</b> – on how we approach land and water management and decision making in the Kāpiti Whaitua – due for completion end of 2023.</p>	<p><b>Paraparumu Station Bus Stops redevelopment</b> – complete construction</p>
			<p><b>Longer Distance Rolling Stock</b> – subject to funding being received in Central Government's Budget 2023, commence procurement activities to deliver the desired fleet replacement, and service / capacity improvements for services between Wellington and Palmerston North.</p>

**[For all fact sheets:]**

<i>How did we calculate your 2023/24 rates?</i>	
<p><b>For Year Three of our 2021-31 Long Term Plan, there will be an average rates increase of 17.8% across the region.</b></p> <p>This equates to approximately an average regionwide increase per week of \$1.99 (incl. GST) for a residential ratepayer, \$13.30 (excl. GST) for a business ratepayer, and \$2.12 (excl. GST) for a rural ratepayer.</p>	<p>Your individual rate demand may differ from the figures above as they are an average across the whole region. Each area within the region has a different set of inputs on which your rates are calculated. What this means is that your rates bill is likely to differ from that of your neighbour's and your neighbouring areas. For a more personalised estimate of your 2023/24 rates please check out our rates calculator at <a href="https://rates.gw.govt.nz">rates.gw.govt.nz</a></p>

**[For all fact sheets:]**

<i>Where Greater Wellington's revenue is spent</i>			
• Regional Strategy and Partnerships 5%	• Metlink Public Transport 64%	• Environment and Flood Protection 20%	• Water Supply 10%

**[The include the Proposed average rate breakdown for each area, also note the footnotes:]**

Proposed <b>Wellington City</b> Average Rates*		Change in amount per annum	Change in amount per week
Residential (incl. GST)	Wellington City	\$126	\$2.43
Business (excl. GST)	Wellington City	\$472	\$9.08
	Wellington City – CBD	\$3,232	\$62.15
Rural (excl. GST)	Wellington City	\$59	\$1.13

\*2021-31 Long Term Plan average rates application

Proposed <b>Hutt Valley</b> Average Rates*		Change in amount per annum	Change in amount per week
Residential (incl. GST)	Lower Hutt City	\$135	\$2.59
	Upper Hutt City	\$77	\$1.47
Business (excl. GST)	Lower Hutt City	\$716	\$13.76
	Upper Hutt City	\$385	\$7.40
Rural (excl. GST)	Lower Hutt City	\$183	\$3.51
	Upper Hutt City	\$44	\$0.86

\*2021-31 Long Term Plan average rates application

\*Lower Hutt City has a relatively higher rates increase due to commencing the construction and delivery of RiverLink.

Proposed <b>Porirua</b> Average Rates*		Change in amount per annum	Change in amount per week
Residential (incl. GST)	Porirua City	\$64	\$1.22
Business (excl. GST)	Porirua City	\$260	\$5.00
Rural (excl. GST)	Porirua City	\$48	\$0.93

\*2021-31 Long Term Plan average rates application

Proposed <b>Kāpiti Coast</b> Average Rates*		Change in amount per annum	Change in amount per week
Residential (incl. GST)	Kāpiti Coast District (excl. Ōtaki)	\$178	\$3.43
	Ōtaki rating area	\$66	\$1.26
Business (excl. GST)	Kāpiti Coast District	\$398	\$7.65
Rural (excl. GST)	Kāpiti Coast District	\$93	\$1.79

\*2021-31 Long Term Plan average rates application

Proposed <b>Wairarapa</b> Average Rates*		Change in amount per annum	Change in amount per week
Residential (incl. GST)	Masterton District	\$89	\$1.71
	Carterton District	\$85	\$1.63
	South Wairarapa District	\$112	\$2.16
Business (excl. GST)	Masterton District	\$341	\$6.55
	Carterton District	\$155	\$2.98
	South Wairarapa District	\$265	\$5.10
Rural (excl. GST)	Masterton District	\$115	\$2.22
	Carterton District	\$123	\$2.37
	South Wairarapa District	\$156	\$3.01
	Tararua District	\$168	\$3.22

\*2021-31 Long Term Plan average rates application

\*For ratepayers within the Te Kāuru Upper Ruamāhanga Floodplain Management area the targeted rate has increased by 26% to enable the implementation of the flood and erosion protection works.

\*Targeted rates for ratepayers in Wairarapa gravity drainage schemes have increased by 30% due to higher maintenance costs.

[For all fact sheets:]

*He aha ā mātou mahi mō tō tātou takiwā hei te 2023/24 | What we have planned for our region in 2023/24*

- Implementation of the Regional Economic Development Plan and Te Matarau a Māui - (the Māori economic development strategy)
- Bulk Water Supply network improvements to improve capacity and resilience
- Recloaking Papatūānuku Restoration Planning to retire commercial grazing areas and restore land across our Regional Parks
- Improving Fish Passage in the Wellington Region to look after our native freshwater fish species
- Implementation of our Biodiversity framework, Mauri Tūhono
- Revising shipping routes to improve harbour safety
- Development and implementation of the Regional Policy Statement (RPS) and Proposed Natural Resources Plan (NRPR)
- Decarbonisation of bus fleet – continued work to ensure all core routes are operated with zero emissions by 2030
- Onboard bus announcements and real-time visuals – to let customers (especially those with disabilities) know the next stops the bus is travelling to
- Real Time Information 2.0 – providing smarter, more accurate public transport information and data
- Flood Warning and Response Improvements and increased community awareness to flood risk – through improved provision of flood hazard advice and preparation of floodplain management plans that set out how communities are going to manage the risk of flooding.
- One Billion Trees Programme – continued work to advance this partnership between Greater Wellington and Te Uru Rakau to achieve the overarching objective of “the right tree, in the right place, for the right reason”.
- EnviroSchools – working with schools and early childhood centres to empower young people and communities to learn and take action together across a range of sustainability themes.

Council  
30 March  
Report 23.109



For Decision

## SIGNIFICANCE AND ENGAGEMENT POLICY CONSULTATION

### Te take mō te pūrongo

#### Purpose

1. For Council to approve the proposed Significance and Engagement Policy and consultation material for public consultation and to confirm the process for reviewing the Significance and Engagement policy.

### He tūtohu

#### Recommendations

That Council:

1. **Approves** the proposed Significance and Engagement Policy as set out in Attachment 1 for the purposes of public consultation.
2. **Agrees** to the consultation and engagement approach outlined in this report.
3. **Approves** the consultation document and supporting information for the proposed amendments to the Significance and Engagement Policy as set out in Attachment 2.
4. **Authorises** the Council Chair and Chief Executive to make minor editorial changes to the proposed Significance and Engagement Policy consultation document and supporting information to correct errors and improve public understanding.

### Te tāhū kōrero

#### Background

2. Under section 76AA(1) of the Local Government Act 2002 (the Act), Council must adopt a Significance and Engagement policy.
3. Section 76AA of the Act states:

*The purpose of a significance and engagement policy is*

- (a) *to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and*
- (b) *to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and*

- (c) *to inform the local authority from the beginning of a decision-making process about –*
  - (i) *the extent of any public engagement that is expected before a particular decision is made; and*
  - (ii) *the form or type of engagement required.*
- 4. The Council's current Significance and Engagement Policy (SEP) was adopted in October 2017 and amended in 2019. In preparation for the 2024-34 Long Term Plan, officers have completed a review of the SEP and are proposing some amendments to the policy as outlined.
- 5. The Local Government Act (2002) requires us to consult under section 82 when reviewing the Significance and Engagement Policy.

## **Te tātaritanga Analysis**

### ***The review process***

- 6. The SEP has been comprehensively reviewed. The scope of this review included:
  - a Updating the criteria used to determine significance
  - b Reflecting our partnership with mana whenua
  - c Reviewing our list of strategic assets
  - d Improving the wording and structure of the policy to make it easier to understand and use
  - e Gathering and incorporating feedback from departments with a key interest in the policy
  - f Consulting the community on when and how they want us to engage with them.

### ***Changes to the SEP:***

- 7. The proposed Significance and Engagement Policy (**Attachment 1**) is a revision of our existing Significance and Engagement Policy.
- 8. The SEP achieves a good balance between meeting legislative compliance and providing clear guidance to the community and Greater Wellington staff on what, when, and how people can expect to be engaged in decision making.
- 9. The SEP provides flexibility for Greater Wellington around specific levels of engagement and techniques. This acknowledges that the need of each decision-making process is different and avoids the risk of tying down a particular approach which may not be relevant. We consider the proposed Policy to be consistent with best practice, including current Taituara guidance.
- 10. The proposed Policy is currently undergoing an independent review to ensure it is compliant with legislation. At the time of preparing this report we have not received any feedback from this review but expect this to be received before the 30 March Council meeting so we will table any changes.

11. The changes in the proposed policy include:
  - a **Clear structure to improve clarity:** The proposed policy is split clearly into three sections with each section having a different purpose, content and audience. The three sections are: 'The Policy' (high level information that meets legislative requirements), 'the Schedules' (additional detailed information including the strategic assets and definitions) and 'the Guidance' (visual and engaging information for staff on how to apply the policy). Splitting the document into these clear sections makes it easy for a reader to understand which section is relevant to them.
  - b **Updated significance criteria:** Four new criteria for determining significance have been added: interest of mana whenua and Māori; financial implication of a decision on rates; change in level of service; and whether the decision results in a new project/programme to the Long Term Plan. The new significance criteria have been added to ensure that our criteria meet the legislative definition of significance, to reflect best practice, and to capture the decisions or proposals that should require some level of community engagement. We have also removed one criteria about the alignment with Greater Wellington policies as we determined this should be captured in alignment with plans and strategies and was not a strong criteria for determining significance.
  - c **Better reflection of our partnership with mana whenua:** the proposed SEP states that when staff are working with mana whenua they will refer to Te Whāinga Rongomaio, a partnership framework that Te Hunga Whiriwhiri is developing that is specific to how Greater Wellington should partner with mana whenua. Including this in the SEP makes the distinction between partnership and engagement and articulates that mana whenua will determine when and how they become involved in decisions, proposals, and projects.
  - d **Review and update of strategic assets:** The review of the Strategic Assets resulted in the addition of 'council ownership of rail adjacent land holdings' in our list of Strategic Assets. We also included additional narrative in the policy about potential changes to the Strategic Assets list due to Three Waters Reform and the Public Transport Operating Model review.
12. The preferred option is to amend the policy in line with the proposed changes as outlined above, rather than the alternate option of keeping the status quo of the current policy.

### **Ngā Take e hāngai ana te iwi Māori Implications for Māori**

13. The current SEP did not include adequate information about how Greater Wellington works with our mana whenua partners, so in this review we want to make sure that the new policy accurately represents our aspirations for partnership. In the review of the Policy, we have made it clear that our six mana whenua partners sit alongside Council at both governance and operational levels.
14. To action this, the SEP states that when staff are working with mana whenua they will refer to Te Whāinga Rongomaio, a partnership framework that Te Hunga Whiriwhiri

is developing that is specific to how Greater Wellington should partner with mana whenua. Including this in the SEP makes the distinction between partnership and engagement and articulates that mana whenua will determine when and how they become involved in decisions, proposals, and projects.

15. In the review we also added a significance criterion around the importance of decisions, proposals and activities to mana whenua and Māori. All the significance criteria are used together, with equal weighting, to assess the level of significance of a decision, proposal, or activity. The level of significance is then used to determine what level of engagement should happen with the community.
16. Te Hunga Whiriwhiri relationship managers have signalled to our mana whenua partners that this process is happening and are planning to discuss the changes to our significance and engagement policy with our mana whenua partners to get feedback before we got out to get feedback from the community.

### **Ngā tikanga whakatau Decision-making process**

17. 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**

18. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of this matter, considering Council's current Significance and Engagement Policy and Greater Wellington's Decision-making Guidelines. Officers recommend that this matter is of medium significance, as the policy impacts the community and how we engage throughout the whole Council.

### **Te whakatūtakitaki Engagement**

19. The engagement approach outlined in the following paragraphs meets Greater Wellington's legislative requirements under section 82 Local Government Act (2002) requires us to consult under section 82 when reviewing the Significance and Engagement Policy.
20. Following the requirements under section 82, we will go out to the community with a consultation document (**Attachment 2**) that outlines the changes that we are proposing to our current Significance and Engagement Policy.
21. We will also provide a 'Have Your Say' page where the community can provide feedback on the changes. The 'Have Your Say' page will also ask the community how they want us to engage with them to inform best engagement practice going forward.
22. Persons providing feedback can also speak to their submission at the online forums scheduled for 3 and 6 May 2023 (combined with the 2023/24 Annual Plan).

23. There is a risk that the Significance and Engagement Policy gets overshadowed by the 2023/24 Annual Plan. To mitigate this risk, we are also going out to the Greater Say Panel for their input on the changes to the Significance and Engagement Policy.

**Ngā tūāoma e whai ake nei**

**Next steps**

24. The community will have an opportunity to give feedback on the Significance and Engagement Policy in April 2023 through the ‘Have your Say’ pages and the online forums.
25. The Council will consider and deliberate on any feedback in May/June 2023, and the final Significance and Engagement Policy will be presented to Council for adoption at its meeting on 29 June 2023.

**Ngā āpitihanga**

**Attachments**

Number	Title
1	Proposed Significance and Engagement Policy
2	Significance and Engagement Policy consultation document

**Ngā kaiwaitohu**

**Signatories**

Writers	Rebecca Gillett – Kaitohutohu   Advisor, Planning and Reporting George Grover – Kaitohutohu   Advisor, Planning and Reporting
Approvers	Alex Smith – Kaitaki-a-tīma   Team Leader, Planning and Reporting Zofia Miliszewska – Kaiwhakahaere Matua   Manager, Strategy and Performance Luke Troy – Kaiwhakahaere Matua Rautaki   General Manager, Strategy

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Clause 32 of Schedule 7 of the LGA states that the Council is required to make decisions on adopting policies under the LGA. The Significance and Engagement Policy is required under Section 76AA of the LGA, therefore it is Council's responsibility to approve the draft policy to go out for consultation with the community.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The Significance and Engagement Policy is a supporting policy of the Long Term Plan.
<b><i>Internal consultation</i></b> The draft Significance and Engagement Policy and consultation material has been developed with input from across the organisation, with specific input from Democratic Services, Legal, Customer Engagement and Te Hunga Whiriwhiri.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no specific risks arising from this decision.

# Draft Significance and Engagement Policy 2023

## 1. Purpose: What is the Significance and Engagement Policy?

Council is responsible for making decisions on behalf of the Region. It is important to include the community in these decisions, particularly those who are interested or will be impacted.

The Significance and Engagement Policy (the Policy) determines the 'when' and 'how' of Council engagement with the community:

**'When'** the Council should engage with the community is determined by what proposals or decisions are deemed to be 'significant' under this Policy.

**'How'** Council engages with the community is determined by the 'level of significance' of those proposals or decisions, as well as legislative requirements.

**Our mana whenua partners:** Council acknowledges that mana whenua are a part of the community, however since mana whenua are also our partners, Council has a separate policy and process for working with them. Section 3 provides more detail

This Policy is legislatively required under Section 76AA the Local Government Act, 2002 (the Act) and is one of the supporting policies of the Long Term Plan.

This Policy applies to local authorities under the LGA which includes both the Regional Council as a governing body and Greater Wellington as an organisation.

## 2. Determining Significance

### 2(a): General approach to determining significance

#### Definitions

Significance in the Policy is defined as the degree of importance of an issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for

- (a) the current and future social economic, environmental, or cultural wellbeing of the district or region
- (b) any persons who are likely to be affected by, or interested in the issue, proposal, decision, or matter
- (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

Issues, proposals, decisions, or other matters that are evaluated to have a high level of significances are considered significant.

**How will Council assess the significance of proposals and decisions?*****A proposal or decision will be considered significant or to have significant consequences if it:***

- *results in the transfer of ownership or control of a strategic asset as defined by the Act or listed in Schedule 1 of the policy, or;*
- *is assessed to have a high significance based on the criteria outlined below in section 2(b).*

Council will complete this assessment early in the decision-making process, and review it, if necessary, over time.

**2(b): Criteria to determine level of significance****Council will use the criteria to determine the level of significance of issues, proposals, assets, decisions, or activities. <sup>1</sup>**

- All the criteria to determine the level of significance are of equal weight; they should not be used in isolation
- Typically, the higher that issues, proposals, assets, decisions or activities that score against the criteria, the more significant they are considered to be. Council will consider the nature and significance of the decision or matter when determining the level and method of engagement, and the level of resources and publication needed for that engagement. Typically, decisions or proposals with a higher-level significance will require a higher level of engagement, with higher levels of resources and publication of the information.

**Criteria to determine level of significance:**

<b>Criteria</b>	<b>Description</b>	<b>Options</b>
<b>Impact on the Region</b>	What level of impact will this issue, proposal, decision, or matter have on the current and future environmental, economic, cultural, and social wellbeing of the Region?	High, medium, low
<b>Community Interest</b>	To what extent do individuals, organisations, groups, or sectors have interest in, are already involved in, or are affected by, the issue, proposal, decision, or matter? <sup>2</sup>	High, medium, low
<b>Alignment with plans and strategies</b>	Is this issue, proposal, decision, or matter misaligned with the priorities in the Financial Strategy, Long Term Plan and Annual Plan?	Yes, No
<b>Financial implications</b>	Does the cost of the issue, proposal, decision, or matter change (increase or decrease) the Council's rates requirement by at least 1%? <sup>3</sup>	Yes, No

<sup>1</sup> Council officers will use the [decision-making guidelines](#) to assist them in providing advice to Council on the level of significance of proposals and decisions.

<sup>2</sup> Council officers will also factor in history of community concern when assessing against this criteria. As well, some issues, proposals, decisions, or other matters may be of low interest to most of the Region, but high interest to a specific Group or community. In this situation, Council will consider some level of engagement with the interested group, even if the issue, proposal, decision, or other matter is considered low significance.

<sup>3</sup> Council officers will discuss/determine this measure with their Finance Business Partner

<b>Levels of service</b>	Does the issue, proposal, decision, or matter change (increase or decrease) the level of service that Council is delivering to the Region?	Yes, No
<b>New project/ programme</b>	Is this issue, proposal, decision, or matter creating a new project/programme to the Long-Term Plan? <sup>4</sup>	Yes, No
<b>Mana whenua/Māori interest</b>	Does this issue, proposal, decision, or matter impact, or hold cultural significance for, our mana whenua partners or mātāwaka in the Region? <sup>5</sup>	Yes, No

### Climate change

Council considers the impact of climate change in its decision-making process. Climate change is an overarching issue that impacts all areas of work at Council, therefore it is considered across all the significance criteria in section 2(b).

### 3. Partnering with mana whenua

Council has six mana whenua partners across the Region. They sit alongside us at both governance and operational levels. As such, the way we work with our mana whenua partners is different to how we engage with community. Council staff will refer to Te Whāinga Rongomaioiro regarding partnering with our mana whenua. Mana whenua partners will determine when and how they become involved in decisions, proposals, and projects.

### 4. Engagement

#### 4(a) Legislative requirements

Council will engage with the community using the manner prescribed by law when required. All legislatively required consultation will be carried out in accordance with the consultation principles set out in the Act.

When Council is required to conduct a special consultative procedure section 83 of the Act will be followed. When Council is required to undertake consultation, the principles of consultation set out at section 82 of the Act will be followed.

#### 4(b) How Council will engage

When not required by law to engage, the need for engagement and the appropriate level and form of engagement will be determined and assessed on a case-by-case basis.

- In general, the greater level of significance of a proposal or decision, the greater need for community engagement and resources dedicated to that engagement process.
- When appropriate, Council will use different levels of engagement for different audiences depending on the interest or impact of the audience in the issue, decision, proposal, or other matter. This could look like collaborating with a specific impacted group, while consulting with the general public.

<sup>4</sup>Council officers will also assess the significance if a project/programme in the LTP is removed or if there has been a change of timing over a year to determine if community engagement is required.

<sup>5</sup> If the issue, proposal, decision, or matter impacts or holds cultural significance for our mana whenua partners or mātāwaka in the Region, Council Officers will refer to Te Whāinga Rongomaioiro policy to assess the best approach with support from Te Hunga Whiriwhiri.

- Community preferences for engagement will be considered when determining the level and method of engagement
- Decisions that are consistent with Council's Long Term Plan or another policy or plan that has been subject to consultation required by legislation will not usually require further engagement.

Council will engage with the community in a way that encourages and enables community input and aims to get feedback from a diverse range of the community.

Council will consider the views presented through an engagement process, will respects and value the input given and make decisions with an open mind.

Council's officers will refer to the Engagement Guidance and any relevant guidelines to assist them to provide advice to the Council on the level and form of engagement required.

#### 4(c) Reporting

Every report to Council (or its committees) that seeks a decision will include a statement of the significance of the decision and any engagement that is proposed or has been undertaken, assessed under the Policy and any other relevant guidelines. Staff will follow the instructions in the Report Writing Guidance.

#### 4(d) Exceptions to this Policy

There may be cases where Council does not follow the Policy, for example, when there is an urgent decision that puts people's health and safety at risk, would result in substantial loss or damage to property, or would mean substantial loss of opportunity to achieve Council strategic objectives.

When Council makes a decision that is exceptionally inconsistent with the Policy, the steps identified in Section 80 of the Act will be followed.

#### 4(e) Feedback

Council will provide information to the community about our final decision in a form appropriate to the significance of that decision and the level and form of the engagement already undertaken.

## Schedule 1: Strategic Assets

### Definition of Strategic Asset

Section 5 of the Local Government Act defines “strategic asset” as “an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority’s capacity to achieve or promote any outcome that the local authority determines to be important to the current or future wellbeing of the community, and includes:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority’s capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in
  - a. port company within the meaning of the Port Companies Act 1988:
  - b. an airport company within the meaning of the Airport Authorities Act 1966

A decision to transfer ownership or control of a strategic asset cannot be made unless it has first been included in the Long Term Plan (and in a statement of proposal relating to the Long Term Plan).

Acquisition or disposal of a small component of a strategic asset will not trigger the provision above (to include it in the Long Term Plan and in a statement of proposal relation to the Long Term Plan), unless it is considered that the component is an integral part of the strategic asset and that its acquisition or disposal would substantially affect the operation of the strategic asset.

### List of Council’s Strategic Assets

- Council’s regional bulk water supply network, including storage lakes, treatment plants, pipelines and reservoirs
- Council’s flood protection assets on the region’s major waterways, including stopbanks
- Council’s regional parks and forests network (including water supply catchments)
- Council’s plantation and reserve forest lands (taken as a whole)
- Council’s ownership interest in CentrePort Limited (via the WRC Holdings Group)
- Council’s harbour navigation aids and communications systems (taken as a whole)
- Council’s ownership, via the WRC Holdings Group, of rail rolling stock and other rail infrastructure required for the operation of the passenger rail system in the region (taken as a whole).
- Council’s ownership of rail adjacent land holdings
- Also note we consider Wellington Regional Stadium Trust a strategic asset – we don’t have any ownership but we were a joint settlor of the trust with WCC

As of the 2022 Cabinet decision the Public Transport Operating Model (PTOM) is proposed to be replaced with the Sustainable Public Transport Framework (SPTF). The SPTF would give Council the option to extend ownership or control of public transport assets including buses and depots, therefore the strategic assets list in Schedule 1 may change depending on changes in this legislation.

The Three Waters reform will see the Council’s regional bulk water supply network, including storage lakes, treatment plants, pipelines, and reservoirs etc, transfer to the Easter-Central Water Services Entity from 1 July 2024. Greater Wellington will not be a shareholder in the Entity; however, all the Territorial Authorities in the Wellington Region will be.

