



If calling, please ask for Democratic Services

Council

Thursday 9 April, 9.30am

Via Zoom meeting

Members

Cr Ponter (Chair)

Cr Staples (Deputy Chair)

Cr Blakeley

Cr Brash

Cr Connelly

Cr Gaylor

Cr Hughes

Cr Kirk-Burnnand

Cr Laban

Cr Lamason

Cr Lee

Cr Nash

Cr van Lier

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

Council

Thursday 9 April 2020, 9.30am

Via Zoom

Public Business

No.	Item	Report	Page
1.	Apologies		
2.	Conflict of interest declarations		
3.	Public Participation		

Strategy/Policy/Major Issues

4.	Confirmation of the Public minutes of the Council meeting 27 February 2020	20.80	4
5.	Confirmation of the Public minutes of the Emergency Council meeting 24 March 2020	20.108	16
6.	Update on progress of action items from previous council meetings –April 2020	20.91	19
7.	Crisis Management Team business continuity update	Oral report	
8.	COVID-19: Public transport commercial matters	20.106	23
9.	Financial update for 2019/20	20.122	42
10.	Report on Wellington Water Committee meeting – 5 March 2020	20.92	48
11.	Report on the Emergency Civil Defence Emergency Management Group Joint Committee meetings of 30 March 2020 and 2 April 2020	20.115	52

Climate Committee business

12.	Design of the low carbon acceleration fund	20.112	58
-----	--	--------	----

Environment Committee business

13.	Stormwater – regulatory framework and monitoring	20.95	67
-----	--	-------	----

Resolution to exclude the public

14.	Resolution to exclude the public report	20.97	86
-----	---	-------	----

Public Excluded Business

15.	Multi-user ferry terminal	PE20.121	89
16.	Confirmation of the Public Excluded minutes of the Council meeting 27 February 2020	PE20.81	98
17.	Confirmation of the Restricted Public Excluded minutes of the Council meeting of 27 February 2020	RPE20.82	104



Please note these minutes remain unconfirmed until the Council meeting on 9 April 2020.

Report 20.80

Public minutes of the Council meeting on Thursday 27 February 2020

Kadima Lounge 2, Fraser Park Sportsville
237 Taita Drive, Avalon, Lower Hutt, at 9.34am.

Members Present

Councillor Ponter (Chair) (from 9.56am)
Councillor Staples (Deputy Chair) (presiding member until 9.55am).
Councillor Blakeley
Councillor Brash
Councillor Connelly
Councillor Gaylor (from 9.43am)
Councillor Hughes (from 9.56am)
Councillor Lamason
Councillor Lee (from 9.48am)
Councillor Nash
Councillor van Lier

Councillor Staples (Deputy Council Chair) presided at the meeting in the absence of the Council Chair until 9.55am.

Public Business

1 Apologies

Moved: Cr Blakeley / Cr Connelly

That the Council accepts the apologies for absence from Councillors Kirk-Burnand and Laban, and the apologies for lateness from Councillors Gaylor, Hughes, Lee, and Ponter.

The motion was **carried**.

2 Declarations of conflicts of interest

There were no declarations of conflict of interest.

3 Public participation

There was no public participation.

4 Confirmation of the Public minutes of 12 December 2019 – Report 19.538

Moved: Cr Blakeley / Cr Lamason

That the Council confirms the Public minutes of 12 December 2019 – Report 19.538.

The motion was **carried**.

5 Confirmation of the Public minutes of 4 February 2020 – Report 20.23

Moved: Cr Brash / Cr van Lier

That the Council confirms the Public minutes of 4 February 2020 – Report 20.23.

The motion was **carried**.

Council accorded priority to agenda item 8 – *Proposed variation to the Wellington Regional Land Transport Plan Programme 2018-21* and item 9 – *Triennial Agreement 2019-2022*.

6 Proposed variation to the Wellington Regional Land Transport Plan Programme 2018-21 – Report 20.30

Moved: Cr Brash / Cr van Lier

That the Council:

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

The motion was **carried**.

7 Triennial Agreement 2019-22 – Report 20.57

Moved: Cr Brash / Cr Lamason

That the Council:

- 1 Approves the Wellington Regional Triennial Agreement 2019-2022 (Attachment 1).
- 2 Authorises the Chief Executive and the Council Chair to make any minor amendments to the Triennial Agreement 2019-2022 required as a result of

changes requested by other local authorities in the region as part of the adoption process

The motion was **carried**.

Noted: Cr Gaylor arrived at 9.43am at the conclusion of the above item of business.

Council accorded priority to agenda item 13 – *Councillor appointments – February 2020*, item 14 – *Report of the Regional Transport Committee meeting 18 February 2020*, and item 15 – *Report of the Wellington Regional Strategy Committee meeting 18 February 2020*.

8 Councillor appointments – February 2020 – Report 20.61

Moved: Cr Nash / Cr Lamason

That the Council:

Transport Committee

- 1 Removes Councillor Ponter as the designated spokesperson for the Transport Committee.
- 2 Notes that Councillor Blakeley, as part of this role as Chair of the Transport Committee, then assumes the role of spokesperson.

Wellington Region Waste Management and Minimisation Plan Joint Committee

- 3 Removes Councillor Connelly as Council's member on the Wellington Region Waste Management and Minimisation Plan Joint Committee.
- 4 Appoints Councillor Lee as Council's member on the Wellington Region Waste Management and Minimisation Plan Joint Committee.

The motion was **carried**.

Noted: Cr Lee arrived at the meeting at 9.48am during the consideration of the above item.

9 Report of the Regional Transport Committee meeting 18 February 2020 – Report [for information]

10 Report of the Wellington Regional Strategy Committee meeting – 18 February 2020 – Report [for information]

11 Submission on proposed National Policy Statement for Indigenous Biodiversity – Report 20.70

Jamie Steer, Senior Biodiversity Advisor, spoke to the report.

Moved: Cr Gaylor / Cr Nash

That the Council:

- 1 Adopts the submission, subject to any minor editorial amendments to be approved by the Council Chair.

- 2 Approves the proposal to write an accompanying letter to the Minister for the Environment.

The motion was **carried**.

Noted: Cr Hughes and Ponter arrived at the meeting at 9.56am, during the vote on the above item.

Cr Ponter assumed the chair once consideration of the above item had concluded.

12 Submission on Taumata Arowai – the Water Services Regulator Bill – Report 20.75

Seán Mahoney, Company Portfolio Manager, spoke to the report.

An updated Attachment 1 was tabled.

Moved: Cr Staples / Cr Blakeley

That the Council adopts the submission to the Health Select Committee on Taumata Arowai – the Water Services Regulator Bill, subject to any minor editorial amendments to be approved by the Council Chair.

The motion was **carried**.

13 Policy on the appointment and remuneration of directors of council organisations – Report 20.66

Seán Mahoney, Company Portfolio Manager, spoke to the report.

Moved: Cr Lamason / Cr Nash

That the Council:

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

The motion was **carried**.

14 WRC Holdings – fee increases – Report 20.56

Seán Mahoney, Company Portfolio Manager, spoke to the report.

Moved: Cr Lamason / Cr Staples

That the Council:

- 1 Approves Option One – Increase the external director’s fee for WRC Holdings from \$20,000 to \$25,000 per annum (paragraph 12).
- 2 Approves an increase in the fee for any independent Chair of WRC Holdings to \$45,000 per annum.

The motion was **carried**.

Noted: The Council requested that officers undertake a review of fees payable to external members of all GW bodies to ensure appropriate relativity with other public bodies.

15 Greater Wellington's quarterly performance reports – as at 31 December 2019 – Report 20.60 [for information]

Nigel Corry, Deputy Chief Executive, spoke to the report.

Moved: Cr Brash / Cr Lee

That the Council accepts Greater Wellington's performance report as at 31 December 2019 (the end of the second quarter of the 2019/20 financial year) (Attachment 1).

The motion was **carried**.

Council agreed to take item 10 – *Establishment of Public Transport Advisory Group* last in the public part of the meeting.

16 Establishment of Public Transport Advisor Group – Report 20.55

Greg Pollock, General Manager Public Transport, spoke to the report.

Moved: Cr Lee / Cr Blakeley

That the Council:

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

The motion was **carried**.

Resolution to exclude the public

17 Resolution to exclude the public – Report 20.28

Moved: Cr Staples / Cr Brash

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

Confirmation of the Public Excluded minutes of 12 December 2019 – Report PE19.539

Forestry Cutting Rights (consent to change of ownership) – Report PE20.27

Project Next – structural arrangements – Report PE20.51

Wellington Regional Economic Development Agency – appointment of director – Report PE20.67

Wellington Regional Stadium Trust – appointment of trustee – Report PE20.40

Appointment of non-elected member to the Climate Committee – Report PE20.8

Non-councillor appointments to committees and advisory bodies – Report PE20.10

Confirmation of the Restricted Public Excluded minutes of 12 December 2019 – Report RPE19.540

Transit integrated development proposal – Johnsonville – Report RPE19.502

Interim review of the Chief Executive’s performance for 2019/20 – Report RPE20.18

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

Confirmation of the public excluded minutes of the Council meeting 12 December 2019	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>The information contained in these minutes relates to a proposed contractual arrangement regarding land owned by Greater Wellington. The report outlines the terms of a proposed agreement, including details of the commercial terms. Having this part of the meeting open to the public would disadvantage Greater Wellington in that it would reveal Greater Wellington's expectations as to the final terms and conditions that would be acceptable to Greater Wellington. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override this prejudice.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).</p>
Forestry cutting rights (consent to change of ownership)	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>The information contained in this report relates to due diligence information obtained in relation to the holder of the Forestry Rights, RMS FGI New Zealand Limited and the proposed new shareholder in RMS FGI New Zealand. The disclosure of this information would likely to unreasonably prejudice the commercial positions of the persons supplying or the subject of the information. It may also prejudice or disadvantage Council in the negotiation of the proposed Deed of Covenant and the Ancillary Deed that Council is seeking to secure as a condition of Council consenting to the Proposed Transaction. Good reason also exists for withholding the legally</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(b)(ii) of the Act (to protect information where making available of the information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information) and 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)) and section 7(2)(g) of the Act (to maintain legal professional privilege).</p>

<p>privileged advice summarised within the report and annexed to the report in the legal due diligence report. Council has not been able to identify a public interest favouring disclosure of this information in public proceedings of the meeting that would override the need to withhold the information.</p>	
<p>Project Next – structural arrangements</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>The information contained in this report relates to negotiations with the New Zealand Transport Agency and other public transport authorities in New Zealand. Release of this information would be likely to prejudice or disadvantage the ability of Council to carry on negotiations with the New Zealand Transport Agency and public transport authorities. In addition, information in the report relates to procurement processes for a ticketing solution provider and associated financial service providers that are underway. Release of this information would be likely to prejudice or disadvantage the ability of the New Zealand Transport Agency and public transport authorities (including Council) to carry on negotiations with parties participating in the procurement process. Council has not been able to identify a public interest favouring disclosure of this information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).</p>
<p>Wellington Regional Economic Development Agency – appointment of director</p>	
<p><i>Reason for passing this resolution in</i></p>	<p><i>Ground(s) under section 48(1) for the</i></p>

<i>relation to each matter</i>	<i>passing of this resolution</i>
The information contained in this report includes personal and identifying information about the proposed candidate. Withholding the information prior to Council's decision is necessary to protect the privacy of that natural person, as releasing this information would disclose their consideration as a director of the Wellington Regional Economic Development Agency. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.	The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).
Wellington Regional Stadium Trust trustee appointment	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
The information contained in this report includes personal and identifying information about the proposed candidate. Withholding this information prior to Council's decision is necessary to protect the privacy of that natural person, as releasing this information would disclose their consideration as a Trustee of the Wellington Regional Stadium Trust. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.	The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).
Appointment of non-elected member to the Climate Committee	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
The information contained in this	The public conduct of this part of the