## Schedule 2: Definitions

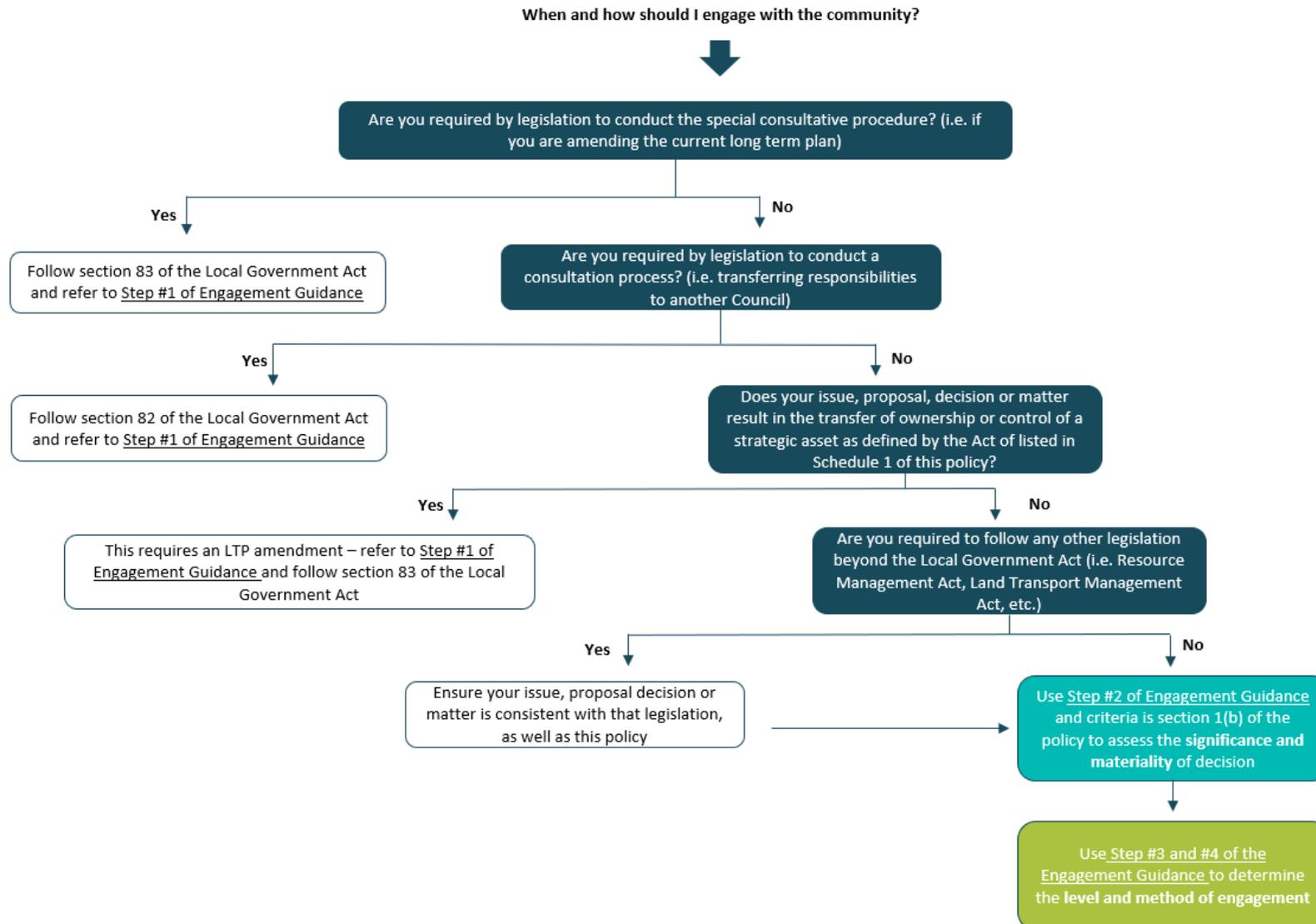
Community	<p>A group of people living in the same place or having a particular interest in common. This includes:</p> <ul style="list-style-type: none"> <li>• Communities of place (region, towns, suburbs, neighbourhoods)</li> <li>• Communities of interest (special interest groups).</li> </ul>
Decisions	<p>Refers to all the decisions made by or on behalf of Council including those made by officers under delegation.</p>
Engagement	<p>Engagement is the process of ensuring that communities of people within our region can be involved through a range of mechanisms in the planning, development and delivery of programmes and services affecting their communities.</p> <p>Engagement is a broad term and can look like a variety of different levels of involvement with the community.</p> <p>Engagement includes the provision of timely, accessible, and complete information; appropriate forms of engagement; and enabling communities to actively participate in influencing decision-making and service delivery where applicable.</p>
Significance	<p>As defined in Section 5 of the LGA2002 “in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—</p> <p>(a) the current and future social, economic, environmental, or cultural well-being of the district or region:</p> <p>(b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:</p> <p>(c) the capacity of the local authority to perform its role, and the financial and other costs of doing so”</p>
Significant	<p>As defined in Section 5 of the LGA2002 “in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance”</p>

Strategic asset	<p>As defined in Section 5 of the LGA2002 “in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes—</p> <p>a) any asset or group of assets listed in accordance with <a href="#">section 76AA(3)</a> by the local authority; and</p> <p>b) any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and</p> <p>c) any equity securities held by the local authority in—</p> <p>(i) a port company within the meaning of the <a href="#">Port Companies Act 1988</a>;</p> <p>(ii) an airport company within the meaning of the <a href="#">Airport Authorities Act 1966</a>”</p>
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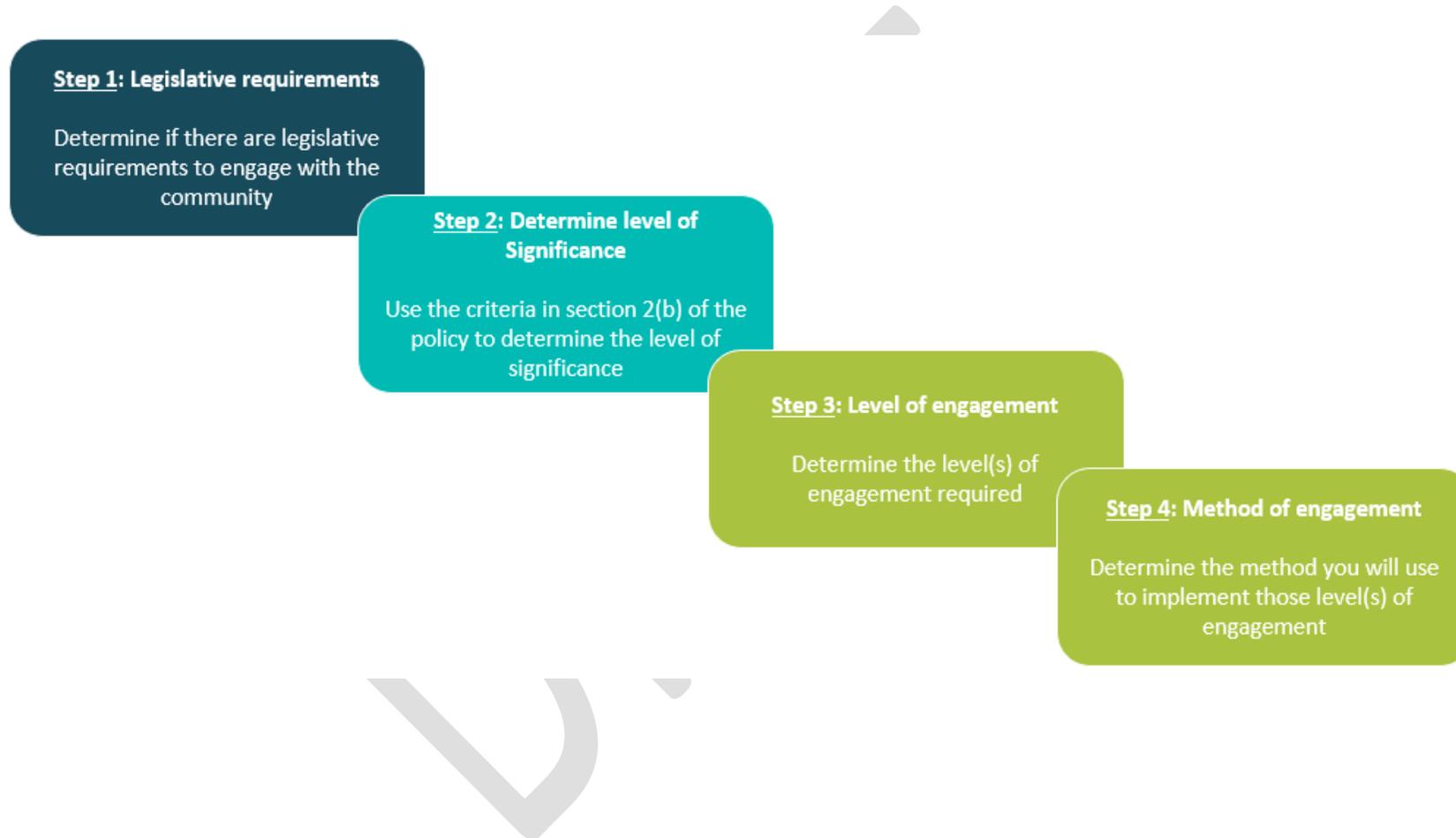
**Version Control**

Policy Adopted	2014
Policy Reviewed	31 October 2017
Policy Amended	21 August 2019
Policy Reviewed	June 2023

## Appendix 1: Engagement Guidance



The Engagement Guidance includes **four steps** each with guidance and support for staff to determine the level and method of engagement.



## Step 1: What are the legislative requirements?

The Local Government Act (2002) requires consultation on certain decisions; therefore, it is important to determine whether your decision have specific consultation requirements.

- **Special consultative procedure** will be used for the adoption of the required plans and processes as outlined in the Local Government Act 2002. This includes but is not limited to adopting or amending the Long Term Plan and adopting, amending, or revoking bylaws of significant interest to or impact on the public. When conducting a special consultative procedure section 83 of the LGA will be followed.
- **Consultation** with the public is required under the Act for several decisions, including but not limited to adopting an Annual Plan with significant changes from the Long Term Plan, the review of all LTP supporting policies (i.e. the significance and engagement policy, the revenue and financing policy, etc.), a transfer of responsibility, and establishing council-controlled organisations. When conducting a consultation section 82 of the LGA will be followed.
- **All decisions** at Council need to follow sections 76 – 82 of the Local Government Act (2002)

There also other Acts that have legislative requirements for engagement such as the Resource Management Act (1991), Reserves Act, and the Land Transport Management Act 2003. It is important to understand if your decision has additional requirements under another Act.

## Step 2: What is the level of significance and materiality?

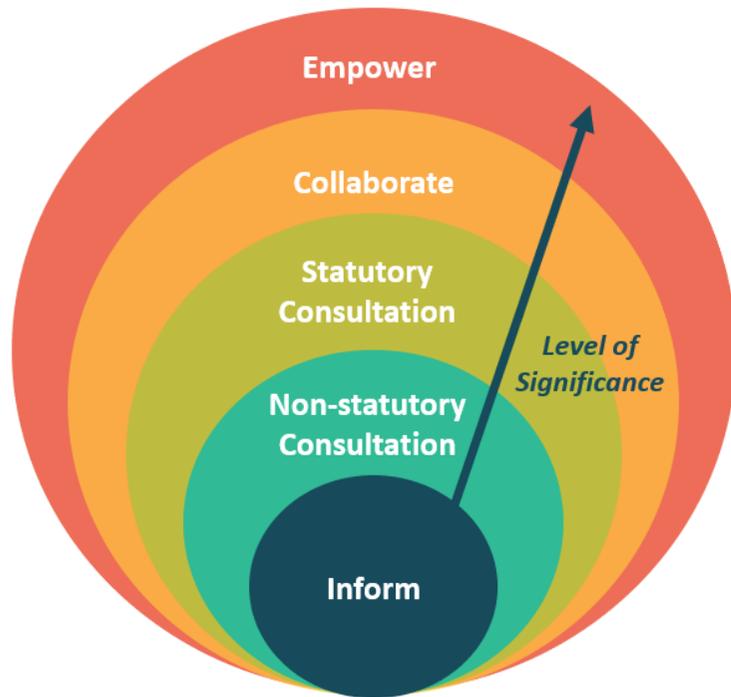
Assess the decision against the criteria in section 2(b) of the policy and determine the level of significance

### Additional Considerations:

- **If it is a large project with several decisions within the project each decision should be assessed separately** (i.e. A major project will have varying levels of engagement for each decision that was made)
- **Make sure to record the assessment of significance** as Council may ask to see the assessment, or there could be requirements to provide it through an information request from the public

### Step 3: What should the level of engagement be?

Use the level of significance and materiality to assist in determining the **level of engagement**



- Inform** We inform you of our decision
- Non-statutory Consultation** You provide feedback that inform decisions
- Statutory Consultation** Legally required consultation under the Local Government Act
- Collaborate** We decide together
- Empower** You decide

#### Key considerations:

- **Typically, the higher level of significance the higher the level of engagement and resource required.**
- **The levels of engagement work cumulatively** – if you are taking the ‘collaborate’ approach then this should include elements of the inform and consult approach as well.
- **Consider different levels of engagement for different groups.** For example, collaborate with a specific Group who are greatly impacted by your decision, and engage with the rest of the public.
- **Engagement on decisions of higher significance should be a multi-step process.** For example, engage with a sample of the community to inform the development of the plan, before running a formal consultation with the whole community.
- **You can still decide to do a high level of engagement** even if your decision is a low/moderate significance and materiality

**Step 4: What should the method of engagement be? (Continued)**

Use the table below to learn more about each engagement method, including best practices examples (note many best practice methods can be used for multiple different engagement methods, and should only be used as a starting point to develop a more comprehensive engagement plan)

Engagement Method	Implementation	Examples of previous projects/programmes	Tools for Engagement
<p><b>Inform</b> <i>We inform you of our decision</i></p>	<p>The inform approach communicates low significant decisions that in an accessible way to the community/relevant groups.</p>	<p>Civil defense preparedness Annual Reports Communicating changing regulations in the Essential Freshwater Package</p>	<p>Newsletters in mailboxes across the Region  Information sessions at community centers/libraries/farmers markets etc.  Drop-in sessions for community to ask questions  Making information available on the GW website  Creating fact sheets for each area of the Region  Visual infographics to distribute to the community  Guest Speaker Seminars – inviting stakeholders and interest groups to hear from a guest speaker on the relevant topic</p>
<p><b>Non-Statutory Consultation</b> <i>You provide feedback on ideas or proposals that inform decisions</i></p>	<p>Council would conduct a non-statutory consultation on a decision or proposal that Council officers deem to be of high significance or feel requires the input and feedback from the community.</p>	<p>Annual Plan Regional Land Transport Plan  Gaining early feedback/opinions to inform the development of a strategic plan (LTP, RLTP, etc.)</p>	<p><i>All the 'inform' tools above can and should be used in an engagement, as well as the additional tools below:</i></p> <p>Greater Say community panel survey_– regular survey to online citizen panel on a variety of Council topics (this is used to as a pre-engagement tool to shape the direction of a plan, rather than get specific feedback)</p>

			<p><a href="#">‘Have Your Say’</a> platform which is used across the organisation to get public feedback on a plan/policy etc.</p> <p>Reference Groups (for example the Public Transport Users Reference Group)</p> <p>Focus Groups/facilitated workshops – this is easier to do with stakeholders and interest groups</p> <p>Facilitating conversations between Council and community through workshops, online panels, events, speakers etc.</p>
<p><b>Statutory Consultation</b></p> <p><i>Legally required formal consultation under the Local Government Act</i></p>	<p>Statutory consultation is formal engagement process – the requirements of a statutory consultation are clearly outlined in the Local Government Act (2002). This includes elements such as providing a consultation document with relevant information and running hearing and deliberations with Council.</p> <p>Council will follow statutory consultation under the following circumstances:</p> <ol style="list-style-type: none"> <li>1. When the LGA requires Councils to conduct a <b>special consultative procedure</b> (i.e. on statutory plans such as the Long-</li> </ol>	<p>Long Term Plan (LTP)</p> <p>Annual Plans (that outline significant changes to that year of the LTP)</p> <p>Regional Public Transport Plan</p> <p>Parks Network Plan</p> <p>Regional Navigations Safety Bylaws</p> <p>Revenue and Financing policy</p> <p>Resource Management Charging policy</p>	<p><i>All the tools above can and should be used in a consultation, with the addition of the following formal tools:</i></p> <p>Consultation document with supporting information (required under the special consultative procedure)</p> <p>Hearings with Council (required under the special consultative procedure)</p> <p>Smartsheet Forms – often used for formal special consultation to have one platform to record process right through to hearings and deliberations</p>

	<p>Term Plan (LTP). The special consultative procedure is outlined in section 83 of the Local Government Act (2002).</p> <p>2. When the LGA requires Council to conduct a <b>consultation process</b> (i.e. reviewing a statutory policy). The principles of consultation are in section 82 of the LGA.</p>		
<p><b>Collaborate</b> <i>We decide together</i></p>	<p>The Council provides community with options and listens to what they want before making the final call.</p>	<p>Whāitua Committees Recloaking Papatuakuku Restoration Plans Park Master Planning</p>	<p><i>All the tools above can and should be used in an engagement, as well as the additional tools below:</i> Workshop with specific community Groups  Citizen assemblies  Committees or working groups with both Council and community representatives</p>
<p><b>Empower</b> <i>You decide</i></p>	<p>Community makes the decision</p>	<p>Referendum Local body elections</p>	<p><i>All the tools above can and should be used when empowering the community to vote on a decision</i></p>

## Significance and Engagement Policy Review- Consultation Document

### What you need to know |

Greater Wellington's Significance and Engagement Policy determines when and how we should engage the community on decisions, issues, proposals, and activities. It enables us and our communities to understand the significance that we place on certain issues, proposals, assets, decisions, and activities. Typically, the higher the significance of a decision, the higher need for community engagement.

The current policy was adopted in 2014, and last reviewed in 2019. We are proposing changes to the policy to better reflect our current operating environment and our partnership with mana whenua.

### What changes are we proposing? |

After reviewing the policy internally the Council are proposing the following changes:

1. **How we measure the significance of decisions, issues, proposals, and activities.** We are proposing to add four new criteria and have updates to the existing criteria.

Criteria	Option 1: Status quo:	Option 2: Updated criteria and descriptions (preferred option)
Impact on the Region	The impact of the decision on the current and future wellbeing of the region	What level of impact will this issue, proposal, decision, or matter have on the current and future environmental, economic, cultural, and social wellbeing of the Region?
Community Interest	The extent to which individuals, whanau, hapū and iwi, organisations, groups and sectors within the community are particularly interested in, or affected by, the decision and any history of public concern	To what extent do individuals, organisations, groups, or sectors have interest in, are already involved in, or are affected by, the issue, proposal, decision, or matter?
Alignment with plans and strategies	Community are particularly interested in, or affected by, the decision and any history of public concern	Is this issue, proposal, decision, or matter misaligned with the priorities in the Financial Strategy, Long Term Plan, and Annual Plan?
Consistency with existing Greater Wellington policy and strategy	The extent of inconsistency and the likely impact	<i>It is proposed that this criteria be removed and incorporated into the above "alignment with plans and strategies" criteria description as above.</i>
Financial implications	<i>Not a current criteria</i>	Does the cost of the issue, proposal, decision, or matter, change (increase or decrease) the amount of funding

## Attachment 2 to Report 23.109

		required from Rates by at least one percent?
Levels of service	<i>Not a current criteria</i>	Does the issue, proposal, decision, or matter, change (increase or decrease) the level of service that Council is delivering to the Region?
New project/ programme	<i>Not a current criteria</i>	Is this issue, proposal, decision, or matter, creating a new project/programme not previously included in the Council's Long Term Plan?
Mana whenua/Māori interest	<i>Not a current criteria</i>	Does this issue, proposal, decision, or matter, impact, or hold cultural significance for our mana whenua partners or mātāwaka in the Region?

**Advantages of adopting the preferred option:**

The new significance criteria have been added to ensure that our criteria meet the legislative definition of significance, to reflect best practice, and to capture the decisions or proposals that should require some level of community engagement. We have also removed one criteria about the alignment with Greater Wellington policies as we determined this should be captured in alignment with plans and strategies and was not a strong criteria for determining significance.

**Disadvantages of preferred option:**

No known disadvantages of adopting the preferred option.

2. **How we partner with mana whenua.** Council Officers will refer to the **Te Whāinga Rongomaioiro Partnership and Engagement framework** (an internal framework currently in development with Greater Wellington's Te Hunga Whiriwhiri department) rather than this policy to determine the best approach as to when and how our mana whenua partners will become involved in proposals, decisions, and matters of impact.

<b>Option 1: Status quo – existing policy statement:</b>	<b>Option 2: updated policy statement (preferred option)</b>
<p>Greater Wellington has appropriate processes in place for engaging with Māori. This includes processes to:</p> <ul style="list-style-type: none"> <li>• Support our partnerships with mana whenua, as set out in the Memorandum of Partnership 2013</li> <li>• Fulfil statutory requirements to consult with mana whenua (such as under the Resource Management Act 1991)</li> <li>• Enable taura here to participate in issues of interest to the regional community.</li> </ul>	<p>Council has six mana whenua partners across the Region. They sit alongside us at both governance and operational levels. As such, the way we work with our mana whenua partners is different to how we engage with community. Council staff will refer to Te Whāinga Rongomaioiro regarding partnering with our mana whenua. Mana whenua partners will determine when and how they become involved in decisions, proposals, and projects.</p>

**Advantages of adopting the preferred option:**

This policy recognises the status of Greater Wellington's mana whenua partners and outlines a specific process for engaging with them.

**Disadvantages of preferred option:**

There are no known disadvantages of adopting the preferred option.

On top of these changes, we have updated how we engage with the community, and reviewed our list of strategic assets. You can find more details in the draft Significance and Engagement Policy document at: <https://haveyoursay.gw.govt.nz/>

## Have Your Say |

We want to hear your views on our newly proposed criteria, and how we should go about engagement. We are particularly interested in the methods of communication you would prefer, and how you would like to be informed of upcoming decisions (i.e. online, public meetings, social media use).

**Public consultation on the policy runs from 3 April 2023 to 23 April 2023.**

- Provide feedback online via our 'Have Your Say' platform at: <https://haveyoursay.gw.govt.nz/>
- Register for an online discussion with your Councilors on 3 May 2023 and 6 May 2023 at: <https://haveyoursay.gw.govt.nz/>

The Council will consider all feedback and deliberate on the proposed changes to the Significance and Engagement Policy at a meeting in May/June 2023.

Please contact [Corporate.Planning@Gw.govt.nz](mailto:Corporate.Planning@Gw.govt.nz) if you have any other feedback or questions relating to the policy.

## Have your Say - Consultation questions:

### Section 2: How should Greater Wellington engage with you?

We engage with the community in many ways such as keeping you informed about significant changes that we are making, asking for feedback you on important decisions, involving you in creating a solution to a problem, and asking you to collaborate in design of solutions. The level and method of engagement depends on how significant the decision we are making is.

In the questions below, please indicate your preferences for engaging with Greater Wellington and what your expectations are:

**1. How would you most like us to reach out to you on upcoming opportunities to engage? (Indicate your top five)**

- Email
- Greater Wellington Website
- Posterboard in your neighbourhood
- Paper pamphlet in your mailbox
- Newspaper (regional and local)
- Facebook
- Instagram
- Twitter
- Tik Tok
- Other, please specify:
  - [Open comment box]**

**2. How would you like to share your ideas and views with us? (Indicate your top 3)**

- Online survey
- Online focus group
- In-person focus group
- Being on a regular community forum or committee
- Talking to Council about your opinion in a formal Hearing process
- Talking to Council about your opinion in an informal online forum
- Email personal submission
  - [Open comment box]**

**3. What can we do to make it easier to share your views and ideas with us?**

- [Open comment box]

### Section 3: What do you think of the proposed changes to the Significance and Engagement Policy?

## Attachment 2 to Report 23.109

**1. Do you support the proposed four additional criteria as below to our Significance and Engagement Policy? [yes/no/please comment]**

We use a set of criteria in the Significance and Engagement policy to determine the level of significance of the decisions that we make. Typically, the higher level of significance, the higher level of engagement needed.

<b>New Criteria</b>	<b>Description of proposed updates:</b>
Financial implications	Does the cost of the issue, proposal, decision, or matter, change (increase or decrease) the amount of funding required from Rates by at least one percent?
Levels of service	Does the issue, proposal, decision, or matter, change (increase or decrease) the level of service that Council is delivering to the Region?
New project/ programme	Is this issue, proposal, decision, or matter, creating a new project/programme not previously included in the Council's Long Term Plan?
Mana whenua/Māori interest	Does this issue, proposal, decision, or matter, impact, or hold cultural significance for our mana whenua partners or mātāwaka in the Region?

- Refer to Section 2 – Determining Significance - of our [proposed Significant and Engagement policy](#) for more detail

**2. Do you support the proposed updates to our existing criteria as below to our Significance and Engagement Policy? [yes/no/please explain in comment]**

We use a set of criteria in the Significance and Engagement policy to determine the level of significance of the decisions that we make. Typically, the higher level of significance, the higher level of engagement needed.

<b>Existing Criteria</b>	<b>Description – as per 2019 Policy:</b>	<b>Description – proposed updates:</b>
Impact on the Region	The impact of the decision on the current and future wellbeing of the region	What level of impact will this issue, proposal, decision, or matter have on the current and future environmental, economic, cultural, and social wellbeing of the Region?
Community Interest	The extent to which individuals, whanau, hapū and iwi, organisations, groups and sectors within the community are particularly interested in, or affected by,	To what extent do individuals, organisations, groups, or sectors have interest in, are already involved in, or are affected by, the issue, proposal, decision, or matter?

**Attachment 2 to Report 23.109**

	the decision and any history of public concern	
Alignment with plans and strategies	Community are particularly interested in, or affected by, the decision and any history of public concern	Is this issue, proposal, decision, or matter misaligned with the priorities in the Financial Strategy, Long Term Plan, and Annual Plan?
Consistency with existing Greater Wellington policy and strategy	The extent of inconsistency and the likely impact	It is proposed that this criteria be removed and incorporated into the above “alignment with plans and strategies” criteria as above.

- Refer to Section 2 – Determining Significance - of our [proposed Significant and Engagement policy](#) for more detail

**3. Do you support how we reflect our partnership with mana whenua in the new Significance and Engagement Policy?**

**[yes/no/please explain in comment]**

- Greater Wellington’s relationship with our mana whenua partners has changed significantly since the previous Significance and Engagement Policy. This section specifies that we work with mana whenua differently than we do with the community because they are our partners, and states that staff will use the Te Whāinga Rongomaio Partnership and Engagement framework (an internal framework currently in development with Greater Wellington’s Te Hunga Whiriwhiri department) rather than this policy when determining when and how to work with our mana whenua partners.
- Refer to Section 3 – Partnering with Mana Whenua - in our [proposed Significant and Engagement policy](#) for more detail

**4. Do you have any other comments you would like to make about the proposed Significance and Engagement policy?**

**[open text]**

View our online submission and full privacy statement at : <https://haveyoursay.gw.govt.nz/>

Council  
30 March 2023  
Report 23.94



For Decision

## UPLIFT IN BUS DRIVER WAGES

### Te take mō te pūrongo

#### Purpose

1. To seek Council approval to increase base rates paid to Metlink Public Transport Operating Model (PTOM) bus drivers from 1 April 2023 in accordance with a Government funding offer.

### He tūtohu

#### Recommendations

That Council:

- 1 **Notes** that as part of Budget 2022, the Government funded through the Climate Emergency Response Fund (CERF) \$61 million nationally over four years to improve recruitment and retention of bus drivers.
- 2 **Notes** that CERF funding can be used to further increase wages up to \$30/hr in urban areas and up to \$28/hr in regional areas.
- 3 **Notes** that in order to access CERF funding, bus operators must agree to increase wages to at least match the future wage indexation, on an ongoing basis, and all parties (Greater Wellington/Metlink, bus operators, unions and Waka Kotahi) must agree to the changes and sign a Memorandum of Understanding to this effect.
- 4 **Agrees** that for the purposes of CERF funding, Wairarapa (operated by Tranzurban) and Kāpiti (operated by Uzabus) are to be considered 'regional', with all other areas in the Region are to be considered 'urban'.
- 5 **Agrees** to fully utilise the available funding by increasing bus driver pay rates to an average of \$30/hr for 'urban' and \$28/hr for 'regional'.
- 6 **Agrees** to implement the increased pay rates in the manner set out at paragraphs 21 and 22 of this report.
- 7 **Notes** that bus operators will be eligible to claim the additional funding from 1 April 2023 subject to the Memorandum of Understanding being agreed.
- 8 **Notes** that the funding required to support the additional payments to Public Transport Operating Model (PTOM) bus operators from 1 April 2023 to 30 June 2023 is \$688,000 and that Greater Wellington's share is able to be met from within existing budgets.

- 9 **Notes** that the estimated total funding required to support the additional payments to PTOM bus operators is \$2,227,000 for the 2023/24 financial year and that Greater Wellington's share is included in the 2023/24 Annual Plan budget, and will be included in the next LTP budget for subsequent years.

## **Te tāhū kōrero**

### **Background**

#### ***Bus Driver shortage, and employment conditions***

2. There is a national worker shortage, including a shortage of bus drivers. In the Wellington region, we have a shortage of approximately 125 drivers out of a full complement of 650 (see report 23.11).
3. The national worker shortage highlighted the shortfall in wages and conditions for bus drivers, resulting in higher churn and lower recruitment rates. Recognising the importance of a wider range of issues, Metlink has undertaken the following key actions in an effort to alleviate the impacts of frontline staff workforce shortages:
  - a **Funded wage increases:** Metlink has played a key role in the discussions on Living Wage with our partners and stakeholders. All bus operators across the Metlink network now pay their drivers at a minimum an average of \$27 an hour.
  - b **Lobbied Government to change immigration rules:** Councillors and officers have actively lobbied for changes to immigration rules. Immigration rules have changed, now making it easier for our operators to bring in drivers from overseas.
  - c **Improved driver conditions:** Other Metlink initiatives support the continued improvement of driver conditions: Split shifts and part-time shifts have been reduced (by increasing interpeak frequencies); Driver facilities (toilets and rest areas) are being improved on a continual basis; Roll-out of free sanitary and incontinence products for bus and rail staff at key locations across the network.