<p>report includes personal and identifying information about the preferred candidate. Withholding this information prior to Council’s decision is necessary to protect the privacy of that natural person, as releasing this information would disclose their consideration as an appointed member to the Climate Committee. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).</p>
<p>Non-councillor appointments to committees and advisory bodies</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>Information contained in this report includes personal and identifying information about proposed candidates for appointment. Withholding this information prior to Council’s decision is necessary to protect the privacy of those natural persons, as releasing the information would disclose their consideration for appointment as members of Te Upoko Taiao – Natural Resources Plan Committee and the Farming Reference Group. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).</p>
<p>Confirmation of the restricted public excluded minutes of the Council meeting 12 December 2019</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>

<p>Information contained in these minutes relates to negotiations with NZ Bus and Tranzurban. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington to carry on negotiations with NZ Bus and Tranzurban. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations).</p>
<p>Transit integrated development proposal – Johnsonville</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>Information contained in this report relates to negotiations with Stride and Wellington City Council. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington to carry on negotiations with Stride and Wellington City Council. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).</p>
<p>Chief Executive’s interim performance review</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>The information in this report contains information relating to the Chief Executive’s interim performance review for the year 2019/20. Release of this information would prejudice Greg Campbell’s privacy by disclosing details of his interim performance review for</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).</p>

2019/20. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.	
---	--

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Council also moves that Nick Crang, Partner, Duncan Cotterill, be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of matters related to consent of ownership for forestry cutting rights. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because it is the subject of the report on forestry cutting rights (consent to change of ownership).

The motion was **carried**.

The public part of the meeting closed at 10.29am.

Councillor D Ponter
Chair

Date:



greater WELLINGTON

REGIONAL COUNCIL

Te Pane Matua Taiao

Please note these minutes remain unconfirmed until the Council meeting on 9 April 2020.

Report 20.108

Public minutes of the Emergency Council meeting on 24 March 2020

Council Chamber, Greater Wellington Regional Council
Level 2, 15 Walter Street, Te Aro, Wellington at 3.01pm.

Members Present

Councillor Ponter (Chair)
Councillor Gaylor
Councillor Hughes
Councillor Laban
Councillor Lee
Councillor Nash
Councillor van Lier

By remote participation

Councillor Blakeley
Councillor Brash
Councillor Connelly
Councillor Kirk-Burnnand
Councillor Lamason
Councillor Staples

Public Business

1 Apologies

There were no apologies.

2 Declarations of conflicts of interest

There were no declarations of conflict of interest.

3 Public participation

There was no public participation.

Strategy, policy or major issues

4 Delegation to the Chief Executive during COVID-19 pandemic – Report 20.107

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

Updated recommendations and an updated Attachment 1 (proposed delegation) were tabled; the updated recommendations and Attachment 1 provided for a delegation to be exercised by three specified Councillors provided certain conditions are met, and on the recommendation of the Chief Executive.

Moved: Cr Blakeley / Cr Laban

That the Council:

- 1 Notes that Greater Wellington considers it is prudent for Council to authorise three specified Councillors to make urgent decisions, by agreement, in specified situations during the COVID-19 pandemic.
- 2 Issues a delegation, which includes appropriate conditions, to three specified Councillors to make urgent decisions, by agreement, during the COVID-19 pandemic (Attachment 1).

The motion was **carried**.

5 Reduction in quorum for specific committees – Report 20.105

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

Moved: Cr Laban / Cr Brash

That the Council:

- 1 Notes the Government is currently at Alert level 3 for the COVID-19 pandemic, and will move to Alert level 4 on Wednesday 25 March 2020; with Council unable to meet during the latter as it cannot form a quorum of members physically present.
- 2 Notes that, whilst Committee meetings are currently cancelled, approving a reduced quorum for specific Committees would enable recommencement of these meetings as soon as practicable (once the Government's Alert level allows for this).
- 3 Agrees that if the anticipated Order in Council for local government in the COVID-19 situation does not address, or address adequately, the matter of the meeting quorum for Council and Committees, it may be necessary to hold meetings where all members participate remotely, with remote participants counting for the purpose of the quorum, acknowledging that such meetings

may technically be in breach of the meeting requirements of the Local Government Official Information Meetings Act 1987.

- 4 Notes that, due to statutory requirements it is not possible for Council to reduce the quorum of Council; also it is not possible to reduce the quorum of Wellington Regional Strategy Committee without the agreement of the Wellington Region's territorial authorities.
- 5 Notes that, as the quorum is already minimal, it is not proposed to amend the quorum for the Wairarapa Committee or the Hutt Valley Flood Management Subcommittee.
- 6 Agrees to amend the quorum requirements for other Committees as follows:
 - a Two Committee members for the:
 - i Environment Committee
 - ii Transport Committee
 - iii Climate Committee
 - iv Finance, Risk and Assurance Committee
 - b The Chair or Deputy Chair, and one other Committee member, for the Regional Transport Committee
 - c Two Councillors for the Chief Executive Employment Review Committee
 - d Two Councillor and two non-Councillor members of the Committee for Te Upoko Taiao – Natural Resources Plan Committee.
- 7 Notes that the key purpose of the reduction in quorum is to enable most members of committees to participate in meetings remotely at the earliest opportunity feasible for committees to recommence.

The motion was **carried**.

The meeting closed at 4.07pm.

Councillor D Ponter
Chair

Date:

**Council
9 April 2020
Report 20.91**



For Information

UPDATE ON PROGRESS OF ACTION ITEMS FROM PREVIOUS COUNCIL MEETINGS – APRIL 2020

**Te take mō te pūrongo
Purpose**

1. To update Council on the progress of action items arising from previous Council meetings.

**Te horopaki
Context**

2. Items raised at Council meetings, that require actions by officers, are listed in the table of action items from previous Council meetings ([Attachment 1](#)). All action items include an outline of the current status and a brief comment.

**Ngā hua ahumoni
Financial implications**

3. There are no financial implications from this report, but there may be implications arising from the actions listed.

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

4. Completed items will be removed from the action items table. Items not completed will continue to be progressed and reported. Any new items will be added following this Council meeting and circulated to the relevant business group/s for action.

**Ngā āpitihanga
Attachment**

Number	Title
1	Action items from previous Council meetings

**Ngā kaiwaitohu
Signatories**

Writers	Al Cross – Kaiwhakahaere Matua mo te Taiao/General Manager Environment Management Wayne O’Donnell – Kaiwhakahaere Matua Whaitua/General Manager Catchment Management Luke Troy – Kaiwhakahaere Matua Rautaki/General Manager Strategy
---------	---

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> The action items are of an administrative nature and support the functioning of the Council.
<i>Implications for Māori</i> There are no direct implications for Māori arising from this report.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> This report does not contribute directly to Council or Greater Wellington's key strategies and policies; however, the identified action items may.
<i>Internal consultation</i> There was no internal consultation.
<i>Risks and impacts: legal / health and safety etc.</i> There are no known risks.

Attachment 1 to Report 20.91

Action items from previous Council meetings

Meeting date	Action	Status and comment
4 February 2020	<p>Government Freshwater reforms – letter to Government – Report 20.16</p> <p>Resolved Directs officers to prepare a letter from the Council Chair to the Environment and Agriculture Ministers (subject to consultation with the Chair of Environment Committee and Co-Chair of Te Upoko Taiao – Natural Resources Plan Committee).</p>	<p>Status Changed and completed.</p> <p>Comment No letter prepared following advice from the regional sector. Instead, Council Chair met with the Minister for the Environment, alongside several regional sector chairs.</p>
27 February 2020	<p>Submission on the proposed National Policy Statement for Indigenous Biodiversity – Report 20.70</p> <p>Resolved Approves the proposal to write an accompanying letter to the Minister for the Environment.</p>	<p>Status Completed.</p> <p>Comment Submission and letter sent to Minister for the Environment.</p>
27 February 2020	<p>Noted Council requested officers undertake a review of fees payable to external members of all Greater Wellington bodies to ensure appropriate relativity with other public bodies.</p>	<p>Status In progress.</p> <p>Comment Information is being sought from a selection of local authorities to provide comparative information for this review.</p>

Council
9 April 2020
Report 20.106



For Decision

COVID-19: PUBLIC TRANSPORT COMMERCIAL MATTERS

Te take mō te pūrongo

Purpose

1. To inform Council about:
 - a the Government's expectations in regard to the continued provision of essential public transport services associated with COVID-19
 - b steps taken by operators to date to discharge health and safety duties
 - c steps taken by Metlink to provide for the health and safety of Metlink staff, operators and their staff, and customers of public transport services.
 - d additional actions that may be required by operators during Alert 4
 - e the additional financial support for public transport services that the Greater Wellington expects to receive during the COVID-19 pandemic from the National Land Transport Fund (NLTF)
 - f application of Force Majeure provisions in the Public Transport Operating Model (PTOM) Contracts
 - g progress regarding the negotiation of variations to PTOM contracts to enable NZ Bus to purchase new electric three axle large vehicles and Tranzurban to purchase double decker electric vehicles.
 - h progress regarding changes required to implement the rest and meal break changes
 - i suspension of the Airport Flyer
 - j financial implications
2. To seek Council endorsement to:
 - a the response taken in response to COVID-19

He tūtohu

Recommendations

That the Council

- 1 **Notes** that the Transport Agency and the Ministry of Transport collective objective through the COVID-19 crisis is to ensure that public transport services continue to be provided to the extent possible, consistent with any advice received from the

Ministry of Health, and that the public transport sector can recover quickly when we enter the recovery phase.

- 2 **Endorses** the actions taken to date by Greater Wellington and Metlink operators (as set out in paragraphs 9 to 15 of this report) in response to COVID-19.
- 3 **Notes** the additional actions that may be required by operators during Alert level 4.
- 4 **Notes** the guidance provided by the Transport Agency and the Ministry of Transport regarding the additional financial support that will be provided from the National Land Transport Fund until 30 June 2020 and is subject to review.
- 5 **Agrees** that the additional funding from the National Land Transport Fund is based on the expectation that the Council will fund its pre budgeted local share (rates) of the cost public transport service provision for the financial year to 30 June 2020.
- 6 **Notes** that Council will be required to fund the loss of fare revenue and any net increase in operator costs that are incurred after the move to Alert 2 and prior to 25 March 2020.
- 7 **Notes** that a Force Majeure Event has occurred under the Public Transport Operating Model (PTOM) contracts with each of the bus, rail and ferry operators.
- 8 **Notes** that the General Manager, Metlink has issued a letter to each of the Metlink operators regarding:
 - a in the case of the bus and rail operators, the declaration of a national state of emergency constituting a Force Majeure Event,
 - b in the case of the ferry operator, the Epidemic Notice issued by the Prime Minister constituting a Force Majeure Event,
 - c the approach that Greater Wellington intends to take to ensure that Metlink operators will continue to be funded in accordance with the NZ Transport Agency and Ministry of Transport guidance for any net increase in costs incurred by operators in response to COVID -19, and
 - d in each case confirming that Greater Wellington specifically wants operators to maintain their respective workforce and assets so that public transport is ready to play a key role in the recovery phase whenever that point is reached.
- 9 **Notes** that (in the absence of officer delegated authority) three specified Councillors (in accordance with, and subject to the conditions set out in the Council resolution passed on 24 March 2020) have the delegated authority to approve any further actions by PTOM operators or Greater Wellington (including by incurring expenditure and /or the forgoing of revenue) required in response to COVID -19.
- 10 **Authorises** the Chief Executive to extend the timetable for negotiation of variations to the NZ Bus and Tranzurban PTOM contracts to enable the purchase of electric vehicles due to COVID -19.
- 11 **Notes** the delay in the work required to implement the rest and meal break changes due to COVID-19.

- 12 **Notes** that exempt services (fully commercial services not contracted by Greater Wellington), including the Airport Flyer service and Wellington Cable Car, have been suspended.