#### ***Climate Emergency Response Fund***

4. As part of Budget 2022, the Government funded, through the Climate Emergency Response Fund (CERF), \$61 million nationally over four years to improve recruitment and retention of bus drivers.
5. The CERF Fund is able to be used to contribute towards funding:
  - a Further wage increases up to \$30/hr in urban areas and up to \$28/hr in regional areas; and/or
  - b Shift allowances/penal rates (if necessary).
6. The CERF Fund is subject to the following terms being met:
  - a Public Transport Authorities (e.g. Greater Wellington/Metlink) must provide local share funding to match Crown funding
  - b Bus operators must agree to increase wages to at least match the future wage indexation, on an ongoing basis
  - c All parties (Greater Wellington/Metlink, bus operators, unions and Waka Kotahi) must agree to the changes and sign a Memorandum of Understanding.

7. The determination of what constitutes a 'regional' or 'urban' area rests with Public Transport Authorities (e.g. Greater Wellington/Metlink).

#### ***PTOM Bus Partnering Agreements***

8. The PTOM Bus Partnering Agreements do not enable Greater Wellington to direct the base rates paid by PTOM bus operators to PTOM bus drivers.

#### ***Current bus driver minimum pay rates in the Wellington Region***

9. During 2021/22 Metlink provided funding to bus operators to enable them to increase the minimum bus driver base or average rates to \$27 per hour.

#### ***Fair Pay Agreements Act 2022***

10. The Fair Pay Agreements Act 2022 (the FPA Act) took effect on 1 December 2022.
11. The FPA Act is designed to ensure a basic set of minimum standards for all employees in low-wage occupations and industries. It does this by bringing together unions and employer associations within a sector to bargain for a number of minimum employment terms for all of the employees in that industry or occupation.
12. Industry parties are currently participating in a process to establish terms and conditions for all bus drivers in New Zealand under a Fair Pay Agreement.
13. The proposed driver wage increases in this report are independent of the Fair Pay Agreement process, which is expected to take into account this increase as well as address other terms and conditions for bus drivers.

### **Te tātaritanga Analysis**

#### ***Utilisation of CERF funding – determination of what funding should be used for***

14. Officers consider that the best use of CERF funding is for it to go towards further driver wage increases.
15. It is anticipated that shift allowances/penal rates will be addressed through any Fair Pay Agreements.

#### ***Utilisation of CERF funding – determination of regional/urban split***

16. Officers have worked with operators to identify whether there are separate geographic areas in the Region which support separate rates.
17. As a result of discussions with operators, officers propose that two geographic areas be considered as 'regional' for the purposes of CERF funding; Wairarapa (Unit 13 - operated by Tranzurban) and Kāpiti (Unit 14 - operated by Uzabus). All other areas in the Region would be considered 'urban'.
18. If Council determines that bus services operated in Wairarapa and Kāpiti areas are 'regional', then they will be eligible for an increase under the CERF fund of up to \$28 per hour.
19. Both Tranzurban and Uzabus support their operations in the Wairarapa and Kāpiti being considered 'regional'.

***Utilisation of CERF funding – determination of pay rates***

20. Officers propose that Greater Wellington/Metlink fully utilises the available funding by increasing pay rates to an average of \$30/hr for ‘urban’ areas and \$28/hr for ‘regional’ areas.
21. For the three operators with flat wage rate agreements, the funding is proposed to be applied as an increase to their current flat wage rate.
22. One of our operators employs drivers under a collective agreement with penal rates and allowances. Funding for this operator will be applied as an equivalent average increase per hour.
23. All four operators and the respective unions support the approach to wage increases set out above.

***Memorandum of Understanding***

24. Following Council’s decision on wage rates, Metlink will work with bus operators, unions and Waka Kotahi to agree to the changes and sign a Memorandum of Understanding as required by Waka Kotahi to access funding.
25. In addition, PTOM Bus Partnering Contracts will be varied to reflect the funding arrangements.

**Ngā hua ahumoni  
Financial implications**

26. Total funding required for 1 April 2023 to 30 June 2023 is \$688,000 (with 51% of this cost funded by CERF). Greater Wellington’s portion of funding required is able to be met from within existing budgets.
27. Total funding required for 2023/24 will be \$2,227,000 (with 51% of this cost funded by CERF). Greater Wellington’s portion of funding required has been budgeted for in the 2023/24 draft Annual Plan.

**Ngā Take e hāngai ana te iwi Māori  
Implications for Māori**

28. This initiative is intended to improve the recruitment and retention of bus drivers, which will, in turn, increase our ability to provide public transport services and meet regional and national emissions reduction targets.
29. 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**

- 30. This initiative has been funded through the CERF in Budget 2022 to support councils to provide a sustainable public transport system and improve public transport choices.
- 31. Improving the recruitment and retention of bus drivers through more attractive terms and conditions is integral to our ability to achieve Greater Wellington and the Government’s decarbonisation goals.

**Ngā tikanga whakatau**  
**Decision-making process**

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

**Te hiranga**  
**Significance**

- 33. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matter, taking into account Council's Significance and Engagement Policy and Greater Wellington’s Decision-making Guidelines.
- 34. Officers consider that the matter is of low significance, on the basis that this decision implements a Government initiative and the financial impacts are low.

**Te whakatūtakitaki**  
**Engagement**

- 35. Officers have engaged with bus operators, unions and Waka Kotahi on the matters covered in this report.

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

- 36. Subject to Council’s decision, officers will work with bus operators, unions and Waka Kotahi to agree the terms of the Memorandum of Understanding
- 37. Metlink will prepare and execute contract variations with each PTOM Bus operator.

**Ngā kaiwaitohu**  
**Signatories**

Writer	Melissa Anderson – Manager, Operations & Partnerships, Metlink
Approver	Samantha Gain – General Manager, Metlink

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council or Committee's Terms of Reference</i></b> The Council is required to make a decision on this matter as it relates to funding of public transport.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The proposals in this report contribute to the delivery of Public Transport aspects of the 2021-31 Long Term Plan.
<b><i>Internal consultation</i></b> In preparing this report there has been consultation with officers in the Public Transport, Legal and Finance Departments.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no identified legal or health and safety risks arising from the matters in this report.

**Council**  
**30 March 2023**  
**Report 23.117**



**For Decision**

## **LOW CARBON ACCELERATION FUND ROUND TWO 2022-23 RECOMMENDATIONS**

**Te take mō te pūrongo**

### **Purpose**

1. To advise the Council of applications to the Low Carbon Acceleration Fund (LCAF) and the Climate Committee's recommendations regarding LCAF.

**He tūtohu**

### **Recommendations**

That Council:

1. **Approves** the allocation of a \$266,651 grant to Metlink for the 'Solar power generation – Stations roofs' project.
2. **Approves** the allocation of a \$750,000 grant to the Wellington Regional Stadium Trust (WRST) for the 'Energy efficient lighting opportunity' project.
3. **Approves** the extension of Low Carbon Acceleration Fund eligibility to CentrePort Limited.

### **Consideration by Committee**

2. At its meeting on 16 March 2023, the Climate Committee considered the applications and recommended that Council approves the allocation of LCAF funding to WRST and Metlink. The Climate Committee also recommended extending LCAF eligibility to include CentrePort Limited.

**Te tāhū kōrero**

### **Background**

3. The LCAF is funding borrowed against the value of Council's 255,660 free allocation New Zealand Units (NZUs), or emissions units, gifted to it by the government for its pre-1990 forests at the inception of the NZ Emissions Trading Scheme (ETS).
4. In February 2022, Council agreed to expand the total amount of funding in the LCAF to reflect the increasing value of Council's free allocation NZUs (Low Carbon Acceleration Fund - Report 22.66). Council also agreed to limit the funding to no more than 70 percent of the present value of the Council's 255,660 free allocation NZUs across all

LCAF projects, past and present, determined by the current NZU spot price at the time of funding decisions.

5. At the time of writing, the spot price of NZUs is \$66.00. If the Council's free allocation NZUs were sold at this price, they would net \$16.87 million.
6. There are two funding rounds planned for the LCAF in 2022-23. This current one is the second round. The first round took place in August 2022 (Low Carbon Acceleration Fund round one 2022-23 application - Report 22.338).
7. \$8 million from the LCAF has previously been allocated to parks restoration work, including the restoration of the wetlands and dune forest at Queen Elizabeth Park and for forest planting at Kaitoke Regional Park.
8. In total, \$589,500 was allocated during round one in 2022. \$39,500 was allocated to the Wellington Regional Stadium Trust (WRST) for a fuel switching, energy efficiency and renewable energy project feasibility study at Sky Stadium. \$550,000 was allocated to Metlink to convert a diesel bus to a battery electric drive train, establish charging facilities for it, and put it into operation in the Metlink fleet.
9. Therefore, the total funding available within the 70 percent cap is \$3.22 million at the time of writing. Unless the price of NZUs changes, this is the total unallocated funding from the LCAF that can be used. The LCAF is not an annual or continuous source of funding and therefore is better suited to establishing low carbon assets than covering operating costs.
10. In the second round, proposals were put forward by Metlink, Sky Stadium and Strategy Group. These were assessed against the LCAF funding criteria first by members of Greater Wellington's Climate Emergency Response Programme Board. Options then put forward for consideration by the Climate Committee were assessed as meeting the LCAF funding criteria. The applications recommended for approval by the Climate Committee are in **Attachments 1 and 2**.
11. The criteria approved by Council are for projects that:
  - a Will reduce Greater Wellington's corporate carbon footprint
  - b Are additional carbon savings that would not otherwise have occurred (or occurred as soon).
12. Projects are favoured if they:
  - a Have a high value of carbon saved per dollar of funding
  - b Have additional benefits – e.g., biodiversity, flood protection, public amenity, carbon savings that accrue to others
  - c Are of strategic significance to achieving carbon reduction goals
  - d Have a high likelihood of being successfully delivered.
13. Bids for feasibility and planning are eligible alongside bids for implementation funding.
14. The fund is open to applications from Greater Wellington and Wellington Regional Stadium Trust (WRST).

## **Te tātaritanga Analysis**

15. The Climate Committee recommends that LCAF eligibility is extended to include CentrePort Limited. CentrePort Limited's emissions are included in the Greater Wellington carbon footprint, so emissions reduction projects implemented at CentrePort Limited will contribute to achieving Greater Wellington's emission reduction goals. This will potentially enable sustainable energy projects and perhaps partnerships between those eligible for LCAF – Greater Wellington, WRST and CentrePort Limited.
16. The Climate Committee recommends that the application 'Solar power generation – Stations roofs' from Metlink (**Attachment 1** – Metlink application – LCAF Round 2) be approved. This is to install solar power generation on the Masterton Station roof. This can also be used as a trial for future solar power generation on station roofs. This project meets the LCAF criteria and has a good return on investment. The amount requested is \$266,651. The project will go through a procurement exercise.
17. The Climate Committee recommends that the application 'Energy efficient lighting opportunity' from Sky Stadium (**Attachment 2** – Sky Stadium – Energy Transition Plan: Energy Efficient Lighting Opportunity) be approved for half of the money requested. The reason for this recommendation is that Greater Wellington is a 50 percent funder of Sky Stadium. The project aims to replace existing lighting fixtures with LED. The stadium floodlights are currently being replaced with LED, so this project focuses on the remaining lighting. This project meets the LCAF criteria and has a good return on investment. Sky Stadium requested \$1,500,000. However, we recommend that Council approve half of it (\$750,000) and that Sky Stadium seek other sources of funding for the other half.
18. Two other applications put forward to the Climate Committee were deferred to future rounds of the LCAF to allow them to be developed further. These were proposals for additional conversions of diesel buses to electric, and for a study to identify suitable sites for solar farms in the Wellington Region.
19. There were applications that were not recommended for LCAF funding. One was a Metlink trial for implementing EV charging at Park and Ride facilities and another was a proposal for a Metlink business travel climate pass product. These applications did not meet the LCAF criteria since they will not lead to a reduction of Greater Wellington's organisational emissions. However, both projects are of interest for other reasons, and Metlink may further develop the proposals and seek other funding sources and partnerships.
20. The feasibility of installing solar energy generation canopies over carparks at Paraparaumu and Waikanae Stations was investigated. This did not progress to an LCAF application as the costs per kilowatt installed were more than double that of solar on station roofs and of solar farms. Also installing solar canopies at these sites would block alternative uses of the carpark land for 25-30 years, so further consideration of those uses is needed.

**Ngā hua ahumoni**  
**Financial implications**

21. The total value of the two recommended projects is \$1,016,651. This includes the Metlink project ‘Solar power generation – Stations roofs’ (\$266,651) and the Sky Stadium project ‘Energy efficient lighting opportunity’ (\$750,000)

**Ngā Take e hāngai ana te iwi Māori**  
**Implications for Māori**

22. There are no implications specifically for Māori as a consequence of this matter.

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

23. This report follows Greater Wellington’s climate change guidance.
24. The LCAF funds projects that will reduce Greater Wellington’s corporate carbon footprint. This is aligned with the LTP’s overarching priority ‘Responding to the climate emergency’.

Project	Amount applied for	\$/tonne lifetime carbon saved GWRC	Strategic significance
Metlink - Solar power generation – station roofs	\$266,651	-924 \$/t CO <sub>2</sub> e (over 25 years, including cost savings)	High – This project supports point 3 of the Corporate Carbon Neutrality Action Plan ‘Investigate securing renewable electricity supplies for Greater Wellington operations including via procurement, partnerships and/or direct investment’.
Sky Stadium - Energy Efficient Lighting Opportunity	\$1,500,000	-220\$/t CO <sub>2</sub> e (over 20 years, including cost savings)	Medium – This project does not directly support the Climate Emergency Response Programme’s action plans. However, it plays a role in achieving the carbon neutral target Greater Wellington set in 2019.

**Ngā tikanga whakatau**  
**Decision-making process**

25. 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**

26. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of these matters, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers consider that these matters are of low significance as they have only a minor impact on residents and ratepayers and they do not affect Greater Wellington's ability to perform its role.

**Te whakatūtakitaki  
Engagement**

27. Given the low significance of the matters for decision, officers considered that no related public engagement was required.

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

28. If Council approves the allocation of funding, the applicants will be informed so they can commence their projects. Their grants will be transferred to them when required. CentrePort Limited will be informed of their eligibility for the LCAF and provided with more information about it, including when and how to apply.

**Ngā āpitihanga  
Attachments**

Number	Title
1	Metlink application – LCAF Round 2
2	Sky Stadium – Energy Transition Plan: Energy Efficient Lighting Opportunity

**Ngā kaiwaitohu  
Signatories**

Writers	Lisa Early – Kaitaki-a-Tima   Team Leader Climate Change Mélanie Barthe – Kaitohutohu   Senior Advisor Climate Change Jake Roos – Climate Change Advisor Craig Fairhall – Principal Advisor Strategy
Approvers	Zofia Miliszewska – Kaiwhakahaere Matua   Manager Strategy and Performance Luke Troy – Kaiwhakahaere Matua Rautaki   General Manager Strategy

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Council has the authority to approve grants.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> Operation of the LCAF relates to one of the four overarching strategic priorities of the 2021-31 Long Term Plan – responding to the climate emergency – and to actions in the Corporate Carbon Neutrality Action Plan.
<b><i>Internal consultation</i></b> Council staff and Sky Stadium staff were made aware of the opportunity to apply to the LCAF for eligible carbon-reduction projects. The Climate Emergency Response Programme Board, made up of representatives from the Executive Leadership Team and key senior staff, reviewed all LCAF applications and presented recommendations to the Climate Committee.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no identified risks or impacts arising from this paper.



# **Low Carbon Acceleration Fund Application**

**Round 2 – February 2022**

**Metlink Project**

**Solar Power Generation– Station Roofs**



## Background

GWRC declared a climate change emergency on 21<sup>st</sup> August 2019 and “set a big, bold target to be carbon neutral by 2030”. A part of the GW carbon footprint is our electricity usage and where we obtain it from. Approximately 84% of New Zealand’s electricity generation is through renewable energy and for GW to reach its target it needs to use or generate electricity through renewable sources.

Solar energy presents a major opportunity for growth in supplying renewable electricity to the New Zealand market to meet GW’s carbon neutral and New Zealand’s 100% renewable electricity target. The Electricity Authority (EAI) reports that New Zealand currently has around 160MW (2022) of installed grid connected solar power, representing only 0.5% of New Zealand’s total electricity supply.

Implementing solar generation on existing GW stations is one way to achieve this and maximise the use of the GW asset base.

Undertaking a small solar trial on a location such as a train station roof will allow GW to understand the benefits and complexities of this approach. Additionally generating energy will allow the site to be self-sufficient (in net energy terms) and its carbon neutrality.

## Project Detail

The project is proposing to install a solar photovoltaic system on the Masterton Train Station building roof. This will install a grid connected 100.1 kW-peak solar photovoltaic system which will generate electricity to be used at the station and excess fed back into the grid (revenue generation).

The Masterton Station currently uses around 131 MWh of electricity per year. The installed system will provide a green source of energy which on average is estimated to provide 100% of the stations annual electricity requirements. However, power production and consumption will only coincide about half the time, meaning at times the station will be exporting electricity and other times importing (e.g. at night). This will not only help ensure that GW uses carbon neutral sources but also with an increasing cost, and need, of electricity reduce GW’s power footprint and the associated costs.

Additionally excess power can be sold back into the national grid providing a revenue source. The energy production of the system would at times significantly exceed usage of electricity within the building; around 50% of the electricity generated would be exported. GWRC could benefit from this via electricity sales and by claiming renewable energy certificates (RECs) to credit against the emissions of its other electricity use.

Apart from Waterloo Station (which will require work in the foreseeable future), Masterton Station has the largest roof of all Metlink train stations making it the best choice for an installation.

For details of the commercial and technical proposal see Attachment 1 & 2.



## Alternatives if Not Funded

This project would not proceed without LCAF funding.

## Costs

As this is a long term infrastructure project there are initial installation and ongoing maintenance costs. The project is requesting funding for the installation costs with expectation that revenue and expense reduction from the generated electricity will cover on going maintenance.

The system has a negative cost of carbon and is likely to pay for itself through electricity savings and export sales within 12 years of commissioning. The cost per watt (W) of capacity installed is higher than what is typical for rooftop solar systems due to higher health and safety requirements than usual (because it is a working train station) and asbestos management.

<b>Initial Implementation Costs</b>	
Legal and Tender Costs	\$15,000
System cost (based on a received indicative quote from Arise Energy) for a 100KWp system	\$191,870
Asbestos management allowance @15%	\$28,781
Distribution board upgrade (allowance)	\$5,000
Metering (allowance)	\$2,000
<b>Sub Total</b>	<b>\$242,651</b>
Contingency 15%	\$24,000
<b>Total</b>	<b>\$266,651</b>
<b>Expected Revenue and Maintenance Costs Ongoing</b>	
Cost per watt of capacity installed	\$2.27
Energy produced year 1	134MWh
Energy produced 25 years	3233MWh
Electricity saving/sales revenue 25 years	\$606,141
Maintenance costs 25 years	\$44,081
Net revenue 25 years – Maintenance	\$562,059
Net cost 25 years (not discounted)	-\$370,189

## Risks

The initial trial will help identify and resolve potential issues before any wider installations are attempted across GW assets.



The key risks arising from the project are:

<b>Risk Area</b>	<b>Description</b>	<b>Risk Rating</b>	<b>Mitigation</b>
Solar Installation	Physical installation of the solar system may cause damage to the structure with costly repairs	Low	Solar installation is a well-trying procedure. It has been noted that butanol roofs may be an issue so these will be avoided.
Asbestos	Asbestos issues prevent installation.	Low	There is known asbestos at the site, an allowance has been made for management of this.
Suppliers	That the supplier cannot perform the required delivery or lacks sufficient experience in this type of work.	Low	There is a reasonable number of experienced suppliers and installers in the market. Evidence of previous installation work will be requested as part of the tender process.
Procurement	Supply chain issues may cause delays.	Low	Planning and ordering confirmation. Project timelines to be set with considerations taken into account. Solar panels are becoming a common product and it is not expected there will be any lengthy delays.
Commercial	The expected generation levels, or revenue from sale will not be reached.	Low	An experienced supplier will be chosen, reference sites will be investigated for confirmation of delivery output against initial estimates.
Financial	Inflation increases costs - The current high inflation environment may cause an increase in prices	Low	Contingency has been allowed in the project.



## Project Timeframes

Detailed planning has yet to be undertaken for the project but provisional timeframes (based on an approval by Council in March 2022) are:

Description	Expected Duration	Estimated Date
Setup of project including: <ul style="list-style-type: none"> <li>Internal planning and tender design</li> </ul>	2 Months	April – May 2023
Design and procurement	Allow 2 months	TBC (supply chain dependent) provisionally June – July 2023
Implementation	1 month	August 2023
Project Closeout	1 month	September 2023

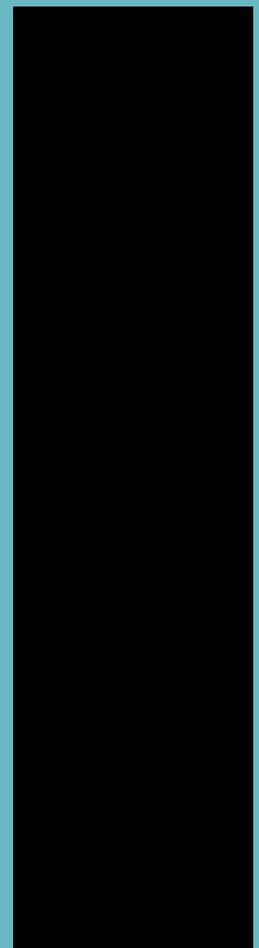
## Carbon Calculations

Carbon saving operational	572	tCO <sub>2</sub> e
Embodied carbon	171	tCO <sub>2</sub> e
Carbon saved lifetime 25yrs	401	tCO <sub>2</sub> e
Cost of carbon	-\$924	/tCO <sub>2</sub> e
Carbon intensity of electricity produced	0.053	kgCO <sub>2</sub> /kWh

# Sky Stadium

## Energy Transition Plan: Energy Efficient Lighting Opportunity Summary - Progress Update

EAC19190



## Document Control

Version	Date	Description	Prepared by	Reviewed by	Approved by
0.1	01/02/2023	Energy Transition Plan: Energy Efficient Lighting Opportunity Summary - Progress Update	George Gray	Ben Thomson	Ben Thomson

## Project Information

Project info	Description
Name	Sky Stadium Energy Transition Plan
Client	Wellington Regional Stadium Trust (WRST)
Job #	EAC19190
File location	G:\Shared drives\_EAC\Projects\In Progress\19190 Sky Stadium - Energy Transition Plan\7. Report\7.2 Report Document

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## 1. Energy Efficient Lighting Opportunity

The Wellington Regional Stadium Trust (Sky Stadium) have contracted Lumen to develop an energy transition pathway and roadmap for Sky Stadium to reduce energy-related carbon emissions over the next 10 years. The results of this study will enable Sky Stadium to make technically and commercially viable investment decisions that support their transition to a low carbon energy future.

This is an interim report that covers the energy efficient lighting opportunity within the scope of the larger Energy Transition project. This opportunity was selected because of its ability to both reduce emissions and produce a good financial return.

Sky Stadium already has a project underway to replace the main stadium floodlights with LEDs. Analysis to date has shown that switching the remaining non-LED lighting to energy efficient LED lighting would reduce operating costs by \$114,000 p.a. and energy related emissions by 61 tCO<sub>2</sub>-e p.a. In addition, this project would reduce peak electrical demand by an estimated 172kVA which could allow for increased electrification onsite for the fuel switching opportunities that are also being evaluated as part of this project.

### Project Scope

Currently, the stadium floodlights are being upgraded which will reduce peak electrical demand by an estimated 256 kVA. However, the remaining lighting on site is mostly the original fitout and there hasn't been any significant site wide lighting changes since the stadium opened in 2000.

This project will focus on the remaining lighting onsite which is not energy efficient or LED lighting. The benefit of upgrading all areas at once would be to save on labour costs with efficiency of scale. Additionally, Sky Stadium would save on maintenance hours by replacing fixtures before they fail at end of life, which, after 23 years, many have already begun to.

A preliminary investment figure has been worked up with the help of Ecopoint who have been to site to review the lighting. As it is a large site with many different lighting types, this is an estimate only and is subject to a full lighting audit before providing finalised pricing.

The expected investment is approximately \$1,500,000 and includes fitting upgrades and install labour. More details can be found in the attached spreadsheet (Appendices A & B).

### Project Benefits

By investing an energy efficient lighting rollout across the site, Sky Stadium should expect to save \$114,000 per annum in both energy costs and maintenance savings. This allows for a simple payback of 14 years and a positive net present value (NPV) of \$230,000 over 20 years. This is based of replacing around 6,200 bulbs with energy efficient alternatives. The hours of operations for each area used in the energy savings calculations were determined by the building management system (BMS) settings and observations from site visits. More details can be found in the attached spreadsheet (Appendices A & B).

As the project is expected to save 61 tCO<sub>2</sub>-e p.a. in energy related carbon emissions it would also achieve a marginal abatement cost (MAC) of -\$220 /tCO<sub>2</sub>-e as shown in Table 1 below. This MAC is far below the current cost of carbon in NZ (\$70 - \$80 /tCO<sub>2</sub>-e) indicating the project has a good financial return.

**Table 1: Site wide energy efficient lighting opportunities**

Description	Electricity (MWh)	Electricity (kVA)	Opex (\$)	Emissions (tCO <sub>2</sub> -e)	Capex (\$)	Payback (years)	NPV (\$)	MAC (\$/tCO <sub>2</sub> -e)
LED Lighting Upgrades	464	172	\$ 114,000	61	\$ 1,500,000	14	\$ 230,000	-\$ 220

## Overall decarbonisation context

In 2022, Sky Stadium emitted a total of 417 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>-e) of greenhouse gas emissions from its energy use. Most of the emissions, 301 tCO<sub>2</sub>-e, came from electricity usage while 102 tCO<sub>2</sub>-e came from the use of natural gas (kitchens equipment, domestic hot water and space heating) and 14 tCO<sub>2</sub>-e from diesel use in generators. Site visits were carried out on the 19<sup>th</sup> of September 2022 and the 30<sup>th</sup> of January 2023.

Below is a summary of the findings to date:

1. Energy efficiency: energy management opportunities such as installing occupancy sensors and a site wide energy efficient lighting opportunity (focus of this report)
2. Fuel switching: replacing 950 kW gas-fired boiler with an electric boiler, replacing gas-fired domestic hot water boilers with electric hot water heat pumps and installing a split unit air conditioning for the control room.
3. Generation of energy on-site: solar PV and electricity grid emissions reduction.

As part of the analysis for the fuel switching opportunities, Lumen spoke with Wellington Electricity to review the available electrical capacity for increased electrification onsite. Sky Stadium currently has 3.6 MVA of electrical capacity provided by four dedicated transformers which should be sufficient for future electrification of energy uses currently fuelled by natural gas. However, Wellington Electricity has informed us that the Stadium would need to get approval for further demand increases due to the limits of the connecting lines to the site (currently 11MVA). These lines are due for upgrade in 2025.

By focusing on energy efficiency opportunities that reduce peak electrical demand in the short term, Sky Stadium can pursue fuel switching opportunities in the medium and long term without running into capacity issues and costly high voltage electrical infrastructure upgrades.

Additionally, energy efficiency opportunities, such as improved lighting, can not only reduce peak electrical demand and emissions, but also free up operating expenditure that can be redirected to other important areas. By replacing lighting fixtures with LED, the frequency of maintenance and replacement of lights can be reduced, freeing up valuable time that can be used for other tasks. Overall, investing in energy efficiency through lighting can not only reduce energy costs, but it can also increase operational efficiency, allowing Sky Stadium to focus on their core business.

Council  
30 March 2023  
Report 23.120



For Decision

## **ESTABLISHMENT OF PROPOSED REGIONAL POLICY STATEMENT CHANGE 1: PART 1, SCHEDULE 1 HEARINGS PANEL**

**Te take mō te pūrongo**

### **Purpose**

1. To establish the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel component of Proposed Change 1 to the Regional Policy Statement.
2. To delegate authority to the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel to hear submissions and make recommendations to Council on Proposed Change 1 to the Regional Policy Statement.
3. To delegate to the Chief Executive the setting of remuneration for the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel.

**He tūtohu**

### **Recommendations**

That Council:

- 1 **Receives** the report.
- 2 **Notes** the content of the report.
- 3 **Establishes** the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel.
- 4 **Delegates** its authority to the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel, as follows:
  - a To hear public submissions and provide the recommendations report to Council, for Council to make the final decisions on the recommendations.
- 5 **Adopts** the Terms of Reference for the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel (Attachment 1).
- 6 **Delegates** to the Chief Executive, after consultation with the Council Chair, the setting of remuneration arrangements for the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel.

## **Te horopaki Context**

### *Proposed Regional Policy Statement Change 1*

4. The Regional Policy Statement for the Wellington Region (RPS) is a statutory instrument under the Resource Management Act 1991 (RMA). Its purpose is to address significant resource management issues for the Wellington Region. It also implements national direction (National Policy Statements and National Environmental Standards), and it gives direction to regional and district plans providing a framework for integrated management of natural and physical resources.
5. Proposed Regional Policy Statement Change 1 (Change 1) was publicly notified on 19 August 2022 and is the first change to the RPS since it was made operative in 2013. Change 1 gives effect to (implements) the National Policy Statement on Urban Development (NPS-UD), and it starts the implementation of the National Policy Statement for Freshwater Management 2020 (NPS-FM).
6. Submissions on Change 1 closed on 14 October 2022 with a total of 156 submissions received. A Summary of Decisions Requested was then notified on 5 December 2022, and 31 further submissions were received.
7. Further details about Change 1 can be found on the Greater Wellington [website](#).

### *Two separate planning processes*

8. Change 1 has been notified under two separate planning processes: the new Freshwater Planning Process (FPP) for all freshwater provisions; and the standard Part 1, Schedule 1 process for the remaining provisions (the subject of this report).
9. For the Part 1, Schedule 1 process, the Council establishes the hearings panel and oversees the process. For the FPP this is the role of the Chief Freshwater Commissioner who is appointed by the Minister for the Environment.

## **Te tātaritanga Analysis**

### *Establishing the Proposed Regional Policy Statement: Part 1, Schedule 1 Hearings Panel*

10. As noted above, Change 1 has been notified under two planning processes with the Chief Freshwater Commissioner convening the hearings panel for the Freshwater Planning Process component. Council must establish a hearings panel for the Part 1, Schedule 1 component of Change 1.

### *Delegation of powers*

11. At its meeting on 15 December (Report PE22.492), Council agreed that the Part 1, Schedule 1 hearings panel would have the same delegated powers as the Freshwater hearings panel.
12. This means that the Schedule 1 hearings panel will provide recommendations to Council only. Council will retain final decision-making power, based on the recommendations of the Panel. This delegation of power will not impede on the appeal rights in the Schedule

1 planning process. For the standard Schedule 1 process, full merit appeals to the Environment Court will apply.

13. This approach will ensure alignment between the panels in terms of decision-making powers.

#### *Terms of Reference*

14. The draft Terms of Reference for the Part 1, Schedule 1 Hearings Panel for Proposed Change 1 (**Attachment 1**) set out the proposed arrangements for the panel.

#### *Panel remuneration*

15. Greater Wellington is responsible for all costs (e.g. hourly rates, travel and accommodation) incurred by hearings panel and for the activities related to the performance or exercise of the panel's functions and powers.
16. There will be significant time associated with the hearings process. This includes preparation for the hearings, the actual hearing of submissions and expert evidence, deliberations following the hearings, and the preparation of the Panel's recommendation report. Officers expect there to be up to 12 weeks of hearing time plus an additional 10 weeks of preparation, deliberations and report preparation.
17. Officers consider that remuneration of the Part 1, Schedule 1 Hearings Panel should be based on the Commissioner's hourly rates. This ensures the Commissioners are remunerated fairly for the actual time spent on all tasks required for the hearings process. There may be a higher rate applied for the Chair given the additional responsibilities involved with this role.
18. At the time of writing this report, Officers have not yet confirmed hourly rates with the Commissioners being recommended for appointment. Officers recommend that this decision is delegated to the Chief Executive in consultation with the Council Chair.

### **Ngā hua ahumoni Financial implications**

19. The current work programme for RPS Change 1 has been approved through the 2021-31 Long Term Plan. There are no immediate financial implications associated with this report.

### **Ngā Take e hāngai ana te iwi Māori Implications for Māori**

20. The main implications for Māori in relation to the Part 1, Schedule 1 Hearings Panel are associated with the panel membership and ensuring the Panel has expertise in tikanga Māori/matauranga Māori. This is addressed in a separate report to Council (Report PE23.103) seeking the appointment of 3 Hearing Commissioners to the Panel.

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

21. 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.
22. The proposed matter is administrative or procedural decision and will not have any direct impact on greenhouse gas emissions.

### **Ngā tikanga whakatao** **Decision-making process**

23. The decision-making process is explicitly prescribed for these decisions under Schedule 1 of the Resource Management Act 1991.
24. 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).

### **Te hiranga** **Significance**

25. 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*. Due to the administrative nature of these decisions, officers recommend that the matter be considered to have low significance.

### **Te whakatūtakitaki** **Engagement**

26. Due to the administrative nature and low significance of the decisions, no public engagement on these matters has been undertaken.

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

27. If Council agrees to establish the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel, a further decision must be made by Council on the Panel membership. This is covered in a separate, public excluded, report (PE23.103).
28. Hearings on Change 1 are expected to commence around late May/early June 2023. The timing is subject to more detailed conversations with panel members to confirm the hearings schedule.

**Ngā āpitihanga  
Attachment**

<b>Number</b>	<b>Title</b>
1	Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel Draft Terms of Reference

**Ngā kaiwaitohu  
Signatory/Signatories**

Writer	Kate Pascall – Programme Lead (Proposed RPS Change 1)
Approvers	Matt Hickman – Kaiwhakahaere Matua/Manager, Environmental Policy Al Cross – Kaiwhakahaere Matua mo te Taiao/General Manager, Environmental Management

<b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>The considerations in this report align with Council's roles and responsibilities. The RMA requires regional councils to prepare a Regional Policy Statement and to give effect to national direction, including the National Policy Statement on Urban Development 2020 and the National Policy Statement for Freshwater Management 2020. The relevant planning processes are explicitly prescribed under Schedule 1 of the RMA.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The current work programme for RPS Change 1 has been approved through the 2021-31 Long Term Plan. There are no direct contributions to any other key strategies and policies.</p>
<p><b><i>Internal consultation</i></b></p> <p>Consultation has been undertaken with Te Hunga Whiriwhiri on the contents of this report.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>Council is legally required to establish a hearings panel for the Part 1, Schedule 1 component of Proposed RPS Change 1.</p>



# **DRAFT** Terms of Reference for the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearing Panel

March 2023

## **1. Membership**

The membership of the Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel shall comprise three persons appointed by Council.

Each member shall hold a current certification under the RMA Making Good Decisions Programme.

The Chairperson of the panel shall be appointed by Council.

## **2. Quorum**

The quorum is two members.

## **3. Meeting Procedures**

All members have equal speaking rights.

The panel shall endeavour to reach its decision on any relevant matter by consensus. In the event that a consensus is unable to be reached then decisions shall be made via a majority vote. Each member has a deliberative vote. The Chairperson does not have a casting vote.

## **4. Powers**

The Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel is delegated all necessary powers under the Resource Management Act 1991 to consider and hear submissions on the Proposed Regional Policy Statement Change 1 and to make recommendations to Council on the Proposed Change 1 to the Regional Policy Statement.

## **5. Responsibilities**

The Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel shall ensure that:

- The hearing and consideration process is carried out in a way that is effective and timely
- Submitters are provided with the best possible opportunity to be heard in support of their submission
- Panel members receive submissions with an open mind and give due consideration to each submission; and
- The decision-making process is robust and transparent.

## **6. Duration**

The Proposed Regional Policy Statement Change 1: Part 1, Schedule 1 Hearings Panel is deemed to be dissolved at the end of the decision-making process on the submissions received on the Proposed Regional Policy Statement Change 1.

Council  
30 March 2023  
Report 23.113



For Decision

## **POLICY ON THE APPOINTMENT AND REMUNERATION OF DIRECTORS OF COUNCIL ORGANISATIONS**

### **Te take mō te pūrongo**

#### **Purpose**

1. For Council to approve updates and amendments to the Policy on the Appointment and Remuneration of Directors of Council Organisations (“the Policy”).

### **He tūtohu**

#### **Recommendations**

That Council:

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

### **Te tāhū kōrero**

#### **Background**

2. Section 57 of the Local Government Act 2002 (the Act) requires Council to have a policy that sets out an objective and transparent process for the identification and consideration of the skills, knowledge and experience required of directors of council organisations, and for the appointment and remuneration of these directors.
3. The Policy should be reviewed each triennium, to ensure it reflects elected members priorities and views.
4. Council’s current policy was adopted on 27 February 2020 (Policy on the Appointment and Remuneration of Directors of Council Organisations (Report 20.66)), and then amended on 25 February 2021 (Report 21.38) and 28 October 2021 (Report 21.482).

### **Te tātaritanga**

#### **Analysis**

5. The appointment of directors is one of Council’s key accountability mechanisms for its Council Organisations (COs).

6. Section 5 of the Policy includes reference to how directors are appointed to the board of CentrePort Limited and states that this process is governed by CentrePort's constitution and the provisions of the Port Companies Act 1988. Under the Port Companies Act 1988 up to two directors of a port company may be elected members or employees of the local authorities holding voting rights. No elected members or Greater Wellington employees are currently directors of CentrePort. It is recommended that the Policy be updated to reflect the current practice of not appointing elected members, directors of WRC Holdings, and Greater Wellington employees as directors of CentrePort.
7. In section 7 of the Policy there is a list of general core competencies expected of all CO directors in the current policy. In addition to emphasising the importance of ensuring that the board composition of a CO comprises a balance of skills and experience that matches the strategic direction and needs of the CO, there are two recommended additions to the list of general core competencies. These are:
  - a Governance, senior executive or similar experience
  - b An understanding of Council's obligation to Te Tiriti o Waitangi and a commitment to improving outcomes for mana whenua and Māori.
8. It is recommended that these be explicitly stated in the updated Policy to provide a more complete list of existing expectations.
9. Section 9 of the Policy outlines the importance of diversity in board appointments. This section has been strengthened in the updated Policy to make clear that this will be considered in all appointments to our COs.
10. Council has established a Nominations Group to provide oversight and guidance to Councillors and staff on the appointment of directors (section 10 of the Policy). It is recommended that the membership of the Nominations Group be amended to remove the Chair of the Chief Executive Employment Review Committee and to add Council's Trustee on the Wellington Regional Stadium Trust (for Trust related appointments).
11. It is also recommended that section 10 of the Policy be amended to elaborate on considerations for appointments, including consideration of the current board skill composition, future skill requirements, and succession planning.
12. Currently, Greater Wellington's elected members are not eligible to receive remuneration for any directorships they hold for Council Organisations. The amendment in Section 12 of the updated Policy provides an exception to this if the Chair of WRC Holdings is a Greater Wellington elected member. In that case, Chair of WRC Holdings would be eligible to receive a director fee, paid from the WRC Holdings budget, which when combined with their Councillor remuneration, would bring their total remuneration to the same as the upper tier of Committee Chair remuneration. This would appropriately reflect additional time commitments and workload associated with the company Chair role. This cost will be met from the budget allocation for WRC Holdings, and will be included in future years' budgets.
13. The remaining changes are amendments for clarity or typographical issues.
14. The final version of the Policy is contained in **Attachment 1**, with a track changes version in **Attachment 2**.

15. The updated Policy, if adopted, is proposed to become effective from 1 April 2023.

**Ngā hua ahumoni**  
**Financial implications**

16. There is a current additional cost of \$17,725 per annum to ensure the total remuneration for the councillor Chair of WRC Holdings is consistent with the remuneration of the chairs of Council Committees. This cost would be met out of 2023/24 budget allocation for WRC Holdings, and will be included in future years' budgets. This remuneration is separate to, and does not affect, the governance remuneration pool for Councillors set by the Remuneration Authority.
17. There are no other financial implications arising from approving the amended Policy.

**Ngā Take e hāngai ana te iwi Māori**  
**Implications for Māori**

18. The updated Policy includes additional emphasis on the importance of directors of COs understanding Council's obligation to Te Tiriti o Waitangi and on their commitment to improving outcomes for mana whenua and Māori.
19. The current Policy already includes the expectation that all director appointments should be able to demonstrate knowledge of tikanga Māori. Additionally, the Policy sets out the importance of diversity in board appointments and this has been strengthened to make clear that this will be considered in all appointments to our COs.

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

20. The matters requiring decision in this report were considered by officers in accordance with the process set out in Greater Wellington Regional Council's *Climate Change Consideration Guide*.
21. The matters addressed in this report are of a procedural nature, and there is no need to conduct climate change assessments.

**Ngā tikanga whakatau**  
**Decision-making process**

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

**Te hiranga**  
**Significance**

23. Officers considered the significance (as defined by Part 6 of the Act) of the matters, taking into account Council's Significance and Engagement Policy and Greater Wellington's Decision-making Guidelines. Officers recommend that the matter is of low significance as it is primarily implementing an administrative change.

**Te whakatūtakitaki**

**Engagement**

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

**Ngā tūāoma e whai ake nei**

**Next steps**

25. If Council adopts the updated Policy, it will become effective from 1 April 2023.

**Ngā āpitihanga**

**Attachments**

Number	Title
1	Draft Policy on the Appointment and Remuneration of Directors of Council Organisations (final version)
2	Draft Policy on the Appointment and Remuneration of Directors of Council Organisations (track changes version)

**Ngā kaiwaitohu**

**Signatory**

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

<p style="text-align: center;"><b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>It is Council's role to approve the Policy under section 57 of the Local Government Act 2002.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The amendments have no known impacts on the Annual Plan or 2021-31 Long Term Plan.</p>
<p><b><i>Internal consultation</i></b></p> <p>The amended policy was prepared through consultation with Council officers and the Nominations Group.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>There are no known risks that arise from the amendments considered in this report.</p>

# **Greater Wellington Regional Council**

## ***Policy on the appointment and remuneration of directors of Council organisations***

**Adopted by Council on 30 March 2023**

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DRAFT

## 1. Purpose

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

- Identification and consideration of the skills, knowledge and experience required of directors of council organisations
- Appointment of directors to council organisations
- Remuneration of directors to council organisations.

## 2. Background

This policy has been determined with reference to:

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

## 3. Definitions

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

The Act also creates two sub-categories of COs:

- A **council-controlled organisation (CCO)** is a CO in which one or more local authorities control 50% or more of the votes or have the right to appoint 50% or more of the directors.
- A **council-controlled trading organisation (CCTO)** is a CCO that operates a trading undertaking for the purpose of making a profit.

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

## 4. Principles

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

- Be objective and transparent, while protecting individual privacy;
- Manage conflicts of interest appropriately;<sup>1</sup>

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<sup>1</sup> Refer to the Auditor-General's *Guidance for members of local authorities about the law on conflicts of interest* (June 2007).

- Take into account the context in which the Council, as a publicly accountable body, must operate; and
- Be made on the basis of skills, knowledge and experience, having regard to the nature and scope of the council organisation activities and the organisation's overall objectives.

## 5. Application of this policy

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

The appointment process elements of this policy do not apply to Greater Wellington elected members appointed to boards as directors by way of Council resolution.

The COs covered by this policy include:

- Wellington Regional Economic Development Agency Ltd (WREDA);
- Wellington Water Ltd (WW);
- WRC Holdings Group of companies;
- Wellington Regional Stadium Trust<sup>2</sup>.

Council owns a majority shareholding in CentrePort Limited (the Port), with the shareholding held in WRC Holdings. The appointment of the directors of CentrePort is governed by the company's constitution and the provisions of the Port Companies Act 1988. Elected members and directors of WRC Holdings Limited will not generally be appointed as directors of CentrePort Limited.

## 6. Tikanga Māori

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

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<sup>2</sup> While Wellington Regional Stadium Trust is not a CO, it is treated as a CO for the purpose of this policy. CIR v Wellington Regional Stadium Trust 6/9/05, CA164/04 provides that the provisions of the Wellington Regional Council (Stadium Empowering) Act 1996 are a self-containing statutory code.

## 7. Role of a director

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

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

The required skills, knowledge and experience required of a CO director will be identified and documented prior to each appointment process commencing, to ensure that the board overall comprises a balance of skills and experience that matches the strategic direction and needs of the CO. There are a number of general core competencies expected of directors which include:

- Governance, senior executive or similar experience
- Sound judgement and decision-making
- Public service ethos
- High standard of personal integrity
- An understanding of Council's obligation to Te Tiriti o Waitangi and a commitment to improving outcomes for mana whenua and Māori
- Good communicator
- Effective team worker and collaborator
- Understanding of the boundaries and roles of governance and management
- Strategic thinking.

## 8. Eligibility

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

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

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

## 9. Diversity and inclusion

Greater Wellington Regional Council values the benefits that diversity brings. Increasing the diversity of our boards is essential to ensuring we have high performing boards bringing together a wide range of experiences and views, and this will be considered in appointments of both elected members and independent directors to our COs.

## 10. Nominations Group and process

The nominations group consists of:

- Council Chair
- Council Deputy Chair
- WRC Holdings Chair (For Holdings related appointments)
- Council's Trustee on the Wellington Regional Stadium Trust (for Trust related appointments)
- Chief Executive
- Lead General Manager.

The group is supported by the Principal Advisor Company Portfolio.

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

The Nominations Group will assess candidates against the agreed selection criteria, conduct any interview process, and make recommendations as to appointment to Council.

### **Suitable Directors Pool**

Council will maintain a pool list of potential directors whose names have been suggested, with the individual's prior consent, by elected members. These potential directors' details are to be kept for consideration of any vacant director or trustee roles that arise.

The potential directors may be assessed against a relevant skills matrix for any vacancy and the nominations group will then consider whether to put any of these people forward for consideration for each available vacancy.

Elected members can propose names for the pool list at any point, but there will be an annual review of the list to ensure it is up to date and accurate.

## 11. Joint appointments

Some of the appointments covered by this policy are made alongside other shareholders or parties. This may lead to alterations to some of the processes in this policy.

The appointment process for WREDA is undertaken in accordance with Wellington City Council's policy, and led by Wellington City Council. GWRC will provide any suitable names to be included in this process and will receive any prospective names for directors at least one month before a decision needs to be taken to enable any feedback to be provided.

The appointment process for Wellington Water is conducted by the Wellington Water Committee.

Appointments to the Wellington Regional Stadium Trust are made jointly by both settlor councils, GWRC and WCC. The two settlor councils in collaboration with the Trust will agree a short-list of candidates for consideration as trustees. The nominations group will support Councils Trustee to lead this process.

## 12. Remuneration

Greater Wellington Regional Council sets the remuneration level for directors at the start of each triennium. The level of remuneration is set by Council taking account of:

- The need to attract and retain appropriately qualified directors
- The level of remuneration paid by comparable organisations in New Zealand
- The nature and scope of the Council Organisation's role including risk, size and time demands.

When considering remuneration levels independent advice on the current market situation will also be sought to support any decision-making.

Elected members are not eligible to receive remuneration for any CO directorships they hold, with the exception that if the Chair of WRC Holdings is a Greater Wellington elected member then they would be eligible to receive a director fee as Chair which brings their total remuneration (across their Councillor and WRC Holdings Chair roles) to be equivalent to the remuneration of a Chair of a Committee established by Greater Wellington<sup>3</sup>. Elected members are eligible to claim mileage or travel allowances in accordance with the current elected members' policy.

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<sup>3</sup> If the Council has established remuneration tiers for its committee chairs, the relevant tier applicable would be the higher tier.

### 13. Term of appointment

A director will normally be appointed for a period of three years. Directors are eligible to offer themselves for re-appointment after the initial three year term if they so wish.

The maximum term for directors is six years. Any term that is greater than six years will be considered by Council on a case-by-case basis.

### 14. Performance evaluation and review

It is our policy that all CO boards undertake performance evaluations and reviews on an annual basis and report these to Council. Any evaluation is expected to include peer review and self-appraisal.

The Office of the Auditor-General has identified <sup>4</sup>the following steps which boards are to follow:

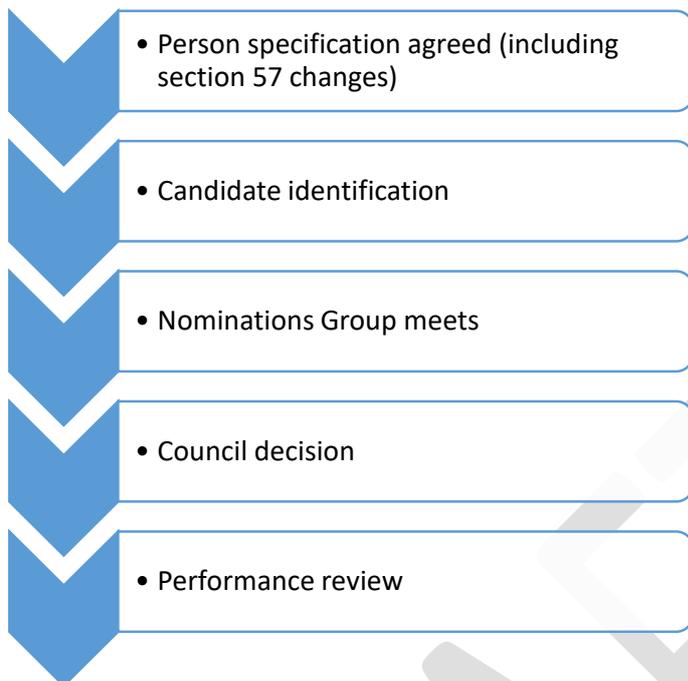
Steps in an *evaluation process* begin with the board assessing its own performance in relation to its key responsibilities. These responsibilities include:

- Communicating with shareholders and meeting their expectations;
- Managing relationships with stakeholders;
- Balancing the mix of skills on the board;
- Strategic planning;
- Discharging legal and ethical obligations;
- Monitoring company performance;
- Maintaining relationships with management; and
- Meeting regularly and ensuring the proper conduct of board meetings.

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<sup>4</sup> Refer to the Auditor-General's *Local Authority Governance of Subsidiary Entities* (2001).

## 15. Process summary



DRAFT

## Greater Wellington Regional Council

### *Policy on the appointment and remuneration of directors of Council organisations*

Adopted by Council on ~~27 February 2020~~

~~Amended February 2021, and October 2021, and 30 March 2023~~

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

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

- Be objective and transparent, while protecting individual privacy;
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<sup>1</sup> Refer to the Auditor-General's *Guidance for members of local authorities about the law on conflicts of interest* (June 2007).

- Take into account the context in which the Council, as a publicly accountable body, must operate; and
- Be made on the basis of skills, knowledge and experience, having regard to the nature and scope of the council organisation activities and the organisation's overall objectives.

## 5. Application of this policy

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

The appointment process elements of this policy do not apply to Greater Wellington Where elected members are appointed to boards as directors by way of Council resolution in an ex-officio capacity then this policy is not applicable but they are appointed by council resolution on recommendation from the Chair of Council.

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

The COs covered by this policy include:

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- Wellington Water Ltd (WW);
- WRC Holdings Group of companies;
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Council owns a majority shareholding in CentrePort Limited (the Port), with the shareholding held in WRC Holdings. The appointment of the directors of ~~the CentrePort~~ is governed by the company's<sup>2</sup> constitution and the provisions of the Port Companies Act 1988. Elected members and directors of WRC Holdings Limited will not generally be appointed as directors of CentrePort Limited.

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- Lead General Manager.

The group is supported by the Principal Advisor Company Portfolio ~~Manager~~.

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The maximum term for directors is six years. Any term that is greater than six years will be considered by Council on a case-by-case basis.

### 14. Performance evaluation and review

It is our policy that all CO boards undertake performance evaluations and reviews on an annual basis and report these to Council. Any evaluation is expected to include peer review and self-appraisal.

The Office of the Auditor-General has identified <sup>4</sup>the following steps which boards are to follow:

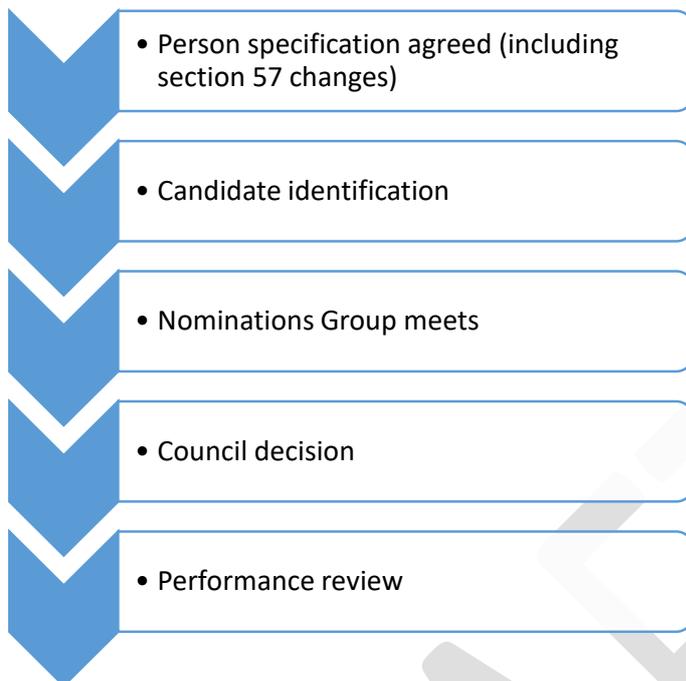
Steps in an *evaluation process* begin with the board assessing its own performance in relation to its key responsibilities. These responsibilities include:

- Communicating with shareholders and meeting their expectations;
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- Balancing the mix of skills on the board;
- Strategic planning;
- Discharging legal and ethical obligations;
- Monitoring company performance;
- Maintaining relationships with management; and
- Meeting regularly and ensuring the proper conduct of board meetings.

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<sup>4</sup> Refer to the Auditor-General's *Local Authority Governance of Subsidiary Entities* (2001).

## 15. Process summary



DRAFT

Council  
30 March 2023  
Report 23.108



For Decision

## WRC HOLDINGS - DRAFT STATEMENT OF INTENT 2024

### Te take mō te pūrongo

#### Purpose

1. To advise Council of the draft WRC Holdings Statement of Intent 2024 and seek further any further comment and feedback.