Te tāhū kōrero/Te horopaki

Background/Context

3. The World Health Organisation (WHO) has declared a world-wide novel coronavirus (COVID-19) pandemic. The New Zealand Government has responded with a range of measures, including the 21 March 2020 announcement of an alert system and the declaration of 'Alert 2' status, with a subsequent move to 'Alert 3' and then to 'Alert 4' from 11.59pm Wednesday 25 March 2020. 'Alert 4' is expected to continue for several weeks.
4. As the situation continues to change rapidly in New Zealand, Greater Wellington is closely monitoring further advice and guidance issued from the Government, including the potential for extension to the duration of 'Alert 4' and future changes to the current alert level in the Wellington Region.
5. The Government expects Greater Wellington to maintain essential public transport services (in line with the Government guidance on COVID-19 alert levels) to support essential services and essential activities while maintaining front line health and safety. There is also an expectation that the public transport sector can recover quickly when we enter the recovery phase.
6. Public transport services under contract to regional councils have been identified as essential services that are permitted to continue operating during the Alert 4 period. This means that Greater Wellington's Metlink operators are permitted to continue operating, including any critical suppliers to those operators.
7. Following a robust and rapid consultation process with regional council officers from across the country, including officers from Greater Wellington, the Transport Agency and the Ministry of Transport have issued three sets of initial guidance as follows:
 - a 21 March 2020, guidance (by email) for councils to suspend the financial consequences of the abatement regimes in place relating to operator performance
 - b 24 March 2020, guidance to councils about the additional financial support for public transport services that councils can expect from the National Land Transport Fund (NLTF) during the COVID-19 pandemic ([Attachment 1](#)). This related in particular to fare revenue support, removing cash from public transport and a 'net' funding formula
 - c 31 March 2020, further supporting guidance was issued to provide detail on expectations Councils and the Transport Agency have in relation to funding, levels of service and expectations of commercial relationships between councils and operators ([Attachment 2](#))
8. A 7 day national state of emergency was declared under the Civil Defence Emergency Management Act 2002 at 12.21pm Wednesday 25 March 2020. The 7 day declaration is the maximum time permitted, it was extended for a further 7 days at 12.21pm on

Wednesday 1 April, and it will likely be rolled over a number of times. The declaration constitutes a Force Majeure Event under the PTOM partnering contracts with Greater Wellington's rail and bus operators. A Force Majeure Event has also existed under Greater Wellington's PTOM ferry contract with East by West Company Limited since the Epidemic Notice issued by the Prime Minister under section 5 of the Epidemic Preparedness Act 2006 came into effect shortly after midnight on Tuesday 25 March 2020.

Actions to date in response to the COVID 19 pandemic

9. The following paragraphs outline the actions taken by Greater Wellington and Metlink operators (in date order) both before the alert system was in place and in response to the issue of the Government's COVID-19:

Prior to alert system announcements (prior to 21 March 2020)

10. During this period, the following work occurred:
- a Work commenced with operators around additional cleaning
 - b Work with Snapper and bus operators to provide free snapper cards to remove cash from buses
 - c Work with rail operator to remove cash from rail services, including significant changes to the cost of monthly passes.
11. Actions b and c above were approved in principle at the time by the Council Chair and Deputy Chair, and Chair and Deputy Chair of the Transport Committee.
12. Guidance to operators, prior to subsequent government action on alert level systems, was to ensure all actions were taken to protect frontline staff health and safety, and to ensure that operators were able to maintain their workforce through this period of uncertainty, notwithstanding temporary reductions in service levels.
13. The public transport workforce is seen as an essential service, and Greater Wellington did not want operators to reduce their workforce as a whole, as that would diminish our ability to play a key role in the recovery phase.

At Alert level 2 and 3 (21 to 25 March 2020)

14. The further work was:
- a Additional cleaning
 - b Removal of cash from bus and rail services
 - c The financial consequences of abatement regimes suspended
 - d From Tuesday 24 March:
 - i rail services move to a special weekend timetable
 - ii services on Melling line cease (in line with special weekend timetable).

At Alert Level 4 (from 25 March 2020)

15. The additional changes are:
- a Free rail and bus services until June 2020

- b Ferry services cancelled (at the operator's request) for the duration of level 4
- c Rail services continue under special weekend timetable
- d Rail services on the Wairarapa line replaced by buses and several additional services added to the timetable for this line
- e Rail passengers required to board the rear two carriages. The front carriages reserved for train crew
- f From Wednesday 25 March:
 - i Bus services move to Sunday timetables
 - ii Metlink school bus services do not run
 - iii Buses no longer board from the front door
- g All operators (bus, rail and ferry) notified by the General Manager, Metlink that a Force Majeure event has occurred.

Additional actions by Operators that may be required during level 4

- 16. There are a range of operational matters that have the potential to further disrupt or compromise Metlink bus and rail operators' ability to provide essential public transport services. Those matters include risks that depot or vehicle use is restricted or constrained due to key operational staff (including drivers) being unavailable to continue to work. This could be caused, for example, if a staff member at a depot is tested positive for COVID-19 requiring isolation of staff from that depot for 14 days.
- 17. We are working closely with the operators and KiwiRail to ensure that appropriate measures are in place to keep the operators' staff and passengers safe.
- 18. Officers have requested operators review their Business Continuity Plans in regard to planning for scenarios which involve denial of access to premises and/or critical team member contagion.

NZ Transport Agency and Ministry of Transport financial support

- 19. The Transport Agency and the Ministry of Transport has issued guidance to councils on additional financial support that will be provided from the NLTF for public transport services. This guidance takes effect from 24 March 2020 and will remain in place until 30 June 2020 (**Attachment 1**) and is stated to be subject to review. Subsequent additional guidance issued on 31 March 2020 (**Attachment 2**) clarifies the Transport Agency's position about how the net increase in the public transport costs associated with implementation of COVID-19 health and safety measures (less any savings from variable costs) will be 100% funded by the NLTF.
- 20. The guidance makes it clear that within the specified time period Greater Wellington:
 - a will be reimbursed for the loss of fare revenue, and
 - b will be funded to cover the net increase in current public transport service contract costs associated with implementing COVID-19 health and safety measures (less any savings from lower variable costs falling into specified categories as a result of service reductions, such as lower fuel costs).