### He tūtohu

#### Recommendations

That Council

- 1 **Receives** the draft Statement of Intent from WRC Holdings.
- 2 **Provides** any further comment and feedback to be considered for the final Statement of Intent.
- 3 **Delegates** to the Chair to finalise a letter to the Chair of WRC Holdings with any comments and feedback to be considered for the final Statement of Intent.

### Te horopaki

#### Context

2. The Local Government Act 2002 (the Act) Schedule 8, Part 1 requires the board of a council-controlled organisation to deliver a draft statement of intent to its shareholders on or before 1 March in the year preceding the financial year to which the draft statement of intent relates.
3. The board must consider any comments on the draft made by the shareholders on or before 1 May. The board must then deliver a completed statement of intent to the shareholders before the commencement of the financial year to which it relates.
4. The WRC Holdings draft Statement of Intent (SOI) was delivered to the shareholder (Council) on 1 March 2023 and is attached (**Attachment 1**).
5. Council issued a Statement of Expectations in December 2022 outlining several areas it wished WRC Holdings to address in its SOI. This letter is included within the draft SOI.

## **Te tātaritanga Analysis**

6. While the WRC Holdings SOI does include and incorporate the performance of CentrePort at a group level, the focus and intent of the SOI are the matters of strategic importance to WRC Holdings and Greater Wellington Rail Limited (GWRL). CentrePort has produced a draft Statement of Corporate Intent which the board of WRC Holdings has considered and will provide feedback to CentrePort on by 1 May 2022.
7. All expectations set out in the Statement of Expectations sent from Council to WRC Holdings on 19 December 2022 have been addressed in the draft WRC Holdings SOI.
8. The draft SOI also highlights some additional areas of focus for WRC Holdings and GWRL, including:
  - maintaining oversight and awareness of the potential expansion of the asset portfolio (this includes the new fleet of trains from the Lower North Island Rail Integrated Mobility Business Case, and potentially other critical bus related infrastructure, i.e. Bus Depots);
  - providing advice, as appropriate, to Council on any new public transport assets from a holding company perspective; and
  - building an understanding of the extent of changes required for GWRL Assets during the development of the Council's Accessibility Action Plan and, in the interim, continuing to ensure that accessibility is at the heart of decision making.
9. The draft SOI includes new non-financial performance measures that are appropriate for a holding company. These performance measures are set out in the table on pages 12-13 of the draft SOI.
10. The draft SOI has a placeholder in place for the financial projections and will be updated at the final SOI stage.
11. The content of the draft SOI was previously presented to a Council briefing on 9 March 2023.

## **Ngā hua ahumoni Financial implications**

12. The financial implications of delivering activities in accordance with the SOI are in line with Council's 2021-31 Long Term Plan. There are no financial implications to this report.

## **Ngā Take e hāngai ana te iwi Māori Implications for Māori**

13. The Statement of Expectations sent from Council to WRC Holdings sets out the expectation that WRC Holdings will work to give effect to Te Whāriki, the Māori Outcomes Framework. The draft SOI has addressed this expectation.

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

14. Reporting on progress towards net zero carbon emissions, with a particular onus on CentrePort activity, continues to be a focus for WRC Holdings in the draft SOI.
15. 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*.
16. The matters addressed in this report are of a procedural nature, and there is no need to conduct climate change assessments.

**Ngā tikanga whakataua**  
**Decision-making process**

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

**Te hiranga**  
**Significance**

18. Officers considered the significance of the matter, taking into account Council's Significance and Engagement Policy and Greater Wellington's Decision-making guidelines. Officers recommend that the matter is of low significance due to its administrative nature.

**Te whakatūtakitaki**  
**Engagement**

19. Given the low significance of this matter, no engagement was undertaken.

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

20. Any additional feedback from Council will be submitted to WRC Holdings to allow them to address these in the final SOI.

**Ngā āpitihanga**  
**Attachment**

Number	Title
1	WRC Holdings draft Statement of Intent 2024

**Ngā kaiwaitohu**  
**Signatories**

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

<p style="text-align: center;"><b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>It is Council's responsibility under the Act to review the draft Statement of Intent.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The performance measures and plans are in line with Council's 2021-31 Long Term Plan and Asset Management Plans.</p>
<p><b><i>Internal consultation</i></b></p> <p>Various Council officers have contributed to this document across the relevant services.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>There are no risks to considering the draft SOI.</p>

**WRC**  
holdings group

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greater wellington rail ltd  
wrc holdings ltd

**Statement of Intent**  
**WRC HOLDINGS**  
**For the year ending 30 June 2024**

DRAFT

## 1. Introduction

WRC Holdings (Holdings) is a Council-Controlled Trading Organisation owned by Greater Wellington Regional Council (Council). It was established to manage Council's commercial investments.

This Statement of Intent (SOI) for 2023/24 to 2025/26 is prepared in accordance with Section 64 and Schedule 8 of the Local Government Act 2002.

The SOI sets out the performance measures, targets, objectives, and activities of Holdings and forms a major part of the companies' accountability relationship with its shareholder, Greater Wellington Regional Council (Council).

Council issued a Statement of Expectations to Holdings in December 2022 as prescribed in section 64b of the Local Government Act 2002. This statement has been considered when completing the SOI.

The group SOI includes information for Greater Wellington Rail Limited (GWRL).

## 2. Objectives of the Group

The primary objective of Holdings is to support Council's strategic priorities and operate a successful, sustainable, and responsible business while managing its assets prudently. This is achieved by separating Council's investment and commercial assets from its public good assets.

The core role of Holdings is to impose commercial discipline on the Group's activities and generate a commercial rate of return (where appropriate) and manage within agreed levels of debt to equity.

In relation to GWRL, the key objectives are to prudently manage and maintain the rail rolling stock and rail infrastructure (GWRL's Rail Assets) through a management service agreement entered into with the Regional Council, providing for asset management, accounting, advisory, secretarial and general administration services. In particular, making sure that:

- the Council as its appointed agent carries out all services and activities, in relation to the GWRL's Rail Assets, that are reasonably necessary to enable the Council to provide

quality rail services to the public in accordance with the contractual obligations entered into with the then current rail operator of the rail services and maintenance provider of GWRL's Rail Assets;

- GWRL complies with its responsibilities as a rail participant under the Railways Act 2005, the current health and safety legislation and any other legislation affecting the GWRL's Rail Assets and operations; and
- GWRC develops and maintains a systematic approach for the long-term management of GWRL's public transport rail assets in a manner consistent with industry best practice.

### 3. Statement of Strategic Intent for CentrePort

In responding to the challenge of the port regeneration and developing responses to the governance of the group, Holdings created a Statement of Strategic Intent with regards to CentrePort. This was developed in late 2019 and provides five key strategic elements for Holdings when considering the activity and performance of the port.

Objective area	Intent
Strategic	Secure Port Development As Enabler of Regional Economic Growth
Strategic	Strategic Asset to Promote Community Benefits
Financial	Optimise Return on Council Capital
Financial	Secure Capital for Port Investment and Future Growth
Strategic	Deliver Open Access to Service Operations to all Port Users and Other Stakeholders

### 4. Governance

Holdings is governed by a board of seven directors all of whom are appointed by the shareholder. Council has a policy on the appointment and remuneration of directors as specified in Section 57 of the Local Government Act 2002. All director remuneration is set by Council. Holdings provides directors and officer's liability insurance cover at its own expense.

Holdings provides a structure that allows independent external directors with commercial backgrounds to provide advice and expertise at the governance level. The current directors of Holdings / GWRL are:

Director	Appointed	Current term expiry
Chris Kirk-Burnnand (Chair)	November 2019	December 2025
David Bassett	November 2022	December 2025
David Lee	November 2022	December 2025
Thomas Nash	November 2022	December 2025
Nick Leggett *	October 2017	December 2023
Helen Mexted*	June 2019	June 2023
Nancy Ward *	June 2019	June 2023

\*Independent Directors

The Holdings Board meets regularly to conduct the business of the organisation. Holdings reports on its activities to the shareholder through quarterly reports, annual reports and through the SOI process. The Holdings structure is illustrated in Figure 1.

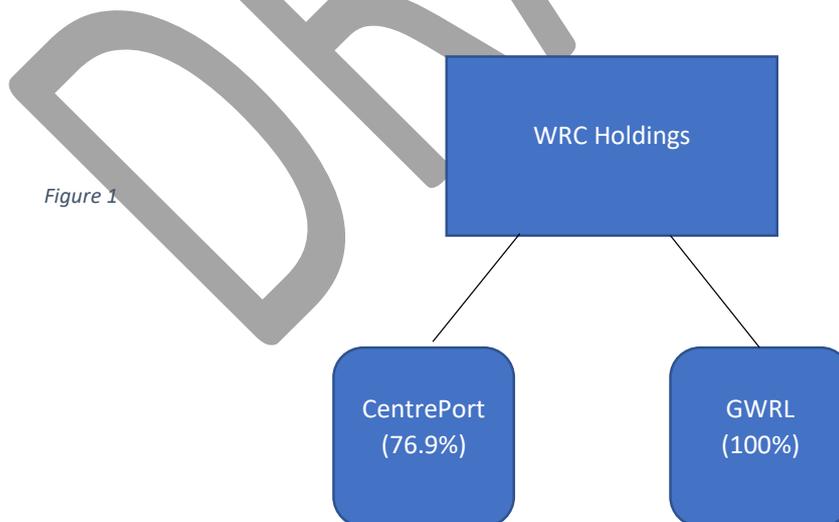


Figure 1

#### a. Greater Wellington Rail Limited

Council approves the directors of GWRL, who are appointed by special resolution of Holdings. Holdings and Council share the same directors.

#### b. CentrePort Limited

Holdings own 76.9% of the shareholding in CentrePort Limited. The remaining shareholding is held by MWRH Limited.

All CentrePort directors are independent and external of Council. CentrePort directors are appointed in accordance with the Port Companies Act 1988 and the company constitution.

### 5. Health, Safety and Wellbeing

#### **GWRL**

The Holdings board takes an active interest in the ongoing maintenance program for the stewardship of railway assets including rolling stock maintenance and station asset safety. These form regular reporting items and performance measures, in addition to board activities and site visits.

#### **CentrePort**

As a major employer in the Wellington region, CentrePort continues to focus on the identification and effective management of critical risk and reducing serious harm. A culture of engagement around Health, Safety and Wellbeing is created through active worker consultation and participation in Health, Safety and Wellbeing matters. Specific wellbeing initiatives are delivered and are detailed in CentrePort's own Statement of Corporate Intent.

The Holdings board takes an active and engaged role in the health and safety of employees and customers at all its sites and operations and has an annual health and safety work program.

## 6. Slope Remediation

Slopes on the Wellington Metro Rail Network are owned and maintained by KiwiRail. GWRL are aware of ongoing issues with slope stability across the network and the potential damage to GWRL rolling stock that may result from trains hitting slips. This also creates health and safety risks for passenger and crew, and service continuity risk (rolling stock availability).

The GWRL Board has requested that they work with Council to ensure concentrated pressure be applied for increased funding for slope remediation under the Wellington Metro upgrade agreement, so this risk is mitigated as far as reasonably practicable. GWRL will continue to work with Council and others on this issue.

## 7. Reporting Framework

The Holdings Board will provide quarterly reports to Council, which will include reporting against the performance measures, a summary of the activities and a strategic overview of the coming quarter for the board.

In addition, the board will provide statutory reporting including the delivery of a half-yearly report by 28 February 2024, an annual report for the year by 30 September 2024 and a draft Statement of Intent by 01 March 2024.

The board will continue to report on matters that arise outside of these reporting timeframes on a no-surprises basis.

## 8. Relationship with Mana Whenua

As well as complimenting cultural awareness through the organisations that we hold shareholdings in, including cultural competency and te reo Māori training, the Holdings board will continue to look for opportunities to deliver on Te Whāriki - the Māori Outcomes Framework. The Holdings Board acknowledges these opportunities are limited given its narrow role as an asset owner but will continue to pursue and develop opportunities as they arise.

## 9. Carbon Neutrality

CentrePort has a target of net zero emissions by 2040, with a 30% reduction in emissions from 2019 to 2030. There are ongoing investments into low carbon vehicles and plant with ongoing work to embed the zero emissions target into the regeneration plans. Holdings commits to reporting on the progress towards net zero to Council over the 2023/2024 reporting year.

The delivery of Rail Passenger Services is focused on improving customer satisfaction, leading to driving mode shift from private motor vehicle to Public Transport, and hence reducing overall transport emissions for the region. New procurement of rolling stock will seek low or zero emission vehicles to minimise emissions.

### GWRL

## 10. Nature and Scope of Activities

GWRL is responsible for asset management, procurement, and stewardship through a management contract with Council. Operational delivery of the service is the responsibility of Council via a long-term performance-based contract with Transdev Wellington.

GWRL owns the investment on metro rail assets. These include the following rolling stock and infrastructure assets:

### **Rolling Stock**

- 18 SW Carriages
- 6 SE Carriages
- 1 AG Luggage Van
- 2 Remote controlled electric Shunt crabs
- 83 2 Car Matangi units
- 1 Matangi driving simulator.

**Infrastructure Assets**

Thorndon electric multiple unit (EMU) depot and EMU train wash Metro wheel lathe and building

48 Railway stations

14 Pedestrian over-bridges

11 Pedestrian underpasses

A range of carparks, station improvements and ancillary rail related assets.

<u>Key Activities &amp; Initiatives</u>	
<b>Maintenance</b>	Deliver train maintenance services, within approved budgets, through an operations and maintenance contract, while ensuring that train condition and performance is maintained, to deliver required level of service, throughout the assets life.
	Deliver rail station infrastructure cleaning and maintenance, within approved budgets, through various contracts ensuring asset are able to deliver the required level of service throughout the assets life.
<b>Renewal</b>	Deliver rolling stock heavy maintenance renewals, within approved budgets, through an operations and maintenance contract, while ensuring that train availability and reliability targets are met.
	Deliver rail infrastructure asset renewals and like-for-like replacement and improvement programme, to ensure asset condition and performance, are able to deliver the required level of service throughout the assets life.
<b>Seismic Strengthening</b>	Undertake seismic strengthening works on a number of earthquake prone subways, and station buildings, in accordance with the multi-year programme to ensure all structures have at least 67% seismic strength of the New Building Standard.
<b>Additional Assets</b>	Maintain oversight and awareness of potential expanding asset portfolio. Particularly the new fleet of trains from the Lower North Island Rail Integrated Mobility (LNIRIM) Business Case, and potentially other critical bus related infrastructure (i.e. Bus Depots).
<b>Accessibility</b>	Develop understanding of the extent of changes required for GWRL Assets during the development of the Council’s Accessibility Action Plan. In the interim, continue to ensure that accessibility is at the heart of decision making.

## 11. Non-financial performance targets

Operational performance targets for GWRL are set within the context of the strategic targets and objectives of GWRC's Long Term Plan 2021-2031 and associated GWRL Asset Management Plan.

Level of Service	Current	2023/24 Target	Target (by end of 2021-31 LTP)
<b>CUSTOMER SATISFACTION WITH RAIL ASSETS</b>			
Percentage of passengers who are satisfied with their current trip	96%	≥93%	≥93%
Percentage of customers who are satisfied with the condition of the station	93%	94%	≥96%
Percentage of customers who are satisfied with the inside temperature of vehicles	95%	≥93%	≥93%
Percentage of passengers who are satisfied with the condition of the vehicle fleet	97%	94%	≥96%
Percentage of passengers who are satisfied with overall station	96%	≥92%	≥92%
Percentage of passengers who are satisfied with the cleanliness of the station	92%	≥91%	≥92%
Percentage of passengers who are satisfied with provision of shelter from weather at shelter/station	85%	≥84%	≥85%
Percentage of customers who are satisfied with their personal safety at station	93%	≥93%	≥95%
Percentage of passengers who are satisfied with information about service delays or disruptions	67%	≥73%	≥75%
<b>ROLLING STOCK - ASSET MANAGEMENT</b>			
Matangi - Mean distance between failure	50,262	≥40,000km	≥40,000km
Carriage - Mean distance between failure	73,352	≥80,000km	≥80,000km

Level of Service	Current	2023/24 Target
<b>RAIL FIXED ASSET - ASSET MANAGEMENT</b>		
Percentage of pedestrian bridges and subways which meet at least 67% of NBS earthquake rating	75%	100%
Percentage of stations with CCTV coverage	96%	96%
<b>Average condition grade of:</b>		
Station buildings and shelters:	1.5	≤2.5
Structures (pedestrian subways & bridges):	2.4	≤2.5
Park & Ride:	2.1	≤2.5
<b>Percentage of assets in condition grade 4 (Poor) or worse</b>		
Station buildings and shelters:	2.3%	≤5%
Structures (pedestrian subways & bridges):	5.4%	≤8%
Park & Ride:	4.8%	≤8%

## 12. Financial information

### Definition of Terms:

- Shareholders' Funds (or equity) is defined as the total issued capital plus the balance of undistributed profits and capital reserves
- Total Assets are defined as all the recorded current and non-current assets of the Group at their current value as determined by the Group's Accounting Policies.

#### a. Shareholders' Funds to Assets

#### b. Prospective statement of comprehensive income

#### c. Prospective statement of financial position

d. Prospective statement of changes in equity

e. Prospective statement of cash flow

f. Financial Statements commentary

g. Performance targets

h. Statement of Accounting Policies

The financial statements are presented in accordance with the requirements of the Companies Act 1993, the Financial Reporting Act 1993 and the Local Government Act 2002 and New Zealand Generally Accepted Accounting Practices (NZ GAAP).

These prospective financial statements are presented in accordance with Tier 1 PBE Accounting Standards and comply with PBE Standards.

The detailed accounting policies are available in our most recent annual report as published on Greater Wellington Regional Council website.

i. Assumptions in preparing the prospective financial statements

## WRC Holdings

### 13. Nature and Scope of Activities

WRC Holdings is the holding company for investment in GWRL and CentrePort.

CentrePort produces a Statement of Corporate Intent as required by the Port Companies Act 1988. CentrePort's activities include the ownership and operation of port infrastructure, shipping and logistical services and operational services related to the port facility. WRC Holdings monitors the performance of CentrePort through regular reporting and presentations, and has issued its own Statement of Expectations to CentrePort for the 2023-2024 year. Operational performance measures for CentrePort are set out in CentrePort's Statement of Corporate Intent, which are published on CentrePort's website.

Key activities for WRC Holdings in the 2023-2024 year include:

- progressing the investigation of strategic and ownership options for CentrePort and reporting back to Council on this
- an increased focus on maximising financial returns to the Council
- providing advice, as appropriate, to Council on any new public transport assets from a holding company perspective
- supporting, as appropriate, the implementation of the Regional Economic Development Plan and Let's Get Wellington Moving.

### 14. Non-financial performance targets

Objective	Activity	Target
Support Council's strategic priorities	Review and approve WRC Holdings Group Statement of Intent (SOI) for consistency with Council's strategic direction	<ul style="list-style-type: none"> <li>• Review draft Holdings SOI by 1 March each year</li> <li>• Approve Holdings SOI by 30 June each year</li> </ul>
	Review and provide comments on the draft CentrePort Statement of Corporate Intent (SCI) to ensure consistency with Council's strategic direction	<ul style="list-style-type: none"> <li>• Review draft SCI and provide comments by 1 May each year</li> </ul>
	Set expectations through annual Statement of Expectation letter to CentrePort	<ul style="list-style-type: none"> <li>• Send Statement of Expectations to CentrePort by 31 December each year</li> </ul>
	Consult with the shareholder in a timely manner on Holdings Group	<ul style="list-style-type: none"> <li>• All such matters escalated to the Council in a timely manner</li> </ul>

## Attachment 1 to Report 23.108

	strategic or operational matters which could compromise the Council's community outcomes	<ul style="list-style-type: none"> <li>Holdings to provide briefings to Councillors on matters of significance as required</li> </ul>
	Substantive matters, including those likely to generate media coverage, are reported to Council	<ul style="list-style-type: none"> <li>Matters of this nature should be reported to Council by the Holdings Board as soon as practicable</li> </ul>
Operate a successful, sustainable, and responsible business	Monitor performance of WRC Holdings Group companies to ensure financial returns are optimised	<ul style="list-style-type: none"> <li>WRC Holdings Board monitor Holdings Group companies' progress against their SOI targets quarterly</li> <li>WRC Holdings receives a quarterly report from CentrePort on its financial and non-financial performance</li> </ul>
Prudently manage and maintain the rail rolling stock and rail infrastructure (GWRL's Rail Assets)	Monitor the management of rail assets and risk to ensure GWRL's assets are fit-for-purpose	<ul style="list-style-type: none"> <li>WRC Holdings Board review quarterly risk reporting for GWRL</li> <li>WRC Holdings Board receives the GWRL Business Plan by 30 June each year</li> <li>WRC Holdings Board receives the GWRL Asset Management Plan by 30 September each year</li> </ul>

## 15. Financial information

### Definition of Terms:

- Shareholders' Funds (or equity) is defined as the total issued capital plus the balance of undistributed profits and capital reserves less any minority interests of the parent company, CentrePort Limited and its subsidiaries ("Group")
- Total Assets are defined as all the recorded current and non-current assets of the Group at their current value as determined by the Group's Accounting Policies.

#### a. Shareholder Funds to Assets

#### b. Prospective statement of comprehensive income

c. Prospective statement of financial position

d. Prospective statement of changes in equity

e. Prospective statement of cash flow

f. Financial Statements commentary

g. Financial Performance targets

- a) Consolidated shareholder funds are defined as the amount of paid up capital, plus retained earnings of the Group, less any non- controlling interest, utilising the average of the opening and closing balance.
- b) Total assets are defined as all of the recorded current and non-current assets of the Group at their average value, as determined in the Group's statement of accounting policies in the most recent financial statements.
- c) Return on Shareholder's equity is calculated using net profit after tax while return on total assets is calculated using earnings before interest and tax.

h. Statement of Accounting Policies

The financial statements are presented in accordance with the requirements of the Companies Act 1993, the Financial Reporting Act 1993 and the Local Government Act 2002 and New Zealand Generally Accepted Accounting Practices (NZ GAAP).

These prospective financial statements are presented in accordance with Tier 1 PBE Accounting Standards and comply with PBE Standards.

The detailed accounting policies are available in our most recent annual report as published on Greater Wellington Regional Council website.

i. Assumptions in preparing the prospective financial statements

## 16. Attachment – Statement of Expectations from Council December 2022

19 December 2022

Chris Kirk-Burnnand  
Chair, WRC Holdings Limited  
[chris.kb@gw.govt.nz](mailto:chris.kb@gw.govt.nz)

Dear Chris

### **WRC Holdings Limited - Statement of Expectations 2023/24**

This letter sets out a statement of our expectations, as the shareholder in WRC Holdings Limited (WRCHL), as you begin drafting the Statement of Intent (SOI) for 2023/24 to 2025/26. Our statement of expectations, as prescribed in section 64B of the Local Government Act, specifies the relationship we expect to have with you over the period and our general expectations of the Holdings group.

The draft SOI is due to Council by 1 March 2023. We will then consider this document and provide feedback by 1 May 2023 to allow the document to be finalised before 30 June 2023.

In addition to our existing and enduring expectations that include meeting best practice governance standards, a 'no surprises' policy, legislative compliance, a focus on health and safety, and robust processes at a governance level to identify and manage risks, we have set out our specific expectations for the SOI for 2023/24 to 2025/26.

### **Long Term Plan 2021-31**

Council has adopted a Long Term Plan which includes four strategic priorities. These should also act as a guide for the Holdings group in developing its SOI. These are:

- Responding to the climate emergency
- Improving outcomes for mana whenua and Māori
- Adapting and responding to the impacts of COVID-19
- Aligning with Government direction

### **Mana whenua**

Te Whāriki, the Māori Outcomes Framework looks to proactively engage mana whenua in decision making, and incorporate te ao Māori and mātauranga Māori perspectives, so we can achieve the best outcomes for Māori across all aspects of our region. We are supportive of these overarching principles being reflected throughout our company and investment portfolio and reflected in performance measures.

### **Financial considerations**

The Long Term Plan also anticipates a continued revenue stream from dividend payments and these need to continue to be factored into the SOI.

We also ask that WRCHL work together with Council to look into the possibility of using subvention payments in the 2023/24 year.

### **Performance reporting**

We expect that WRCHL will review and strengthen its performance measures in its 2023/24 SOI.

Council will require quarterly reports from WRCHL to ensure we have a good understanding of performance against the SOI. These reports should also focus on strategic issues facing the Holdings group and how these are being managed.

### **Strategic Ownership Objectives**

WRCHL own a significant portion of investment on behalf of Council. The Holdings Board have previously considered their ownership and strategic objectives and we wish for further work in this area to be undertaken. It is important that the Council and Holdings companies' strategic objectives align. We would like WRCHL to investigate options in this area, consult and report back to Council during the 2023/24 year.

### **Health and Safety**

The health, safety and wellbeing of our workforce and residents are key issues for Council as shareholder. We would like to see continued clarity that the Holdings group is aware of and managing its key critical risks, and that any assurance needed from other parties is satisfactory. Health and safety should remain a key focus of the board work programme.

### **Regional Economic Development Plan**

Where appropriate, Holdings should look to support and align to Councils regional projects, including the implementation of the Regional Economic Development Plan.

### **Let's Get Wellington Moving**

Mass Rapid Transit will provide higher-quality public transport and more reliable travel choices. Please work with stakeholders to support the work underway to progress Let's Get Wellington Moving.

If you have any need for clarification on the above matters, then please feel free to contact me at the soonest opportunity.

In accordance with section 64B of the Local Government Act 2002, this letter will be published on Greater Wellington's website.

We look forward to receiving your draft SOI by 1 March 2023.

Yours sincerely

Daran Ponter

**Chair - Wellington Regional Council**

[Daran.Ponter@gw.govt.nz](mailto:Daran.Ponter@gw.govt.nz)

Council  
30 March 2023  
Report 23.116



For Decision

## WRC Holdings – directors’ fees

### Te take mō te pūrongo

#### Purpose

1. To seek Council’s approval of a change to the external directors’ fee for WRC Holdings.

### He tūtohu

#### Recommendations

That Council:

- 1 **Approves** *either*
  - a Option One – Increase the external directors’ fee for WRC Holdings from \$25,000 to \$40,000 per annum (paragraph 16) from 1 January 2024 [Preferred] *or*
  - b Option Two - Increase the external directors’ fee for WRC Holdings from \$25,000 to \$32,000 per annum (paragraph 17) from 1 January 2024 *or*
  - c Option Three - Keep the external directors’ fee for WRC Holdings at \$25,000 per annum (paragraph 18) [No change].
- 2 **Notes** that should Council, at any time, decide to appoint an independent Chair, then a recommendation on the independent Chair’s remuneration would be made at the time the appointment is being considered.

### Te tāhū kōrero

#### Background

2. Council sets the fee for external directors of WRC Holdings. No fee is paid to Greater Wellington elected members who are appointed as directors, however it has been recommended in a separate report (Report 23.113) that section 12 of the “Policy on the appointment and remuneration of directors of council organisations” be updated to provide an exception to this if the Chair of WRC Holdings is a Greater Wellington elected member. In that case, the Chair of WRC Holdings would be eligible to receive a director fee, paid from the WRC Holdings budget, which when combined with their Councillor remuneration, would bring their total remuneration to the same as the upper tier of Committee Chair remuneration.
3. All directors are entitled to claim travelling expenses (mileage and parking) based on the rates applicable to Councillors.

4. There are currently three external directors of WRC Holdings, with four Councillors serving as directors (including one as the Chair). External directors currently receive a fee of \$25,000 per annum, a figure that has remained the same since February 2020. If WRC Holdings had an independent Chair, Council has previously agreed this person would receive \$45,000 per annum. If at some point in future an external chair is appointed, then consideration will be given to the appropriate fee at that time.
5. Council reviews the level of fees paid to directors each triennium, taking external advice and considering the:
  - a Need to attract and retain appropriately qualified directors
  - b Nature of activities undertaken by each of the council-controlled organisations (CCOs)
  - c Extent of input expected from external directors.
6. In addition, liability insurance is provided for all directors at WRC Holdings' cost.

### **Te tātaritanga Analysis**

7. Greater Wellington commissioned a Directors' Fees Benchmarking Review from the Institute of Directors (IOD) in August 2022 (**Attachment 1** – circulated separately).
8. This review shows our current WRC Holdings directors' fee is below the lower quartile of comparator organisations.
9. The IOD recommends a benchmark fee for independent directors of WRC Holdings of \$40,000 to \$45,000 per annum per annum, and \$60,000 to \$65,000 per annum for an independent Chair.
10. In determining an appropriate fee, consideration also needs to be given to the element of public service included in these roles, the relative size, scale and complexity of the companies. There is also an expectation that workloads and demands made on individual WRC Holdings directors will increase from late 2023 onwards. The increased workloads reflect the objectives set out in the WRC Holdings draft Statement of Intent for 2023-2024, including:
  - an increased focus on maximising financial returns to Council
  - the work on strategic ownership options
  - the expectation that WRC Holdings will receive significant new public transport assets in addition to the existing GWRL assets in the near future.
11. Attracting and retaining appropriately skilled candidates is a key consideration in determining the appropriate fee. In addition to the general governance competencies required, the following more specific skillsets have been identified as key to the success of the Board's expected work programme:
  - Chartered Accountant (experience at Chief Financial Officer level), with good audit, risk or assurance experience
  - Strong corporate finance background and commercial strategy experience

- Transport/rail asset management experience (management and governance levels)
  - Legal experience
  - Infrastructure background
  - Project management skills.
12. Attracting candidates from diverse backgrounds is also a key consideration in setting an appropriate fee. As noted in the “Policy on the appointment and remuneration of directors of council organisations”, increasing the diversity of our boards is essential to ensuring we have high performing boards. The recruitment process will seek candidates with diverse backgrounds, including those from a Māori business background, to bring together a wide range of experiences and views on the WRC Holdings Board.
13. Having regard to these considerations, we recommend that fees be increased to the lower end of the range contained in the IOD report and that the fee for each external director be set at \$40,000 per annum for external directors. Should the Council at any time decide to appoint an independent Chair, then a recommendation on the Chair’s remuneration would be made at the time that the appointment is being considered.
14. This option would provide for an uplift in fees so that the fees do not get too far behind the wider market, reflect the expectation of increased workloads and demands on directors, and assist in attracting strong candidates with the right skills and diverse backgrounds.
15. If Council approves a fee increase, it is recommended that this should become effective from 1 January 2024 to reflect the expected increase in workloads and demands of directors from late 2023 onwards.

## **Nga kōwhiringa**

### **Options**

#### ***Option One – Increase the external directors’ fee from \$25,000 to \$40,000 [Preferred]***

16. This option would provide for an uplift in fees, so that these do not get too far behind the wider market but does not create an unaffordable or unrealistic fee level. Officers recommend Option One as a way of maintaining some parity with the wider market to assist in attracting and retaining strong candidates with the right skills.

#### ***Option Two – Increase the external directors’ fee from \$25,000 to \$32,000***

17. This option would provide for a lower uplift in fees and still may assist in attracting and retaining candidates with the right skills. As the current fees are already lower than market levels, the fee gap between current and benchmark fees will widen again over time.

#### ***Option Three – Keep the external directors’ fee at \$25,000 [No change]***

18. This option would potentially make the fee structure less attractive and reduce the quality of applicants in appointment rounds.

## **Ngā hua ahumoni**

### **Financial implications**

19. The proposed fee levels can be met out of 2023/24 budget allocation for WRC Holdings, and would be included in future years' budgets.

## **Ngā Take e hāngai ana te iwi Māori**

### **Implications for Māori**

20. Attracting candidates from diverse backgrounds is a key consideration in setting an appropriate fee. The recruitment process will seek candidates with diverse backgrounds, including those from a Māori business background, to bring together a wide range of experiences and views on the WRC Holdings Board.
21. Since the establishment of the Waitangi Tribunal in 1975, a number of Māori organisations have taken control of assets as part of the compensation and redress process. Now, the Māori economy is estimated to be valued at around \$68bn, and is composed of a mixture of Māori authorities such as whānau trusts, hapū and iwi organisations, as well as Māori self-employed and SMEs.
22. Māori authorities are also growing at a faster rate than New Zealand businesses overall. The number of people employed by Māori authorities increased 25% over the last five years, compared with a 13% increase for all New Zealand businesses. This growth is a signpost of the huge growth of the Māori economy over the last decade with many pointing to the strength of tikanga as a causal factor. But it's important that Māori governance and leadership extends beyond these specific Māori spaces and that more organisations are able to confidently straddle both te ao Pākehā and te ao Māori.

## **Te huritao ki te huringa o te āhuarangi**

### **Consideration of climate change**

23. 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*.
24. The matters requiring decision in this report are of a procedural nature, and there is no need to conduct climate change assessments.

## **Ngā tikanga whakatau**

### **Decision-making process**

25. Section 57 of the Local Government Act 2002 requires Council to have a policy that sets out the appointment and remuneration of directors of a council organisation. This report follows the remuneration review process in Council's "Policy on the appointment and remuneration of directors of council organisations".

## **Te hiranga**

### **Significance**

26. Officers considered the significance (as defined by Part 6 of the Act) of the matters, taking into account Council's Significance and Engagement Policy and Greater Wellington's

Decision-making Guidelines. Officers recommend that the matter is of low significance as it is primarily implementing an administrative change.

**Te whakatūtakitaki  
Engagement**

27. External engagement was undertaken with the Institute of Directors.

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

28. If Council approves the proposed fee increase, then it will become effective from 1 January 2024.

**Ngā āpitihanga  
Attachment**

Number	Title
1 (circulated separately)	Institute of Directors - Directors' Fees Benchmarking Review (September 2022)

**Ngā kaiwaitohu  
Signatory**

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

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Council's "Policy on the appointment and remuneration of directors of council organisations" provides for Council's role in this matter.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The recommendations and advice process are in line with Council's "Policy on the appointment and remuneration of directors of council organisations".
<b><i>Internal consultation</i></b> There was internal consultation on this report including a Council workshop and discussion within the Strategy and Corporate Services departments.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no risks arising from the matters for decision in this report.

Council  
30 March 2023  
Report 23.92



For Decision

## CHANGES TO COUNCIL'S DELEGATIONS OF POWERS, FUNCTIONS AND RESPONSIBILITIES – MAY 2023

Te take mō te pūrongo

### Purpose

1. To advise Council on proposed changes to its delegation of powers, functions and responsibilities under the Resource Management Act 1991 (the RMA) and the Local Government (Rating) Act 2002.

He tūtohu

### Recommendations

That Council:

1. **Notes** Greater Wellington's changes to staff position titles arising from the creation of the Rōpū Taiao Environment Group and the updating of management position titles, both of which take effect from 22 May 2023.
2. **Revokes**, with effect from 22 May 2023, the delegations made by Council under the Resource Management Act 1991, on:
  - a. 24 May 2017 to the Chief Executive and General Manager Environment Management to appoint hearings commissioners (Attachment 1)
  - b. 24 May 2017 to a commissioner or panel of commissioners to determine a particular matter (Attachment 1)
  - c. 30 June 2021 to specified officers (Attachment 2).
3. **Delegates**, with effect from 22 May 2023, its powers, duties and responsibilities under the Resource Management Act 1991, except those powers not capable of delegation or retained explicitly by Council, to:
  - a. The Chief Executive and Group Manager Environment to appoint hearings commissioners (Attachment 3)
  - b. A commissioner or panel of commissioners to determine a particular matter (Attachment 3)
  - c. Specified officers (Attachment 4).
4. **Revokes**, with effect from 22 May 2023, the delegation made by Council on 30 June 2022 to specified officers under the Local Government (Rating) Act 2002 (Attachment 5).

- 5 **Delegates**, with effect from 22 May 2023, its powers, duties and responsibilities under the Local Government (Rating) Act 2002 to specified officers, except those powers not capable of delegation or retained explicitly by Council (Attachment 6).

## **Te horopaki**

### **Context**

2. Greater Wellington is establishing the new Rōpū Taiao Environment Group, which involves changes to a range of staff position titles, and is also updating the position titles for its management tiers. Both these changes will take effect from 22 May 2023.
3. As a result, Greater Wellington needs to amend existing delegations to reflect these new position titles, and allow enough time for Greater Wellington to make related changes to its internal systems and processes.
4. Under Council's delegations framework, Council delegates its powers, functions and responsibilities to the Chief Executive, who can (usually) sub-delegate these matters to specified officers. As most of the amendments to existing delegations fall into this category, officers will ensure these changes are in place for 22 May 2023.
5. However, under the Resource Management Act 1991 and the Local Government (Rating) Act 2002, all delegations must be made by the local authority. 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***

##### *Hearings commissioners*

6. On 24 May 2017, Council directly delegated to:
  - a The Chief Executive and General Manager Environment Management the authority to appoint hearings commissioners to conduct hearings on certain matters
  - b A commissioner or panel of commissioners the authority to determine a particular matter (Authority to appoint hearings commissioners for certain matters and delegations given to those appointees – Report 17.77).

These current delegations are included for Council's reference (**Attachment 1**).

7. From 22 May 2023, Greater Wellington is disestablishing the role of General Manager Environment Management and replacing it with the new Group Manager Environment as part of the 'stand up' of the Rōpū Taiao Environment Group. Accordingly, we propose that Council revokes the existing delegations from Council and adopts similar delegations that reflect this change in roles (**Attachment 3**). We are not proposing any substantive changes to these delegations.

*Specified delegations*

8. On 30 June 2021, Council directly delegated to certain officers its powers, duties and responsibilities under the Resource Management Act 1991 (Changes to Council's delegation of powers, functions and responsibilities - June 2021 – Report 21.276).
9. The key proposed changes to these delegations are:
  - a Replacing references to the General Manager Environment Management and General Manager Catchment Management with references to the Group Manager Environment, or one or more relevant Directors (as appropriate)
  - b Adding the new management tier of Director (Tier 3) within the Rōpū Taiao Environment Group
  - c Redefining the relevant Tiers to reflect the Rōpū Taiao Environment Group's structure and related changes in position titles
  - d Extending most of the current delegations down a Tier, thus enabling more officers to exercise the delegation
  - e Changing management position titles to reflect the updated titles for those tiers (e.g. Group Manager, Director, Manager, and Team Leader).
10. We have reviewed carefully the current suite of Resource Management Act 1991 delegations and propose that Council revokes the current instrument of delegation (**Attachment 2**) and adopts an updated instrument of delegation to reflect the proposed changes outlined above (**Attachment 4**).

***Local Government (Rating) Act 2002***

11. On 30 June 2022, Council directly delegated to certain officers its powers, duties and responsibilities under the Local Government (Rating) Act 2002 (Changes to Council's delegations of powers, functions and responsibilities – June 2022 – Report 22.198).
12. We have reviewed the current delegations to align these delegations to the updated management position titles by changing General Manager Corporate Services to Group Manager Corporate Services and stating the position title for the CFO in full (i.e. Chief Financial Officer). We have also better aligned the approach to Greater Wellington's delegations framework by providing that delegations exercised by a specified position can be exercised by all those in the organisational positions above.
13. Accordingly, we propose that Council revokes the current instrument of delegation (**Attachment 5**) and adopts an updated instrument of delegation relating to the Local Government (Rating) Act 2002 (**Attachment 6**).

**Ngā hua ahumoni**  
**Financial implications**

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

**Ngā tikanga whakatau**  
**Decision-making process**

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

**Ngā Take e hāngai ana te iwi Māori**  
**Implications for Māori**

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

**Te hiranga**  
**Significance**

17. Officers have considered the significance of the matters for decision, taking into account the Council’s *Significance and Engagement Policy* and Greater Wellington’s *Decision-making Guidelines*. As these decisions implement administrative, rather than substantive, changes to the internal allocation of delegations, officers consider these matters to be of low significance.

**Te whakatūtakitaki**  
**Engagement**

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

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

19. If the proposed delegations are approved, officers will update Council’s *Delegations Manual* and provide the Chief Executive and relevant general managers with a copy of the approved delegations.

**Ngā āpitihanga**  
**Attachments**

Number	Title
1	Current delegations from Council - hearing commissioners – Resource Management Act 1991
2	Current delegations from Council to specified officers – Resource Management Act 1991
3	Proposed delegations from Council - hearing commissioners – Resource Management Act 1991
4	Proposed delegations from Council to specified officers – Resource Management Act 1991

Number	Title
5	Current delegations from Council to specified officers – Local Government (Rating) Act 2002
6	Proposed delegations from Council to specified officers – Local Government (Rating) Act 2002

**Ngā kaiwaitohu**

**Signatories**

Writer	Will Ogier – Principal Advisor Democratic Services
Approvers	Francis Ryan – Manager Democratic Services Luke Troy – General Manager Strategy

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> 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, duties, and responsibilities under those Acts.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> 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.
<b><i>Internal consultation</i></b> This report was prepared in consultation with the Environment Management and Catchment Management business groups, the Human Resources department, and the General Manager Environment.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no known risks or impacts arising from the matters for decision.

## **Current delegations from Council – hearing commissioners – Resource Management Act 1991**

### **Delegation to Chief Executive and General Manager Environment Management - authority to appoint hearings commissioners**

The Chief Executive and General Manager Environment Management (acting individually) have the following powers with regard to resource consent applications (following consultation with the Chair of the Environment Committee and Council Chair):

- The authority to appoint appropriately qualified people to act as commissioners on behalf of the Council.
- The power to establish a hearing panel.
- The power to choose, on a case-by-case basis, whether to conduct a hearing through a single commissioner, or a hearing panel.
- The power to decide, on a case-by-case basis, the appropriate commissioner or composition of each hearing panel.

### **Delegation to commissioners appointed by the Chief Executive or General Manager Environment Management**

A commissioner or panel of commissioners appointed by either the Chief Executive or the General Manager Environment Management to determine a particular matter, has all of the powers, functions and duties of the Council under the Resource Management Act to:

- Hear, consider and make decisions on any application for a resource consent under the Act, including the determination of any preliminary matters and matters necessary for the conduct of the hearing.
- Hear and determine a review of a resource consent.
- Hear and determine an application to change or cancel conditions of a consent.
- Hear and determine an objection made under the Act.
- Hear and determine coastal activity applications.

**Current delegations from Council to specified officers – 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 (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**

<b>Tier 1</b>	Chief Executive
<b>Tier 2</b>	General Manager (as specified)
<b>Tier 3 Regulation</b>	Manager, Environmental Regulation
<b>Tier 4 Regulation</b>	Team Leader, Consents and Compliance; Team Leader Environmental Protection; Project Leader, Environmental Regulation; and Project Leader Statutory Projects
<b>Tier 5 Regulation</b>	Senior Resource Advisor
<b>Tier 6 Regulation</b>	Resource Advisor (or any person who is engaged as a consultant resource advisor to the Council*), Take Charge Co-ordinator, Senior Environmental Protection Officer, Environmental Protection Officer, Senior Enforcement Investigator, Enforcement Investigator, Senior Project Consents & Compliance Officer, Project, Senior Project Consents Officer, Project Consents Officer, Senior Project Compliance Officer, Project Compliance Officer (or any person who is engaged as a consultant: project consents & compliance officer; or project consents officer; or project compliance officer to the Council*)
<b>Tier 3 Policy</b>	Manager, Environmental Policy

## Attachment 2 to Report 23.92

<b>Tier 4 Policy</b>	Team Leader, Policy Implementation; Team Leader Policy Development; Programme Manager - Whaitua
<b>Tier 3 Science</b>	Manager, Environmental Science

\* 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 Manager, Environmental Regulation, the General Manager, Environment Management and the Chief Executive).

### Functions, powers and responsibilities

Section	Description	Delegate
<b>Transfer of powers</b>		
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>	<b>Retained by Council</b>

### Resource consents

Section(s)	Description	Delegate(s)
<b>Waivers</b>		
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>  Authority relates to the extension of time periods and when the applicant requests or agrees	<i>Tier 3 Policy</i> <i>Tier 3 Science</i> <i>Tier 4 Regulation</i> <i>*Tier 5 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 3 Policy</i> <i>Tier 3 Science</i> <i>Tier 3 Regulation</i>
<b>Section 42A reports</b>		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section)	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>

### Permitted activities

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
87BB	Powers regarding activities deemed to be a permitted activity	<i>Tier 5 Regulation</i>
<b>Direct referral</b>		
87E	Power to determine Council position on a request for direct referral to the Environment Court	<i>Tier 3 Regulation</i>
87F	Approve the content of a report prepared on an application that has been directly referred to the Environment Court	<i>Tier 3 Regulation</i>
<b>Application for resource consent</b>		
88	Authority to determine whether an application for resource consent is incomplete (and give reasons why)	<i>Tier 6 Regulation</i>
41B	Power to direct applicant to provide evidence <u>Limitation</u> Power only applies before hearing	<i>Tier 4 Regulation</i>
41C	Authority to make directions and requests <u>Limitation</u> Power only applies before hearing	<i>Tier 6 Regulation</i>
41D	Strike out submissions <u>Limitation</u> Power only applies before hearing	<i>Tier 2 Regulation</i>
91	Power to determine not to proceed with a resource consent application on certain grounds	<i>Tier 6 Regulation</i>
91C	Power to determine whether to return an application for a resource consent that has been suspended	<i>Tier 6 Regulation</i>
91D	Power to suspend the processing of a non-notified application when requested in accordance with this section	<i>Tier 6 Regulation</i>
91E	Requirement to cease to suspend the processing of a non-notified application when certain grounds apply	<i>Tier 6 Regulation</i>
<b>Further information requests</b>		

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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 6 Regulation</i>
92A	Set a time within which an applicant is to provide information	<i>Tier 6 Regulation</i>
<b>Notification</b>		
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 6 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 6 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 6 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 6 Regulation</i>
<b>Submissions on applications, pre-hearing meetings and mediation</b>		
96	The power to lodge a submission on a resource consent application	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i> <i>(See Submissions policy)</i>
97	Adopt an earlier closing date for submissions in accordance with section 97	<i>Tier 6 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 6 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 3 Regulation</i>

**Attachment 2 to Report 23.92**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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 4 Regulation</i>
99A(3)	Power to appoint mediators when the Council is the applicant	<i>Tier 3 Regulation</i>
<b>Hearings</b>		
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 6 Regulation</i>
101	Authority to fix and notify the commencement date, time and place where a hearing is to be held	<i>Tier 6 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 6 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 6 Regulation</i>
102(3)	Jointly or separately decide applications where those applications are heard jointly	<i>Tier 6 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 6 Regulation</i>
<b>Decision making on resource consent applications</b>		
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 3 Regulation</i> <i># Tier 5 Regulation</i>

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
109	Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed	<i>Tier 6 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 4 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 6 Regulation</i>
120	Authority to lodge, withdraw or oppose appeal on Council's behalf in Environment Court	<i>Tier 2 GM Environment Management</i>
<b>Duration of consent</b>		
123	Power to specify duration of consent	<i>Tier 5 Regulation</i>
123A	Power to decide duration of consent for aquaculture activities	<i>Tier 5 Regulation</i>
124	Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent	<i>Tier 4 Regulation</i>
124B	Process that must be followed when applications by existing holders received	<i>Tier 5 Regulation</i>
124C	Process that must be followed when applications are received from persons who are not existing holders received	<i>Tier 5 Regulation</i>
125	Power to grant extension of period after which a consent will lapse	<i>Tier 5 Regulation</i>
<b>Cancellation and change of resource consents</b>		
126	Power to cancel a resource consent by written notice and power to cancel notice of revocation	<i>Tier 4 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 5 Regulation</i>
<b>Review of consent conditions by consent authority</b>		

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
128 and 129	Power to review resource consent conditions and to give notice of review	<i>Tier 4 Regulation</i>
130	Determine whether notification of a review is required under section 130 and whether a hearing be held	<i>Tier 4 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 4 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>
<b>Minor corrections of resource consents</b>		
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant)	<i>Tier 6 Regulation</i>
<b>Transfer of resource consents</b>		
136	Power to approve the transfer of a water permit	<i>Tier 5 Regulation</i>
137	Approve the transfer of a discharge permit in whole or in part to another site and to any person	<i>Tier 5 Regulation</i>
<b>Surrender of consents</b>		
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 5 Regulation</i>
<b>Coastal permits for dumping and incineration</b>		
138A(1)	Power to request further information in relation to applications for coastal permits for dumping or incineration  <u>Limitation</u>	<i>Tier 6 Regulation</i>

## Attachment 2 to Report 23.92

Section(s)	Description	Delegate(s)
	Power only applies where no hearing is required	
138A(3)	Power to review coastal permits for dumping or incineration	<i>Tier 4 Regulation</i>
<b>Certificates of compliance or existing use</b>		
139 and 139A	Authority to determine and issue certificate of compliance and existing use certificates	<i>Tier 5 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>
<b>Planning</b>		
Section(s)	Description	Delegate
<b>Officer reports</b>		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section)	<i>Tier 3 Policy</i>
<b>Combined documents</b>		
80	<i>Determine whether the council wishes to prepare, implement, and administer the combined regional and district documents as set out in subsections 80(2) to (6)</i>	<b>Retained by Council</b>
<b>Referral of disputes</b>		
82	Power to refer a dispute relating to a policy statement, plan or order to the Environment Court for a decision	<i>Tier 3 Policy</i>
<b>Legal effect of rules</b>		
86B	<i>Resolve that a rule in a proposed plan has legal effect only once the proposed plan becomes operative</i>	<b>Retained by Council</b>
86D	<i>Apply to the Environment Court for a rule to have legal effect from date other than standard date</i>	<b>Retained by Council</b>
<b>Time limits</b>		

**Attachment 2 to Report 23.92**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
37(1) and 37A, 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 3 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 3 Policy</i>
<b>Consultation</b>		
Schedule 1	Provide consultation comments on behalf of the Council on a planning or recovery document of another authority	<i>Tier 4 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 4 Policy</i>
<b>Evaluation reports</b>		
32 and Schedule 1, Clause 5 (excluding Clause 5(1)(a))	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32	<i>Tier 3 Policy</i>
165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection	<i>Tier 3 Policy</i>
<b>Notification</b>		
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 3 Policy</i>
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available	<i>Tier 3 Policy</i>
<b>Freshwater planning process</b>		
80A(3)	<i>Prepare a freshwater planning instrument</i>	<b><i>Retained by Council</i></b>

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
80A(4)	<i>Give public notice of a freshwater planning instrument</i>	<b>Retained by Council</b>
80A(5)(d)	<i>Accept or reject a recommendation of the freshwater hearings panel</i>	<b>Retained by Council</b>
Schedule Clauses 37(1)	1, Provide written notice of intention to submit specified documents and nominates for appointments to the freshwater hearing panel  Submit the specified documents to the Chief Freshwater Commissioner	<i>Tier 3 Policy</i>
Schedule Clause 52	1, <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>	<b>Retained by Council</b>
Schedule Clause 53	1, <i>Give written notice, and provide requested additional information, to the Chief Freshwater Commissioner of a needed variation to a freshwater planning instrument (including where this is recommended by the freshwater hearings panel)</i>	<b>Retained by Council</b>
Schedule Clause 59(1)(b)	1, Relevant regional council nominates two persons as members of each freshwater hearings panel	<i>Chief Executive and GM Environment Management (acting individually), following consultation with the Chair of the Environment Committee and the Council Chair</i>
<b>Submissions</b>		
Schedule Clauses 6 and 8	1, Make a submission or further submission	<i>Tier 3 Policy</i>  <i>(see Submissions policy)</i>
Schedule Clause 7	1, Approve the public notification of the availability of a summary of decisions requested	<i>Tier 3 Policy</i>
<b>Resolution of disputes</b>		

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
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 3 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>Tier 3 Policy</i>
<b>Hearing, submissions and decisions</b>		
<i>Schedule Clause 8D</i>	<i>1, Withdraw a proposal to prepare, change, or vary a policy statement or plan</i>	<b>Retained by Council</b>
<i>Schedule Clause 8B</i>	<i>1, Hearings on proposed policy statements and plans</i>	<b>Retained by Council</b>
<i>Schedule Clauses 10 and 55</i>	<i>1, Decisions on provisions and submissions on proposed policy statement</i>	<b>Retained by Council</b>
<b>Appeals</b>		
Schedule Clause 14	1, Lodge or withdraw an appeal to the Environment Court	<i>See below (Court Proceedings – Resource Management Act 1991)</i>
<b>Amendments to proposed or operative policy statement or plan without using Schedule 1 process</b>		
Schedule Clauses 16(1), 16(2), and 20A	1, 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 3 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>Tier 2 GM Environment Management</i>
292	Duty to comply with Environment Court direction to amend a regional plan	<i>Tier 3 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 3 Policy</i>
<b>Initiation of variations to policy statement or plan</b>		
<i>Schedule Clause 16A</i>	<i>1, Initiate variations (being alterations other than those under Schedule 1, Clause 16) to a proposed policy statement or plan, or to a</i>	<b>Retained by Council</b>

## Attachment 2 to Report 23.92

Section(s)	Description	Delegate
	<i>change, at any time before the approval of the policy statement or plan</i>	
<b>Preparation of changes to policy statement or plan</b>		
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 3 Policy</i>
<b>Approval and making operative of proposed plan and policy statement</b>		
<i>Schedule Clause 17</i>	<i>1, Approval of Plan (other than regional coastal plan) and Policy Statement</i>	<b>Retained by Council</b>
<i>Schedule Clause 18</i>	<i>1, Adopt proposed regional coastal plan and refer to Minister of Conservation for that Minister's approval</i>	<b>Retained by Council</b>
Schedule Clause 20	1, Publicly notify a date on which a policy statement or plan becomes operative	<i>Tier 3 Policy</i>
<b>Private plan changes</b>		
<i>Schedule Clauses 21 and 28</i>	<i>1, Request a change (or withdraw a request) to a plan under Schedule 1, Clauses 21 and 28</i>	<b>Retained by Council</b>
Schedule Clauses 23(1) and 23(2)	1, Require by written notice, further or additional information in accordance with Schedule 1, Clause 23	<i>Tier 3 Policy</i>
Schedule Clause 23(3)	1, Commission a report in relation to a request made under Schedule 1, Clause 21 and notify the person who made the request	<i>Tier 3 Policy</i>
<i>Schedule Clause 23(6)</i>	<i>1, Reject a request made under Schedule 1, Clause 21 where there is insufficient information to enable the Council to consider the request</i>	<b>Retained by Council</b>
Schedule Clause 24	1, Modify a request made under Schedule 1, Clause 21 (with the agreement of the person who made the request)	<i>Tier 3 Policy</i>
<i>Schedule Clause 25</i>	<i>1, Make a decision under Schedule 1, Clause 25 as to how to deal with a request made under Schedule 1, Clause 21</i>	<b>Retained by Council</b>