21. In order to qualify to receive the additional funding the Transport Agency expects that Greater Wellington will continue to make contract payments to Metlink operators (bus, rail and ferry) as if the services are running as normal, subject only to the net funding formula for variable costs being applied, as set out in the guidance issued on 31 March 2020.
22. The Transport Agency and Greater Wellington will require that operators, for reasons of transparency and accountability for public funds, keep records related to COVID-19 costs and savings. These records may be requested by Greater Wellington or the Transport Agency for audit purposes.

PTOM Contracts (Bus and Rail) - Force Majeure

23. The declaration of a state of national emergency constitutes a Force Majeure Event under the Greater Wellington's PTOM partnering contracts with bus and rail operators. This means that for those operators (Transdev, NZ Bus, Tranzurban, Mana and Uzabus) failures to meet the Reliability and Punctuality KPIs and the PI Achieve benchmarks are not taken into account where they are directly due to a Force Majeure Event, provided the operator complies with its obligations in respect of the Force Majeure Event under the Partnering Contract.
24. For both the rail and bus operators these obligations include using all reasonable endeavours:
 - a (including but not limited to the reasonable expenditure of money, the rescheduling of manpower and resources and the implementation of reasonable and appropriate temporary measures) to mitigate or avoid the consequences of the Force Majeure Event; and
 - b to mitigate any Loss suffered.
25. For both the rail and bus operators, it is proposed to grant relief from the financial consequences of the abatement regime in accordance with the Transport Agency and Ministry of Transport guidance until further notice without requiring operators to demonstrate that the Force Majeure Event is the reason for a particular service failure.
26. The General Manager, Metlink has written to the Metlink bus and rail operators to formally communicate:
 - a that the declaration of a national state of emergency constitutes a Force Majeure Event,
 - b the approach that Greater Wellington intends to take to ensure that Metlink operators will continue to be funded in accordance with the NZ Transport Agency and Ministry of Transport guidance for any net increase in costs incurred by operators in response to COVID -19, and
 - c confirmation that Greater Wellington specifically wants operators to maintain their respective workforce and assets so that public transport is ready to play a key role in the recovery phase whenever that point is reached.

PTOM contract (Ferry) – Force Majeure

27. The issue by the Prime Minister of the Epidemic Notice also constitutes a Force Majeure Event under Greater Wellington's PTOM partnering contract with the ferry operator (East by West). The constitution of a Force Majeure Event means that the ferry operator is relieved from liability for any failure resulting directly from the Force Majeure Event. Contractually, however, the ferry operator is not entitled to relief from subsidy payment deductions for services that are not run in accordance with the timetable.
28. Notwithstanding that the ferry operator is not strictly entitled to relief from subsidy payment deductions in accordance with the terms of its contract, it is proposed to grant relief to the ferry operator in accordance with the Transport Agency and Ministry of Transport guidance. Greater Wellington officers have agreed to the ferry operator's request to suspend services on 25 March 2020, subject to agreeing a change in the subsidy payable to reflect the ferry operator's changed variable costs in accordance with that guidance.
29. The General Manager, Metlink has written to the Metlink ferry operator to formally communicate:
 - a that the Epidemic Notice issued by the Prime Minister constitutes a Force Majeure Event,
 - b the approach that Greater Wellington intends to take to ensure that the ferry operator will continue to be funded in accordance with the NZ Transport Agency and Ministry of Transport guidance for any net increase in costs incurred by the ferry operator in response to COVID-19, and
 - c confirmation that Greater Wellington specifically wants the ferry operator to maintain its workforce and assets so that public transport is ready to play a key role in the recovery phase whenever that point is reached.

PTOM Partnering Contracts (NZ Bus and Tranzurban) - Electric Vehicle Variations

30. The negotiations that have been underway with Tranzurban and NZ Bus to allow the procurement of new electric buses have been delayed as result of officers on both sides of each negotiation being focused temporarily on the COVID-19 response including network and service negotiations.
31. Officers consider that negotiations should continue, and are at an advanced stage.
32. The Council will be kept informed about the outcome of officers' evaluation of the impact of COVID-19 on the parties' ability to progress the negotiations, the impact on the proposed delivery programme and any resulting financial impact for Greater Wellington.
33. This report seeks a delegation to the Chief Executive to enable the timetable for the negotiations to be extended.

Rest and Meal Breaks

34. Greater Wellington has been working with Metlink bus operators to establish the timetable and rostering changes necessary to enable operators to comply with rest and meal break legislative provisions from 6 May 2020.

35. As operators are now focused on managing the response to COVID-19, we have agreed with operators, unions and the Transport Agency that work on implementing the rest and meal break changes will be suspended. The requirements will still come into effect from 6 May 2020, but it is agreed between unions, the Transport Agency and Greater Wellington that operators will not be ready to implement the changes from that date.
36. The remaining work required to implement the rest and meal break changes will recommence at an appropriate time and on a revised timeline that will be agreed with operators, the unions and the Transport Agency.

Exempt services

37. There are a number of exempt services operating in the Wellington Region including the Cable Car and the Airport Flyer.
38. As exempt services are not services operated under contract to Greater Wellington they are not “essential services”. As a result operators of exempt services are required to cease providing such services during Alert 4. At this stage we expect that once the Alert level is reduced to Alert 3 or lower, the operators of exempt services will no longer be required to cease operating exempt services and the services may recommence.
39. In the case of the Airport Flyer and other exempt services, the suspension of these services is due to events beyond the relevant operator’s control, which means that we do not view the suspension as either a variation or a termination of the current registration of the relevant service as an “exempt service”.

Airport Flyer

40. On 24 March 2020 we received notice from NZ Bus of their intention to suspend operation of the Airport Flyer service after the last service on 25 March 2020.

Cable Car

41. On 23 March 2020 we were advised by Wellington Cable Car Limited that the Wellington Cable Car will remain closed until the alert level reduces.