## Attachment 2 to Report 23.92

Section(s)	Description	Delegate
Schedule Clause 27	1, 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 Clause 28	1, 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 3 Policy</i>
Schedule Clause 29	1, <i>May decline, approve, or approve with modifications the plan or change requested under Schedule 1, Clause 21</i>	<b>Retained by Council</b>

**Incorporation of documents by reference**

Schedule Clause 34	1, Consult on proposal to incorporate material by reference in a proposed plan, variation or change in accordance with Schedule 1, Clause 34	<i>Tier 3 Policy</i>
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**Administrative charges and cost recovery**

Section	Description	Delegate
<b>Administrative charges</b>		
36(1)	<i>Fix administrative charges</i>	<b>Retained by Council</b>
36(5)	Power to require additional charges under section 36	<i>Tier 3 Science</i> <i>Tier 5 Regulation</i>
36AA(1)	Determine any discount under section 36AA on an administrative charge imposed under section 36	<i>Tier 3 Science</i> <i>Tier 5 Regulation</i>
36AA(3)	<i>Adopt policy for discounting administrative charges</i>	<b>Retained by Council</b>
36AAB(1)	Power to remit the whole or part of a charge	<i>Tier 3 Science</i> <i>Tier 5 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 3 Science</i> <i>Tier 5 Regulation</i>
<b>Proposals of national significance</b>		
149ZD	Power to recover costs incurred by the Council from the applicant	<i>Tier 3 Science</i> <i>Tier 3 Regulation</i>
<b>Emergency works</b>		

## Attachment 2 to Report 23.92

Section	Description	Delegate
331	Authority to seek reimbursement of Council's costs for emergency works	<i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 3 Regulation</i>

**Proposals of national significance**

Section	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>	<b>Retained by Council</b>
149E	Power to make or withdraw a submission on behalf of Council on matter of national importance	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i> <i>(see Submissions policy)</i>
149F	Power to make or withdraw a further submission on a proposed plan, change or variation	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i> <i>(see Submissions policy)</i>
149I	Power to withdraw a notified change or variation to a proposed plan subject to limits	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i>
149K	Power to make suggestions about who should be appointed to a board	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i>
149M	Prepare a proposed plan or change as directed by the board of inquiry	<i>Tier 3 Regulation</i> <i>Tier 3 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 3 Regulation</i> <i>Tier 3 Policy</i>
149T	Power to give notice on Council's behalf under section 274 of matter referred directly to the Environment Court	<i>Tier 3 Regulation</i> <i>Tier 3 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**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
44	Make a submission on a proposed national environmental standard	<i>Tier 3 Science</i> <i>Tier 4 Policy</i> <i>Tier 4 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>Tier 2 GM Environment Management</i>

**National policy statements**

<b>Section</b>	<b>Description</b>	<b>Delegate</b>
49	Make or withdraw a submission to a Board of Inquiry on a proposed national policy statement	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i> <i>(see Submissions policy)</i>
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>Tier 2 GM Environment Management</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>	<b>Retained by Council</b>
55(3)	<i>Take any action directed by a national policy statement</i>	<b>Retained by Council</b>

**Water Conservation Orders**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
201	<i>Power to apply to the Minister for a Water Conservation Order</i>	<b>Retained by Council</b>

## Attachment 2 to Report 23.92

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
205	Power to make a submission to a tribunal concerning an application made under section 204	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i> <i>(see Submissions policy)</i>
211	Authority to represent Council at an inquiry conducted by the Environment Court under section 210	<i>Tier 3 Policy</i> <i>Tier 6 Regulation</i>

**Subdivision and reclamations**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
234	Apply to territorial authority to vary or cancel instrument creating esplanade strip on Council land	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i>
237B	Acquire, on behalf of the Council, an easement over land	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i>
237C	Close an esplanade strip or access strip to the public	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i>
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 2 GM Environment Management</i> <i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i>
245	Power to approve a plan of survey of a reclamation	<i>Tier 4 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 4 Regulation</i>
355B	Power to seek enforcement order against person who unlawfully reclaimed land from the coastal marine area and take any necessary	<i>Tier 3 Regulation</i>

## Attachment 2 to Report 23.92

Section	Description	Delegate(s)
	action to remove unlawfully reclaimed land from the coastal marine area	

**Occupation of the common marine and coastal area**

Section(s)	Description	Delegate
165D	Power to refuse to receive applications for coastal permits	<i>Tier 3 Regulation</i>
165E	Power to grant a coastal permit authorising activity in aquaculture settlement area (to the extent authorised by section)	<i>Tier 3 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 3 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 4 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>	<b>Retained by Council</b>
165N	If the request under section 165L is declined, publicly notify that applications may be made for coastal permits to occupy the space that was the subject of the request by public tender of authorisations	<i>Tier 3 Policy</i>
165P	Duty to publicly notify authorisation method made by the Minister under section 165N	<i>Tier 3 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>	<b>Retained by Council</b>
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## Attachment 2 to Report 23.92

Section(s)	Description	Delegate
165Y	Duty to grant an authorisation if an offer is accepted or an agreement is reached under section 165X	<i>Tier 3 Policy</i>

**Ministerial powers in relation to applications for coastal permits to undertake aquaculture activities in common marine and coastal area**

165ZB and 165ZD	Request the Minister of Aquaculture to suspend the receipt of applications for coastal permits to occupy space for the purpose of aquaculture activities	<b>Retained by Council</b>
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture	<i>Tier 3 Policy</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 3 Regulation</i>
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture	<i>Tier 3 Policy</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 3 Regulation</i>
165ZFE(6)	Prepare a report under section 165ZFE(6) in accordance with sections 87F(4) to (6)	<i>Tier 3 Policy</i>
165ZFE(11)	Cancel an applicant's affected application if applicant does not lodge a notice of motion	<i>Tier 3 Policy</i>
165ZFG	Provide views to Minister for Aquaculture on whether Minister should call in an affected application	<i>Tier 3 Policy</i>

**Designations**

Section	Description	Delegate(s)
<b>Notice of requirement</b>		
168	Power to give notice of requirement/s, and withdraw a requirement by notice, to the territorial authority	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i>

## Attachment 2 to Report 23.92

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
		<i>Tier 2 GM 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>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM 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>Tier 2 GM Environment Management</i> <i>Tier 2 GM Metlink</i>
176A	Submit an outline plan to the territorial authority Power to determine whether to make changes requested by territorial authority	<i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i>
177	Power, as requiring authority to do anything in respect of land subject to existing designation or heritage order	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM 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>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM 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>
180	Power, as requiring authority to transfer rights and responsibilities for designations to another requiring authority	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i>

**Attachment 2 to Report 23.92**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
181	Power, as requiring authority to give notice to the territorial authority of its requirement to alter the designation	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i>
182	Power, as requiring authority, to determine that it no longer wants a designation or part thereof	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i>
184	Power, as requiring authority to make a decision not to fix a longer period on a designation	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i>

**Enforcement and compliance**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Enforcement officers</b>		
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>
<b>Enforcement orders</b>		
316 and 320	Power to apply to the Environment Court for an enforcement order or an interim enforcement order	<i>Tier 3 Regulation</i>
318	Power and duty to be heard in respect of application	<i>Tier 4 Regulation</i>
321	Power, if directly affected, to apply to change or cancel an enforcement order	<i>Tier 3 Regulation</i>
<b>Abatement notices</b>		
325	Duty to respond to Environment Judge (if they so request) before a decision on an abatement notice appeal is made	<i>Tier 4 Regulation</i>
325A	Determine that an abatement notice be cancelled, changed or confirmed	<i>Tier 4 Regulation</i>
<b>Other</b>		

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
329	Issue a direction during a period of serious temporary shortage of water	<i>Tier 3 Regulation</i>
330	Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment	<i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 6 Regulation</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 3 Regulation</i> <i>Tier 3 Science</i>
217I	Functions of regional council for the purposes of Part 9A (Freshwater farm plans)	<i>Tier 6 Regulation</i>
217J	Keep and maintain records in relation to each freshwater farm in the regional council's jurisdiction	<i>Tier 6 Regulation</i>
217K	Power to appoint certifiers to certify freshwater farm plans  Power to appoint auditors to audit freshwater farm plans	<i>Tier 4 Regulation</i>
<b>Offences</b>		
338	Make decision for Council to prosecute for offences against RMA	<i>Tier 2 Environment Management and Tier 3 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 3 Regulation</i>
338	Authority to withdraw a charging document that has been laid in relation to a prosecution	<i>Tier 3 Regulation</i>
343C(4)	Commence, withdraw or join proceedings in respect of an offence to which an infringement notice relates	<i>Tier 4 Regulation</i>

## Objections

Section(s)	Description	Delegate(s)
357D	Determine any objection made under sections 357, 357A and 357B  <u>Limitation</u>  Power only applies where objection resolved and no hearing is required	<i>Tier 3 Regulation</i>
357, 357A and 357B	Power, as requiring authority, to object to certain decisions by territorial authorities	<i>Tier 2 GM Environment Management</i>  <i>Tier 2 GM Metlink</i>  <i>Tier 2 GM Catchment Management</i>
357C	Power to agree to a resolution to an objection	<i>Tier 4 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 3 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>Tier 2 GM Corporate Services or CFO</i>  <i>Tier 2 GM Environment Management</i>  <i>Tier 2 GM Catchment Management</i>  <i>Tier 2 GM Metlink</i>

## Acquisition

Section	Description	Delegate(s)
86	Acquire land by agreement under the Public Works Act 1981	<i>Tier 2 GM Corporate Services</i>  <i>CFO</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>	<b><i>Retained by Council</i></b>

## Attachment 2 to Report 23.92

**Lodging submissions**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
44	Make a submission on a proposed national environmental standard	<i>Tier 2 GM Environment Management</i> <i>(see Submissions policy)</i>
49	Make a submission to a Board of Inquiry on a proposed national policy statement in accordance with section 49	<i>Tier 2 GM Environment Management</i> <i>(see Submissions policy)</i>
96	Lodge or withdraw a submission on behalf of the Council	<i>Tier 4 Policy</i> <i>(see Submissions policy)</i>
149E and 149F	Lodge or withdraw a submission or further submission to the Environment Protection Agency	<i>Tier 3 Policy</i> <i>Tier 3 Regulation</i> <i>(see Submissions policy)</i>
169 and 190	Provide further information requested on Notice of Requirement  Lodge or withdraw a submission	<i>Tier 2 GM Environment Management</i>  <i>Tier 2 GM Catchment Management</i>  <i>Tier 2 GM Metlink</i> <i>(see Submissions policy)</i>
293	Lodge or withdraw a submission or further submission on behalf of the Council	<i>Tier 3 Policy</i> <i>Tier 3 Science</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**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Environment Court</b>		
120	Lodge, withdraw or oppose an appeal to the Environment Court	<i>Tier 3 Regulation</i> <i>Tier 3 Science</i>
174, 179, 192, 195, and Schedule 1, Clauses 14 and 27	Lodge, withdraw or oppose an appeal to the Environment Court	<i>Tier 2 GM Environment Management</i>  <i>Tier 2 GM Catchment Management</i>  <i>Tier 2 GM Metlink</i>

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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 4 Policy</i> <i>Tier 4 Regulation</i>
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 4 Policy</i> <i>Tier 4 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 4 Policy</i> <i>Tier 4 Regulation</i>
272	Decide to appear at proceedings before the Environment Court and call evidence for the Council	<i>Tier 3 Policy</i> <i>Tier 4 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 3 Policy</i> <i>Tier 4 Regulation</i>
278 and 279	Seek, withdraw or oppose orders in accordance with sections 278 and 279	<i>Tier 2 GM Environment Management</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 2 GM Environment Management</i>
281	Lodge, withdraw or oppose an application for a waiver or direction in accordance with section 281	<i>Tier 3 Regulation</i>
281B	Lodge an application to an Environment Court Judge to reconsider the exercise of a power by a Registrar	<i>Tier 3 Regulation</i>

## Attachment 2 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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 3 Regulation</i>
286	File an order for costs in the District Court	<i>Tier 3 Regulation</i>
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 3 Regulation</i>
294	Apply to the Environment Court for a rehearing of proceedings	<i>Tier 2 GM Environment Management</i>
308G 311	Lodge, withdraw, join or oppose an application for declaration with the Environment Court	<i>Tier 2 GM Environment Management</i>
<b>High Court</b>		
149V	Power to lodge appeal to the High Court on question of law on Council's behalf	<i>Tier 2 GM Environment Management</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>Tier 2 GM Environment Management</i>
301	Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings	<i>Tier 3 Regulation</i>
305	Lodge, withdraw, oppose or join an appeal to the High Court	<i>Tier 3 Regulation</i>
306	Lodge, withdraw or respond to an application for an extension of time	<i>Tier 2 GM Environment Management</i>

## Attachment 2 to Report 23.92

Section(s)	Description	Delegate(s)
<b>Court of Appeal and Supreme Court</b>		
308 RMA and Subpart 8 of Part 6 of 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  Approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	<i>Tier 2 GM Environment Management</i>
<b>Resource Management (Simplifying and Streamlining) Amendment Act 2009</b>		
Section	Description	Delegate
	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 4 Regulation</i>
<b>Resource Management Regulations</b>		
Section	Description	Delegate
<b>Resource Management (Measurement and Reporting of Water Takes) Regulations 2010</b>		
Clause 9	Approval to measure water taken each week (instead of each day)	<i>Tier 4 Regulation</i>
Clause 10	Approval to use device or system installed near (instead of at) location from which water taken	<i>Tier 4 Regulation</i>
Clause 11	Power to revoke approval granted under Clauses 9 or 10	<i>Tier 4 Regulation</i>
<b>Resource Management (Forms, Fees, and Procedure) Regulations 2003</b>		
Clause 10A(2)	Power as consent authority to require a notice to be affixed in a conspicuous place	<i>Tier 4 Regulation</i>
<b>Resource Management (Transitional, Fees, Rents an Royalties) Regulations 1991</b>		
5	Power to require additional fees for the costs associated with a hearing committee considering application for a restricted coastal activity	<i>Tier 5 Regulation</i>

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<b>Section</b>	<b>Description</b>	<b>Delegate</b>
6	Power to require administrative charges associated with monitoring and supervision of that resource consent	<i>Tier 5 Regulation</i>
7C	Power to fix an additional charge to recover actual or reasonable costs of administering, monitoring, and supervision of the permit, licence, or other authorisation	<i>Tier 5 Regulation</i>

**Proposed delegations from Council – hearing commissioners – Resource Management Act 1991**

**Delegation to Chief Executive and Group Manager Environment - authority to appoint hearings commissioners**

The Chief Executive and Group Manager Environment (acting individually) have the following powers with regard to resource consent applications (following consultation with the Chair of the Environment Committee and Council Chair):

- The authority to appoint appropriately qualified people to act as commissioners on behalf of the Council.
- The power to establish a hearing panel.
- The power to choose, on a case-by-case basis, whether to conduct a hearing through a single commissioner, or a hearing panel.
- The power to decide, on a case-by-case basis, the appropriate commissioner or composition of each hearing panel.

**Delegation to commissioners appointed by the Chief Executive or Group Manager Environment**

A commissioner or panel of commissioners appointed by either the Chief Executive or the Group Manager Environment to determine a particular matter, has all of the powers, functions and duties of the Council under the Resource Management Act 1991 to:

- Hear, consider and make decisions on any application for a resource consent under the Act, including the determination of any preliminary matters and matters necessary for the conduct of the hearing.
- Hear and determine a review of a resource consent.
- Hear and determine an application to change or cancel conditions of a consent.
- Hear and determine an objection made under that Act.
- Hear and determine coastal activity applications.

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

**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**

<b>Tier</b>	<b>Specified position(s)</b>
<b>Tier 1</b>	Chief Executive
<b>Tier 2</b>	Group Manager (as specified)
<b>Tier 3 Regulation</b>	Director Strategy, Policy and Regulation
<b>Tier 4 Regulation</b>	Manager Environmental Regulation
<b>Tier 5 Regulation</b>	Team Leader Consents and Compliance Team Leader Compliance Monitoring and Enforcement Lead Consenting Advisor Lead Compliance Monitoring and Enforcement Advisor
<b>Tier 6 Regulation</b>	Senior Resource Advisor Senior Compliance Monitoring and Enforcement Officer
<b>Tier 7 Regulation</b>	Resource Advisor Compliance

**Attachment 4 to Report 23.92**

<b>Tier</b>	<b>Specified position(s)</b>
	Compliance Monitoring and Enforcement Officer Environment Technical Support
<b>Tier 3 Policy</b>	Director Strategy, Policy and Regulation
<b>Tier 4 Policy</b>	Manager Policy
<b>Tier 5 Policy</b>	Team Leader Policy
<b>Tier 4 Knowledge</b>	Manager Knowledge Manager Data and Monitoring
<b>Tier 4 Delivery</b>	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**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Transfer of powers</b>		
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>	<b>Retained by Council</b>

**Resource consents**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Waivers</b>		
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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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
	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>
<b>Section 42A reports</b>		
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>
<b>Permitted activities</b>		
87BB	Powers regarding activities deemed to be a permitted activity.	<i>Tier 6 Regulation</i>
<b>Direct referral</b>		
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>
<b>Application for resource consent</b>		
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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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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>
<b>Further information requests</b>		
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>
<b>Notification</b>		
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>
<b>Submissions on applications, pre-hearing meetings and mediation</b>		
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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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
		<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>
<b>Hearings</b>		
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>
<b>Decision making on resource consent applications</b>		

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Section(s)	Description	Delegate(s)
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.	* Tier 4 Regulation # Tier 6 Regulation
109	Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed.	Tier 7 Regulation
110	Duty to refund financial contribution to consent holder where consent has lapsed. Power to retain portion of financial contribution in certain circumstances.	Tier 5 Regulation
114	Authority to serve consent applicant, submitters and determine other people that are considered appropriate with notice of the decision on an application.	Tier 7 Regulation
120	Authority to lodge, withdraw or oppose appeal on Council's behalf in Environment Court.	Group Manager Environment Tier 4 Knowledge
<b>Duration of consent</b>		
123	Power to specify duration of consent.	Tier 6 Regulation
123A	Power to decide duration of consent for aquaculture activities.	Tier 6 Regulation
124	Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent.	Tier 5 Regulation
124B	Process that must be followed when applications by existing holders received.	Tier 6 Regulation
124C	Process that must be followed when applications are received from persons who are not existing holders received.	Tier 6 Regulation

## Attachment 4 to Report 23.92

Section(s)	Description	Delegate(s)
125	Power to grant extension of period after which a consent will lapse.	<i>Tier 6 Regulation</i>
<b>Cancellation and change of resource consents</b>		
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><b>Explanatory note:</b> See above notification delegations in relation to notification decisions on section 127 applications.</i>	<i>Tier 6 Regulation</i>
<b>Review of consent conditions by consent authority</b>		
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>
<b>Minor corrections of resource consents</b>		
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant).	<i>Tier 7 Regulation</i>
<b>Transfer of resource consents</b>		
136	Power to approve the transfer of a water permit.	<i>Tier 5 Regulation</i>

## Attachment 4 to Report 23.92

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>
<b>Surrender of consents</b>		
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>
<b>Coastal permits for dumping and incineration</b>		
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>
<b>Certificates of compliance or existing use</b>		
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>
<b>Planning</b>		
Section(s)	Description	Delegate(s)
<b>Officer reports</b>		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section).	<i>Tier 5 Policy</i>
<b>Combined documents</b>		
80	<i>Determine whether the council wishes to prepare, implement, and administer the</i>	<b>Retained by Council</b>

## Attachment 4 to Report 23.92

Section(s)	Description	Delegate(s)
	<i>combined regional and district documents as set out in subsections 80(2) to (6).</i>	
<b>Referral of disputes</b>		
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>
<b>Legal effect of rules</b>		
86B	<i>Resolve that a rule in a proposed plan has legal effect only once the proposed plan becomes operative .</i>	<b>Retained by Council</b>
86D	<i>Apply to the Environment Court for a rule to have legal effect from date other than standard date .</i>	<b>Retained by Council</b>
<b>Time limits</b>		
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>
<b>Consultation</b>		
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>
<b>Evaluation reports</b>		
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>

## Attachment 4 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
(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>
<b>Notification</b>		
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>
<b>Freshwater planning process</b>		
80A(3)	<i>Prepare a freshwater planning instrument.</i>	<b>Retained by Council</b>
80A(4)	<i>Give public notice of a freshwater planning instrument.</i>	<b>Retained by Council</b>
80A(5)(d)	<i>Accept or reject a recommendation of the freshwater hearings panel.</i>	<b>Retained by Council</b>
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>	<b>Retained by Council</b>
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>	<b>Retained by Council</b>

## Attachment 4 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
	<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>
<b>Submissions</b>		
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>
<b>Resolution of disputes</b>		
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>
<b>Hearing, submissions and decisions</b>		
<i>Schedule 1, Clause 8D</i>	<i>Withdraw a proposal to prepare, change, or vary a policy statement or plan.</i>	<b><i>Retained by Council</i></b>
<i>Schedule 1, Clause 8B</i>	<i>Hearings on proposed policy statements and plans.</i>	<b><i>Retained by Council</i></b>
<i>Schedule 1, Clauses 10 and 55</i>	<i>Decisions on provisions and submissions on proposed policy statement.</i>	<b><i>Retained by Council</i></b>
<b>Appeals</b>		
Schedule 1, Clause 14	Lodge or withdraw an appeal to the Environment Court.	<i>See below (Court Proceedings – Resource Management Act 1991)</i>

## Attachment 4 to Report 23.92

Section(s)	Description	Delegate(s)
<b>Amendments to proposed or operative policy statement or plan without using Schedule 1 process</b>		
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>
<b>Initiation of variations to policy statement or plan</b>		
<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>	<b><i>Retained by Council</i></b>
<b>Preparation of changes to policy statement or plan</b>		
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>
<b>Approval and making operative of proposed plan and policy statement</b>		
<i>Schedule 1, Clause 17</i>	<i>Approval of Plan (other than regional coastal plan) and Policy Statement.</i>	<b><i>Retained by Council</i></b>
<i>Schedule 1, Clause 18</i>	<i>Adopt proposed regional coastal plan and refer to Minister of Conservation for that Minister's approval.</i>	<b><i>Retained by Council</i></b>
Schedule 1, Clause 20	Publicly notify a date on which a policy statement or plan becomes operative.	<i>Tier 4 Policy</i>
<b>Private plan changes</b>		

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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<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>	<b>Retained by Council</b>
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>	<b>Retained by Council</b>
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>	<b>Retained by Council</b>
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>	<b>Retained by Council</b>
<b>Incorporation of documents by reference</b>		
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>

**Administrative charges and cost recovery**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Administrative charges</b>		

## Attachment 4 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
36(1)	<i>Fix administrative charges.</i>	<b>Retained by Council</b>
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>	<b>Retained by Council</b>
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>
<b>Proposals of national significance</b>		
149ZD	Power to recover costs incurred by the Council from the applicant.	<i>Tier 4 Knowledge Tier 3 Regulation</i>
<b>Emergency works</b>		
331	Authority to seek reimbursement of Council's costs for emergency works.	<i>Group Manager Metlink Tier 4 Regulation</i>

**Proposals of national significance**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
142	<i>Request the Minister to call in a matter that is or is part of a proposal of national significance.</i>	<b>Retained by Council</b>
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 Tier 4 Policy</i>
149K	Power to make suggestions about who should be appointed to a board.	<i>Tier 4 Regulation Tier 4 Policy</i>

## Attachment 4 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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>
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	<i>Group Manager Environment</i>

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Section(s)	Description	Delegate(s)
	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.	
55(2)	<i>Make amendments in section 55(2) to a regional policy statement or plan without using the process in Schedule 1.</i>	<b>Retained by Council</b>
55(3)	<i>Take any action directed by a national policy statement.</i>	<b>Retained by Council</b>

**Water Conservation Orders**

Section(s)	Description	Delegate(s)
<b>Water Conservation Orders</b>		
201	<i>Power to apply to the Minister for a Water Conservation Order.</i>	<b>Retained by Council</b>
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>
237D	Power to declare, subject to receiving agreement from the relevant territorial	<i>Tier 3 Regulation Group Manager Metlink</i>

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Section(s)	Description	Delegate(s)
	authority, that an esplanade reserve or bed of river or lake shall vest in the regional council.	
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>	<b><i>Retained by Council</i></b>
165N	If the request under section 165L is declined, publicly notify that applications may be made for coastal permits to occupy the space that	<i>Tier 4 Policy</i>

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Section(s)	Description	Delegate(s)
	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>
<b>Authorisations</b>		
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>	<b>Retained by Council</b>
165Y	Duty to grant an authorisation if an offer is accepted or an agreement is reached under section 165X.	<i>Tier 4 Policy</i>
<b>Ministerial powers in relation to applications for coastal permits to undertake aquaculture activities in common marine and coastal area</b>		
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>	<b>Retained by Council</b>
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture.	<i>Tier 4 Policy</i> <i>Manager Knowledge</i>
<b>Ministerial power to direct applications for coastal permits to undertake aquaculture activities in common marine and coastal area to be processed and heard together</b>		
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>
<b>Processing and hearing applications for coastal permits</b>		
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)
<b>Notice of Requirement</b>		
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.  Power to determine whether to make changes requested by territorial authority.	<i>Group Manager</i> <i>Environment</i> <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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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Enforcement officers</b>		
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>
<b>Enforcement orders</b>		
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>
<b>Abatement notices</b>		
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>
<b>Other</b>		
217J	Functions of regional council for the purposes of Part 9A (Freshwater farm plans).	<i>Tier 7 Regulation</i>

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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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>
<b>Offences</b>		
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>
<b>Objections</b>		
<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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>	<b>Retained by Council</b>

**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>

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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
		<i>(See submissions policy)</i>
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**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Environment Court</b>		
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	<i>Tier 5 Policy</i> <i>Tier 5 Regulation</i>

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Section(s)	Description	Delegate(s)
	that may reasonably be expected to arise at the conference.	
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>

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<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
286	File an order for costs in the District Court.	<i>Tier 4 Regulation</i>
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>
<b>High Court</b>		
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>
<b>Court of Appeal and Supreme Court</b>		
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)
<b>Resource Management (Measurement and Reporting of Water Takes) Regulations 2010</b>		
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>
<b>Resource Management (Forms, Fees, and Procedure) Regulations 2003</b>		
Clause 10A(2)	Power as consent authority to require a notice to be affixed in a conspicuous place	<i>Tier 5 Regulation</i>
<b>Resource Management (Transitional, Fees, Rents and Royalties) Regulations 1991</b>		
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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monitoring, and supervision of the permit,  
licence, or other authorisation