Financial implications

42. The matters set out in this report have the following implications for Council:
 - a The Transport Agency and Ministry of Transport guidance (**Attachments 1 and 2**) provide assurance that for the three months from 1 April 2020 to 30 June 2020 additional NLTF funding will be available to fund lost fare revenue and the net increase in costs incurred as a result of the response to COVID-19. Subsequent discussion with the Transport Agency indicates that a claim will be possible in April 2020 which will allow recovery of lost fare revenue and any net increase in costs over the period 25 March to 31 March 2020.
 - b the impact of the suspension of the financial consequences of the abatement regime is unlikely to be significant to either operators or Greater Wellington, as operator performance in the last few months has been improving. At this early

stage, our view is that the loss of both deductions and performance incentive payments is likely to even out and will be insignificant financially.

- c Greater Wellington will be required to fund the loss of fare revenue and additional variable costs for the period prior to 25 March 2020. It is unclear at this time what the amount of the net shortfall over this period will be, however it is not expected to be material.
- d The likely delay to the negotiation of the contract variations required for the procurement of the new electric buses will push out the delivery programme, with a resulting delay in the need for Greater Wellington to fund the additional cost arising when the new electric buses enter services.
- e The delay in the implementation of rest and meal break changes will delay the anticipated increase in cost that Greater Wellington expected to incur as a result of the timetable changes needed to implement the rest and meal break changes. Note that these costs have not yet been budgeted as timetables and schedules are still being completed.
- f The suspension of the Airport Flyer does not have any financial implications for Greater Wellington.

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

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

Mitigation and adaptation assessments

44. The matters for decision in this report arise in response to the requirement to discharge health and safety duties and respond to guidance issued in response COVID-19. Officers consider that in the circumstances there is no need to conduct climate change assessments.

Ngā tikanga whakatau Decision-making process

45. 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

46. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matters, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*.
47. Officers consider that the matters requiring decision are of medium to high significance due to its response to COVID-19.

Te whakatūtakitaki

Engagement

48. Due to the need to respond promptly to and in response to Government guidance and directives issued in response to COVID-19 officers consider that there is insufficient time available to conduct external engagement, other than the engagement that has occurred to date, which includes engagement with the Transport Agency and Metlink public transport operators.

Ngā tūāoma e whai ake nei

Next steps

49. Officers will continue to monitor the situation. Council will be informed of any new developments related to the impact of COVID-19 on commercial matters.

Ngā āpitihanga

Attachment/s

Number	Title
1	Memo from The Transport Agency and The Ministry of Transport dated 24 March, titled "COVID-19 – Funding of Public Transport Services.
2	Memo from The Transport Agency and the Ministry of Transport dated 31 March 2020, titled "COVID-19 – Additional guidance on contract financial discussions with operators for the period to 30 June 2020."

Ngā kaiwaitohu

Signatory/Signatories

Writer	Linda Going, Acting Manager Legal and Procurement
Approvers	Scott Gallacher, General Manager Metlink Alan Bird, Chief Financial Manager

<p>He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council’s roles or Committee’s terms of reference</i></p> <p>The Council has the authority to make decisions on the matters contained in this report.</p>
<p><i>Implications for Māori</i></p> <p>There are no known implications for Māori.</p>
<p><i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i></p> <p>The provision of public transport is a key activity in the Long term Plan.</p> <p>The Government expects Greater Wellington to maintain essential public transport services (in line with the Government guidance on COVID-19 alert levels) to support essential services and essential activities while maintaining front line health and safety. There is also an expectation that the public transport sector can recover quickly when we enter the recovery phase.</p>
<p><i>Internal consultation</i></p> <p>In developing actions to respond to COVID-19, the Public Transport Group consulted with the following departments: Legal, Finance, Customer and Communications, and Health and Safety.</p> <p>Public Transport Group, Legal Department and Finance Department have been involved in the drafting of this report.</p>
<p><i>Risks and impacts: legal / health and safety etc</i></p> <p>The body of this report sets out consequences associated with decisions and actions referred to in the report.</p>

**MEMO**

To REGIONAL COUNCILS, AUCKLAND TRANSPORT, AND COUNCILS THAT PROVIDE PUBLIC TRANSPORT SERVICES

Cc

From WAKA KOTAHI, THE NZ TRANSPORT AGENCY AND THE MINISTRY OF TRANSPORT

Date 24 MARCH 2020

Subject COVID-19 – FUNDING OF PUBLIC TRANSPORT SERVICES

PURPOSE

1. To provide guidance to councils on the additional financial support for public transport services they can expect during the COVID-19 pandemic in New Zealand from the National Land Transport Fund.

KEY FEATURES OF POLICY

2. Foregone fare revenue associated with the COVID-19 crisis, including the Government 'fare free' policy released on 24 March 2020 will be funded 100% from the National Land Transport Fund.
3. Any *net* increase in current public transport service contract costs associated with implementing COVID-19 health and safety measures (less any savings from lower variable costs as a result of service reductions, such as lower fuel costs or fewer buses to clean on a daily basis) will be funded 100% from the National Land Transport Fund.
4. This policy takes effect immediately (24 March 2020) and will remain in place until 30 June 2020. The policy will be reviewed in June.
5. The policy covers all public transport contracts (bus, rail or ferry), whether gross or net, provided under contract to councils that provide public transport.
6. The policy does not cover exempt services provided within a region. Nor does the policy cover Total Mobility services. Separate funding advice is being developed for Total Mobility services.

EXPECTATIONS OF COUNCILS ASSOCIATED WITH THIS POLICY

7. The Transport Agency's funding advice is based on the expectation that councils will:
 - Maintain essential public transport services, in line with Government guidance on COVID-19 alert levels, to support essential workers access places of employment and enable healthy people access essential services while maintaining front-line health and safety.
 - Provide advance notice to the Transport Agency and the Ministry of Transport of any significant changes to services before they are implemented so that the national consequences of such actions can be considered and managed.
 - Use funds for the purpose of implementing measures as part of the COVID-19 response and maintaining essential public transport services and/or sustaining operators to ensure they retain staff and are ready to ramp up when we enter the recovery phase.
 - Suspend the *financial* consequences of KPI regimes in public transport contracts but continue to monitor service performance to the extent possible.

- With operators, monitor key indicators (as agreed with the Transport Agency) that will inform national and regional public transport decisions and advice. These indicators will include patronage numbers and measures of driver non-availability.
- Meet their pre-budgeted local share of the cost of public transport service provision for the current financial year (through to 30 June 2020).