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## Current delegations from Council to specified officers – Local Government (Rating) Act 2002

### ***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.

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
General	Power to supervise those territorial authorities that have been appointed to collect rates in accordance with section 53	<i>Chief Executive General Manager Corporate Services CFO Financial Controller</i>
General	Power to supervise those territorial authorities that have been delegated the authority to keep and maintain the rating information database in accordance with section 27	<i>Chief Executive General Manager Corporate Services CFO Financial Controller</i>
7 to 26	<i>Key provisions (setting and assessing rates)</i>	<b><i>Not capable of delegation</i></b>
27	<i>Requirement to keep and maintain a rating information database for the constituent districts in the region</i>	<b><i>Retained by Council</i></b>
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>Chief Executive CFO</i>
28A(4)	Power to make the rating information database available at any other Council office	<i>Chief Executive CFO</i>

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<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
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>Chief Executive</i> <i>CFO</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>Chief Executive</i> <i>CFO</i>
29(3)	Requirement to notify the objector in writing of decision on an objection to the information contained in the rating information database	<i>Chief Executive</i> <i>General Manager</i> <i>Corporate Services</i> <i>CFO</i> <i>Financial</i> <i>Controller</i>
33(2)	Requirement to update the rating information database upon notification of transfer or assignment of lease or licence	<i>Chief Executive</i> <i>CFO</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>Chief Executive</i> <i>CFO</i>
36(2)	Requirement to update the rating information database upon notification of change of name	<i>Chief Executive</i> <i>CFO</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>Chief Executive</i> <i>CFO</i>
38(3)	Power to request confirmation of certain information from a person covered by section 38(1)(d)(i)	<i>Chief Executive</i> <i>CFO</i>
39(3)	Power to determine any objection to the rates records and notify the objector	<i>Chief Executive</i> <i>General Manager</i> <i>Corporate Services</i> <i>CFO</i> <i>Financial</i> <i>Controller</i>
40	Power to correct rates	<i>Chief Executive</i> <i>General Manager</i> <i>Corporate Services</i> <i>CFO</i>

## Attachment 5 to Report 23.92

Section	Description	Delegate(s)
41 to 41A	Power to issue an amended rates assessment and refund overpayment, if an error is corrected	Chief Executive General Manager Corporate Services CFO
44 to 51	Requirements to deliver rates assessments and rates invoices to ratepayers setting out the information stated by the Act	Chief Executive General Manager Corporate Services CFO
53	<i>Power to appoint a rates collector</i>	<b>Retained by Council</b>
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 Executive General Manager Corporate Services CFO
55	<i>Power to adopt a policy for the early payment of rates</i>	<b>Retained by Council</b>
56	<i>Power to adopt a policy for the early payment of rates in anticipation of rates for subsequent financial years</i>	<b>Retained by Council</b>
61 and 62	Powers for recovery of unpaid rates	Chief Executive General Manager Corporate Services CFO
62A(4)	Requirement to deliver the rates assessment and rates invoice to the person actually using the land to which section 62A applies	Chief Executive CFO
63	Power to commence legal proceedings to recover rates	Chief Executive General Manager Corporate Services CFO
67	<i>Power to have judgments of the court enforced by the court by sale or lease of the rating unit</i>	<b>Retained by Council</b>
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 Executive General Manager Corporate Services CFO

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<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
77	<i>Powers of sale or lease of abandoned land</i>	<b>Retained by Council</b>
79	<i>Determine matters for the sale or lease of abandoned land</i>	<b>Retained by Council</b>
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 Executive General Manager Corporate Services CFO
85 and 86	Power to remit rates pursuant to Council's rates remission policy	Chief Executive General Manager Corporate Services CFO
87 to 90	Power to postpone rates pursuant to Council's rates postponement policy	Chief Executive General Manager Corporate Services CFO
90D	Requirement to ensure the amount of rates written off each financial year is disclosed in the notes to financial statements	Chief Executive CFO 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 Executive CFO
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 Executive General Manager Corporate Services CFO
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 Executive CFO
98A(2)	Requirement to determine a part of a rating unit on Māori freehold land to be a separate rating unit	Chief Executive CFO

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<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
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>Chief Executive CFO</i>
98B	Requirement to apportion rates assessed for the underlying rating unit between each separate rating area and any residual rating area	<i>Chief Executive CFO</i>
98D(3)	Power to do anything required to adjust who is liable for rates (or apportionments of rates) and any related matters	<i>Chief Executive CFO</i>
98E(1)	Power to determine that a separate rating area divided from a rating unit is no longer a separate rating unit	<i>Chief Executive CFO</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>Chief Executive CFO</i>
99	Power to apply to Māori Land Court for charging order	<i>Chief Executive General Manager Corporate Services CFO</i>
104	Power to consent to an owner dealing with land	<i>Chief Executive General Manager Corporate Services CFO</i>
108	Power to apply to Māori Land Court to enforce charging order	<i>Chief Executive General Manager Corporate Services CFO</i>
111	Power to apply to Māori Land Court for payment of unpaid rates	<i>Chief Executive General Manager Corporate Services CFO</i>
114 and 115	Power to remit or postpone rates on Māori freehold land pursuant to Council policy	<i>One of Chief Executive General Manager</i>

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Section	Description	Delegate(s)
		<i>Corporate Services</i> <i>CFO</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>General Manager</i> <i>Corporate Services</i> <i>CFO</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>General Manager</i> <i>Corporate Services</i> <i>CFO</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>	<b>Retained by Council</b>
118 to 130	<i>Powers relating to the replacement of rates and other matters</i>	<b>Not capable of delegation</b>
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>Chief Executive</i> <i>General Manager</i> <i>Corporate Services</i> <i>CFO</i> <i>Financial Controller</i>
135	Requirement to sign documents as correct copies for the purpose of Court or Tribunal proceedings	<i>Chief Executive</i> <i>General Manager</i> <i>Corporate Services</i>

**Attachment 5 to Report 23.92**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
		<i>CFO</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>General Manager</i> <i>Corporate Services</i> <i>CFO</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>Chief Executive</i> <i>CFO</i>

## Proposed delegations from Council to specified officers – Local Government (Rating) Act 2002

### ***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, the Group Manager Corporate Services, and the Chief Executive).

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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>	<b><i>Not capable of delegation</i></b>
27	<i>Requirement to keep and maintain a rating information database for the constituent districts in the region</i>	<b><i>Retained by Council</i></b>
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>Chief Financial Officer</i>
28A(4)	Power to make the rating information database available at any other Council office	<i>Chief Financial Officer</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>Chief Financial Officer</i>

## Attachment 6 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
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>Chief Financial Officer</i>
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>Chief Financial Officer</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>Chief Financial Officer</i>
36(2)	Requirement to update the rating information database upon notification of change of name	<i>Chief Financial Officer</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>Chief Financial Officer</i>
38(3)	Power to request confirmation of certain information from a person covered by section 38(1)(d)(i)	<i>Chief Financial Officer</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>Chief Financial Officer</i>
41 to 41A	Power to issue an amended rates assessment and refund overpayment, if an error is corrected	<i>Chief Financial Officer</i>
44 to 51	Requirements to deliver rates assessments and rates invoices to ratepayers setting out the information stated by the Act	<i>Chief Financial Officer</i>
53	<i>Power to appoint a rates collector</i>	<b>Retained by Council</b>

## Attachment 6 to Report 23.92

Section(s)	Description	Delegate(s)
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>Chief Financial Officer</i>
55	<i>Power to adopt a policy for the early payment of rates</i>	<b>Retained by Council</b>
56	<i>Power to adopt a policy for the early payment of rates in anticipation of rates for subsequent financial years</i>	<b>Retained by Council</b>
61 and 62	Powers for recovery of unpaid rates	<i>Chief Financial Officer</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>Chief Financial Officer</i>
63	Power to commence legal proceedings to recover rates	<i>Chief Financial Officer</i>
67	<i>Power to have judgments of the court enforced by the court by sale or lease of the rating unit</i>	<b>Retained by Council</b>
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>Chief Financial Officer</i>
77	<i>Powers of sale or lease of abandoned land</i>	<b>Retained by Council</b>
79	<i>Determine matters for the sale or lease of abandoned land</i>	<b>Retained by Council</b>
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>Chief Financial Officer</i>
85 and 86	Power to remit rates pursuant to Council's rates remission policy	<i>Chief Financial Officer</i>

## Attachment 6 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
87 to 90	Power to postpone rates pursuant to Council's rates postponement policy	<i>Chief Financial Officer</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>Chief Financial Officer</i>
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>Chief Financial Officer</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>Chief Financial Officer</i>
98A(2)	Requirement to determine a part of a rating unit on Māori freehold land to be a separate rating unit	<i>Chief Financial Officer</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>Chief Financial Officer</i>
98B	Requirement to apportion rates assessed for the underlying rating unit between each separate rating area and any residual rating area	<i>Chief Financial Officer</i>
98D(3)	Power to do anything required to adjust who is liable for rates (or apportionments of rates) and any related matters	<i>Chief Financial Officer</i>
98E(1)	Power to determine that a separate rating area divided from a rating unit is no longer a separate rating unit	<i>Chief Financial Officer</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>Chief Financial Officer</i>
99	Power to apply to Māori Land Court for charging order	<i>Chief Financial Officer</i>
104	Power to consent to an owner dealing with land	<i>Chief Financial Officer</i>

## Attachment 6 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
108	Power to apply to Māori Land Court to enforce charging order	<i>Chief Financial Officer</i>
111	Power to apply to Māori Land Court for payment of unpaid rates	<i>Chief Financial Officer</i>
114 and 115	Power to remit or postpone rates on Māori freehold land pursuant to Council policy	<i>One of</i> <i>Chief Executive</i> <i>Group Manager</i> <i>Corporate</i> <i>Services</i> <i>Chief Financial</i> <i>Officer</i> <i>jointly with Te</i> <i>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>Corporate</i> <i>Services</i> <i>Chief Financial</i> <i>Officer</i> <i>jointly with Te</i> <i>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>Corporate</i> <i>Services</i> <i>Chief Financial</i> <i>Officer</i> <i>jointly with Te</i> <i>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>	<b>Retained by Council</b>

## Attachment 6 to Report 23.92

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<i>118 to 130</i>	<i>Powers relating to the replacement of rates and other matters</i>	<b><i>Not capable of delegation</i></b>
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>Chief Financial Officer</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 Corporate Services</i> <i>Chief Financial Officer</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>Chief Financial Officer</i>

Council  
30 March 2023  
Report 23.121



For Decision

## AMENDMENT TO THE PUBLIC TRANSPORT ADVISORY GROUP'S TERMS OF REFERENCE

Te take mō te pūrongo

### Purpose

1. To seek Council approval of amendments to the Public Transport Advisory Group's Terms of Reference.

He tūtohu

### Recommendations

That Council:

- 1 **Notes** that the Public Transport Advisory Group's (Advisory Group) Terms of Reference provide for Council to appoint up to 20 persons to represent stated perspectives.
- 2 **Notes** that officers and the Nominations Evaluation Group consider that the Advisory Group's membership should be increased to up to 25 persons to represent stated perspectives.
- 3 **Notes** that the Terms of Reference for the Advisory Group provides that, "taken as a whole, the membership of the Advisory Group should provide a broad representation of perspectives and community needs".
- 4 **Notes** that the current stated perspectives do not include LGBTQIA+.
- 5 **Agrees** that an LGBTQIA+ perspective would help the Advisory Group provide a broad representation of perspectives and community needs.
- 6 **Adopts** the updated Terms of Reference for the Public Transport Advisory Group, as set out in Attachment 1, to provide for up to 25 members and an LGBTQIA+ perspective.
- 7 **Requests** that Greater Wellington seeks further applications for an LGBTQIA+ perspective.

## **Te tāhū kōrero**

### **Background**

2. On 15 December 2022, Council adopted Terms of Reference for the re-established Public Transport Advisory Group (Refer Report 22.524). The Advisory Group provides advice from a consumer perspective to inform the business of Metlink and the Transport Committee (as required).

### ***Terms of Reference***

3. The Terms of Reference for the Advisory Group provide that:
  - a Council may appoint up to 20 members to represent the following perspectives:
    - i Peak users (rail and bus)
    - ii Off peak users (rail and bus)
    - iii Active mode users (walking, cycling and micro-mobility)
    - iv Transport equity
    - v Rural
    - vi Disability accessibility
    - vii Transport dependent
    - viii Tertiary students
    - ix Youth
    - x Senior citizens
    - xi Employers
    - xii Business/retail sector
    - xiii Mana whenua, Māori
  - b One member could be appointed to represent more than one perspective and a single perspective could be represented by more than one member
  - c Appointments will be made taking into account:
    - i Each member should have the ability to provide a big picture view while also having an understanding of the Wellington public transport network and broader public transport issues
    - ii Taken as a whole, the membership should provide:
      - a Broad representation of perspectives and consumer needs
      - b Governance experience
      - c Geographic spread
      - d Demographic diversity.

## **Te tātaritanga Analysis**

### ***Increase in membership***

4. It is proposed that the current membership on the Advisory Group be increased from 20 to 25 members.
5. Increased membership allows broader representation of perspectives and community needs at scheduled meetings.

### ***Additional perspective – LGBTQIA+***

6. It is proposed that that an additional perspective – LGBTQIA+ be included in the Advisory Group's Terms of Reference.
7. Members of the LGBTQIA+ community are more likely to experience inequitable access to public transport and experience safety concerns.
8. The proposed amended terms of reference, incorporating the two changes outlined above (changes shown in tracked changes) is attached as **Attachment 1**.

## **Ngā hua ahumoni Financial implications**

9. Council previously determined a daily meeting fee for the Advisory Group of \$235 per member, with the Advisory Group scheduled to meet quarterly. The related costs of increasing the membership from 20 to 25 will be covered within Metlink's budget.

## **Ngā Take e hāngai ana te iwi Māori Implications for Māori**

10. Mana whenua, Māori is an existing perspective represented on the Advisory Group's Terms of Reference.

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

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

### ***Mitigation and adaptation assessments***

12. These matters are of a procedural nature, and there is no need to conduct climate change assessments.

## **Ngā tikanga whakatau Decision-making process**

13. 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**

14. 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 Greater Wellington's *Engagement Policy* and *Decision-making Guidelines*. Officers consider that these matters are of low significance.

**Te whakatūtakitaki  
Engagement**

15. No engagement was deemed necessary.

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

16. Applications to the LGBTQIA+ perspectives will be sought through an advertising process.

**Ngā āpitihanga  
Attachment**

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

**Ngā kaiwaitohu  
Signatories**

Writers	Margaret Meek – Principal Advisor, Public Transport Governance, Metlink David Boyd – Customer Experience Manager, Metlink
Approvers	Bonnie Parfitt – Manager, Network & Customer, Metlink Samantha Gain – General Manager, Metlink

<p style="text-align: center;"><b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>Council is responsible for approving the terms of reference for its governance structure.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The Advisory Group is one tool that can be used to enable the Public Transport group to achieve a key result area set out in the Long Term Plan 2021—31 - “Improving the customer experience across all areas of the public transport network”.</p>
<p><b><i>Internal consultation</i></b></p> <p>The Council and Transport Committee Chairs and Greater Wellington’s Rainbow Network were consulted in the development of the proposed amendments to the Advisory Group’s Terms of Reference.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>There are no known risks.</p>

## **Public Transport Advisory Group** (An advisory body to the Transport Committee)

### **1 Purpose**

Advise (from a community perspective) to inform the business of Metlink and the Transport Committee (as required).

### **2 Expectations of the Public Transport Advisory Group**

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

### **3 Members**

- 3.1 The Deputy Chair of the Transport Committee.
- 3.2 Up to 25 members to represent the following perspectives relating to public transport and active mode matters in the Wellington Region:
  - a Peak users (rail and bus)
  - b Off peak users (rail and bus)
  - c Active mode users (walking, cycling and micro-mobility)
  - d Transport equity
  - e Rural
  - f Disability accessibility
  - g Transport dependent
  - h Tertiary students

- l Youth
- j Senior citizens
- k Employers
- l Business / retail sector
- m Mana whenua, Māori
- n LGBTQIA+.

3.3 More than one member may be appointed to represent a single perspective and one member may be appointed to represent more than one perspective.

3.4 Such other members appointed by Council, when the Advisory Group considers that it could function more effectively by having such appointed members.

#### **4 Appointment**

4.1 Members will be appointed by Council.

4.2 Appointments will be made taking into account the matters set out at sections 2.2 and 2.3 above.

#### **5 Chair**

Once all members are appointed, Council appoints the Chair from the Group's non-Councillor members.

#### **6 Quorum**

At least 50 percent of the members.

#### **7 Alternate members**

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

#### **8 Reporting and servicing**

8.1 After each meeting, a written report of the business conducted at that meeting shall be provided to the Transport Committee.

8.2 The Chair of the Public Transport Advisory Group shall speak to that written summary report at the relevant Transport Committee meeting.

8.3 The Advisory Group is serviced by Metlink.

## **7 Remuneration**

- 9.1 Advisory Group members (who are not otherwise being remunerated by Greater Wellington) may claim Greater Wellington's standard daily meeting attendance allowances and expenses for scheduled meetings of the Advisory Group.
- 9.2 In addition, member of the Advisory Group on the Transport Committee may claim Greater Wellington's standard daily meeting attendance allowances and expenses for scheduled meetings or workshops of the Transport Committee that the member is required to attend.

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

- 10.1 The Advisory Group shall meet quarterly, and as required.
- 10.2 Meetings may be held at locations throughout the Wellington Region and will be held either by:
- a A number of members who constitute a quorum being assembled together at the place, date and time appointed for the meeting
  - b Means of audio, or audio and visual, communication by which a quorum of members participating can simultaneously hear each other throughout the meeting.
- 10.3 In the absence of a prior decision made by Council to continue the Advisory Group in the next triennium, the Advisory Group will dissolve at the end of the 2022—25 triennium.

## **11 Status of the Advisory Group**

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

Council  
30 March 2023  
Report 23.114



For Decision

## CROWN REPRESENTATION APPOINTMENT TO THE WELLINGTON REGIONAL LEADERSHIP COMMITTEE

Te take mō te pūrongo

### Purpose

1. To advise Council of a change in appointment to the Wellington Regional Leadership Committee.

He tūtohu

### Recommendations

That Council:

1. **Notes** that as the administering authority, Council is responsible for the non-local Government appointments to the Wellington Regional Leadership Committee
2. **Revokes** the appointment of Hon Dr Megan Woods, Minister of Housing, as a member representing Crown interests on the Wellington Regional Leadership Committee.
3. **Appoints** Hon Barbara Edmonds, Associate Minister of Housing, as a member representing Crown interests on the Wellington Regional Leadership Committee.

Te horopaki

### Context

2. The Terms of Reference for the Wellington Regional Leadership Committee were agreed by Council on 23 September 2021 (Updated Wellington Regional Leadership Committee Joint Agreement and Terms of Reference – Report 21.432).
3. Crown representatives for the Wellington Regional Leadership Committee were appointed by Council on 10 June 2021 (Wellington Regional Leadership Committee: appointment of members – Report PE21.163).
4. The Ministry of Housing and Urban Development has advised officers of a change to the appointment of Crown representation for the Wellington Regional Leadership Committee.

## **Te tātaritanga Analysis**

5. The Terms of Reference of the Wellington Regional Leadership Committee provides for Council to appoint Crown representation to the Committee:

*Up to three persons nominated by the Crown (Cabinet) and appointed by the Administering Authority)*

6. The Ministry of Housing and Urban Development has requested that Hon Barbara Edmonds, Associate Minister of Housing be appointed to the Wellington Regional Leadership Committee and the appointment of Hon Dr Megan Woods, Minister of Housing be revoked. Hon Barbara Edmonds holds delegated authority relevant to the purposes and functions of the Wellington Regional Leadership Committee.

## **Ngā hua ahumoni Financial implications**

7. There are no financial implications as Crown representatives are remunerated by the Crown.

## **Ngā Take e hāngai ana te iwi Māori Implications for Māori**

8. Mana whenua representatives have already been appointed to the Wellington Regional Leadership Committee. Any further nominations of mana whenua representation will be subject to a separate report.

## **Ngā tikanga whakatau Decision-making process**

9. The matters requiring decision in this report were considered by officers against the decision-making requirements of Part 6 and Clause 31 of Schedule 7 to the Local Government Act 2002.

## **Te hiranga Significance**

10. 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*. Due to the administrative nature of these decisions, it is recommended that these matters are of low significance.

**Te whakatūtakitaki**  
**Engagement**

- 11. Correspondence was entered into with the Ministry of Housing and Urban Development to confirm the Crown appointees to the Wellington Regional Leadership Committee.

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

- 12. A communication will be sent to the Ministry of Housing and Urban Development to confirm the new Crown appointee to the Wellington Regional Leadership Committee.

**Ngā kaiwaitohu**  
**Signatories**

Writer	Bree Hartley – Kaitohutohu   Democratic Services Advisory
Approvers	Francis Ryan – Kaiwhakahaere Matua   Manager Governance and Democracy Luke Troy – Kaiwhakahaere Matua, Rautaki   General Manager, Strategy

<p style="text-align: center;"><b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>Council's core role includes establishing supporting committees and advisory groups and making appointments to those bodies.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>There are no implications to the Annual Plan, Long Term Plan, or other key strategies and policies.</p>
<p><b><i>Internal consultation</i></b></p> <p>The Wellington Regional Leadership Committee Secretariat was involved in the correspondence with the Ministry of Housing and Urban Development regarding the Crown appointments to the Wellington Regional Leadership Committee.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>There are no known risks.</p>

Council  
30 March 2023  
Report 23.127



For Decision

## NGĀTI KAHUNGUNU KI WAIRARAPA TĀMAKI NUI-A-RUA TREATY SETTLEMENT TRUST MEMBERSHIP OF THE WELLINGTON WATER COMMITTEE

### Te take mō te pūrongo

#### Purpose

1. To advise Council of the application from Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Treaty Settlement Trust (Ngāti Kahungunu) to become a Mana Whenua Partner Entity under the Shareholders and Partners Agreement for Wellington Water Limited. This will enable the entity to then be represented on the Wellington Water Committee.

### He tūtohu

#### Recommendations

That Council:

1. **Approves** Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Treaty Settlement Trust being a Mana Whenua Partner Entity under the Shareholders and Partners Agreement.
2. **Notes** that through being a Mana Whenua Partner Entity, Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Treaty Settlement Trust will be entitled to membership of the Wellington Water Committee.

### Te tāhū kōrero

#### Background

2. The Wellington Water shareholders amended the Wellington Water Limited governance documents in 2019 to allow for iwi representation.
3. Since then, the Wellington Water Committee has been operating a governance structure providing for genuine Māori representation. Wellington Water's governance documents reflect an inclusive approach.
4. The Shareholders Agreement allows a Māori authority to seek to be recognised as a Mana Whenua Partner Entity. Upon joint approval by the shareholders, the Mana Whenua Partner Entity can nominate a person to be a Wellington Water Committee member (which the shareholders must unanimously appoint). A Mana Whenua Partner Entity must be a Māori authority within the geographical area in which the Wellington Water Company operates.

5. The relevant Māori authority will become a Mana Whenua Partner Entity upon acceding to the Shareholders Agreement by way of deed of accession.
6. Two Māori authorities are currently represented on the Wellington Water Committee; Ngāti Toa Rangatira and Taranaki Whānui ki te Upoko o Te Ika.
7. Up until now the Wairarapa iwi have not been formally represented on the Wellington Water Committee. Instead, the Chair of the Māori Standing Committee of the South Wairarapa District Council has had observer status on the committee.
8. The progress of the Ngāti Kahungunu Treaty settlement has now positioned the iwi to be able to actively participate in the Wellington Water Committee and they have requested formal membership of the Committee. Their application was considered at the 16 December 2022 meeting of the Wellington Water Committee, and it was unanimously agreed that the application would be recommended to each of the shareholding Councils.
9. Agreement is now being sought from each shareholding Council. The other shareholding Councils have already approved this proposal.
10. This agreement does not preclude the provision for Ngāti Kahungunu ki Wairarapa and Rangitāne ki Wairarapa being provided the space to participate in this Committee in the future.
11. Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Treaty Settlement Trust has advised that Andrea Rutene will be their nominated representative once the application has been agreed by the shareholding councils.

### **Ngā hua ahumoni Financial implications**

12. There are no financial implications for Council arising from this report. Appointees are remunerated by Hutt City Council, as the Administering Authority of the Wellington Water Committee.

### **Ngā Take e hāngai ana te iwi Māori Implications for Māori**

13. Being part of the decision-making process upholds the rangatiratanga of mana whenua in the region and strengthens the governance connection within Wellington Water to their kaitiakitanga. This also connects to the principles and obligations set out in Te Mana o te Wai within the National Policy Statement on Freshwater Management by actively involving tangata whenua in the lifecycle management of water.

**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 and Clause 31 of Schedule 7 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 decisions, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers consider that these matters are of low significance, due to their administrative nature.

**Te whakatūtakitaki**  
**Engagement**

16. Due to the low significance of the decision, community engagement was not considered necessary.

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

17. Wellington Water Committee will address the appointment at a future scheduled Committee meeting and confirm the appointments.

**Ngā kaiwaitohu**  
**Signatories**

Writer	Sue McLean – Kaiwhakahaere Ratonga Rangapū   GM Corporate Services
Approvers	Monica Fraser - Te Pou Whakarae Te Hunga Whiriwhiri

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Council is responsible for making appointments to its committees.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The appointment contributes to Greater Wellington and Council's commitment to giving effect to Te Tiriti o Waitangi and involving mana whenua in decision-making.
<b><i>Internal consultation</i></b> Te Hunga Whiriwhiri, Corporate Services.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no known risks arising from this report.

Council  
30 March 2023  
Report 23.126



For Decision

## RESOLUTION TO EXCLUDE THE PUBLIC

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

Proposed RPS Change 1: Part 1, Schedule 1, Hearings Panel appointment – Report PE23.103

WRC Holdings: director appointments – Report PE23.115

Appointments to Public Transport Advisory Group – Report PE23.95

Mana whenua appointment to Long Term Plan Committee – Report PE23.122

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:

<b>Proposed RPS Change 1: Part 1, Schedule 1, Hearings Panel appointment – Report PE23.103</b>	
<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 will include 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 (section 7(2)(a) of the Act) as releasing this information would disclose their consideration for appointment on the Part 1, Schedule 1 Hearings Panel.</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>

<b>WRC Holdings: director appointments – Report PE23.115</b>	
<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. 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>
<b>Appointments to Public Transport Advisory Group – Report PE23.95</b>	
<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 information provided by applicants for appointment to the Public Transport Advisory Group. Excluding the public from the proceedings of the meeting is necessary to protect the privacy of natural persons (section 7(2)(a) of the Act) as holding this part of the meeting in public would release information that is private to the individuals concerned.</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>

<b>Mana whenua appointment to Long Term Plan Committee – Report PE23.122</b>	
<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 the proposed 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 member of the Committee.</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.