DETAILED FUNDING GUIDANCE

Decline in fare revenue

8. The Transport Agency will fund 100% from the National Land Transport Fund the foregone revenue associated with the COVID-19 crisis and the Government's 'fare free' policy that is in place until 30 June 2020.
9. For the purpose of calculating foregone fare revenue councils should use actual fare revenue collected in the same period of 2018/19. For example, in April 2019 council Y collected \$50,000 in fare revenue. The National Land Transport Fund will provide additional funding of \$50,000 to council Y for April 2020.
10. The Transport Agency understands that some councils, experiencing significant patronage growth, may have budgeted for higher fare revenue for the same period this year. If this is the situation, please email nerf@nzta.govt.nz and we will review this matter at the first practical opportunity.
11. This policy also applies to *net cost contracts* where they still exist. It is the council's responsibility to ensure they have accurate fare revenue figures from operators with net cost contracts to determine how much to reimburse the operator for decline in fare revenue. Section 127 of the Land Transport Management Act 2003 empowers councils to request fare information from operators.

Net increase in contract costs

12. The Transport Agency will fund 100% the *net* increase in contract costs associated with the COVID-19 response. By net increase the Transport Agency is assuming that:
 - Operators are incurring additional costs associated with implementing extra hygiene measures to reduce the spread of COVID-19; but
 - There will be savings in variable service costs like road user charges and fuel associated with reduced service levels.
13. For reasons of transparency and accountability for public funds, councils should keep, and ask operators to keep, expenditure records related to extra cleaning or other direct COVID-19 costs. These records may be requested for audit purposes.
14. With regard to reduction in service levels, the Transport Agency's expectation is that councils will continue to make contract payments to operators as if services are running as normal, subject to the following conditions.
15. Payments to operators should *only* be for those costs that the operator will incur regardless of whether the service is running, for example:
 - Staff costs, including standard driver wages
 - Depreciation costs
 - Other fixed overheads, such as head office operations

16. Reductions in variable costs as a result of reduced services (like fuel and RUC) should be used to offset extra costs associated with COVID-19 measures. Similarly, we expect that additional COVID-19 costs will be lower where service levels have been reduced and fewer vehicles are running and this should also be factored in.

Worked Example

Base contract cost for the month of April is \$100,000.

Additional hygiene measures cost \$10,000 for the month of April.

Service levels have reduced by 10% resulting in a reduction in variable costs of \$5,000.

Actual contract cost for the month of April is therefore \$105,000.

The National Land Transport Fund will fund 100% the extra \$5,000 incurred during April.

17. The Transport Agency and the Ministry of Transport will work with councils to identify what costs fall into which category (i.e. fixed vs variable), to ensure a nationally consistent approach.

Local share of public transport costs

18. This advice assumes councils will meet their pre-budgeted local share of the cost of public transport service provision for the current financial year (through to 30 June 2020). The Transport Agency and Ministry of Transport are aware that some councils are concerned about a potential decline in rates revenue and the possible impact on councils' ability to meet their local share of public transport service costs.
19. Any potential decline in rates revenue that reduces the ability of local government to meet budgeted costs is wider than public transport and is not an issue that this guidance covers. The Department of Internal Affairs (DIA) is leading on the COVID-19 local government response and the Ministry of Transport is working with the DIA as part of the All of Government response to the COVID-19 pandemic.
20. The Ministry of Transport will keep you apprised of developments on the wider local government response.



MEMO

To REGIONAL COUNCILS, AUCKLAND TRANSPORT AND OTHER COUNCILS THAT CONTRACT FOR PUBLIC TRANSPORT SERVICES

Cc

From WAKA KOTAHI, THE NZ TRANSPORT AGENCY AND MINISTRY OF TRANSPORT

Date 31 MARCH 2020

Subject COVID-19 – ADDITIONAL GUIDANCE ON CONTRACT FINANCIAL DISCUSSIONS WITH OPERATORS FOR THE PERIOD TO 30 JUNE 2020

PURPOSE

1. To provide additional guidance for discussions with operators on how contract costs are to be managed until the end of June 2020.
2. This memo is provided in support of the Waka Kotahi, the NZ Transport Agency and Ministry of Transport's *Covid-19 – Funding of public transport services* memo released on 24 March 2020, and councils are expected to give effect to this guidance as a condition of funding.
3. This guidance applies to all council contracted¹ public transport modes – bus, rail and ferry funded by Waka Kotahi, regional councils and Auckland Transport. It does not apply to exempt services operating in a region.
4. The continued need for this guidance will be reviewed in June 2020.

KEY FEATURES

5. For the month of March 2020 councils should fund in full the base contract price for all public transport contracts.
6. The principles and guidance apply to the period 1 April to 30 June 2020.
7. A simplified approach to distinguishing between fixed and variable costs.
8. Separation of extra hygiene measure costs (and other activities like advertising and contact tracing) associated with COVID-19 from standard contract costs with public transport operators and facilities and fleet maintenance providers.
9. Principles and expectations round how on-going contract financial support is to be used to inform financial discussions with operators.

BACKGROUND

10. Our collective objective through this crisis is to ensure that public transport services continue to be provided to the extent possible, consistent with any advice received from the Ministry of Health, and that the public transport sector can recover quickly when we enter the recovery phase.

¹Includes gross, net and commercial contracts. The key requirement is that it is a service contracted under section 116 (Public transport services must be provided under contract) of the Land Transport Management Act 2003.

11. On 24 March 2020 we released the Government's funding policy where the Government agreed to fund:
 - foregone fare revenue associated with the COVID-19 crisis, including the Government 'fare free' policy released on 24 March 2020 100% from the National Land Transport Fund.
 - *Net* increase in current public transport service contract costs associated with implementing COVID-19 health and safety measures (less any savings from lower variable costs as a result of service reductions, such as lower fuel costs or fewer buses to clean on a daily basis) 100% from the National Land Transport Fund.
12. The focus of this guidance is on the second bullet point.
13. To receive this additional funding Waka Kotahi expects that councils will continue to make contract payments as if services are running as normal, subject to compliance with the net funding formula for variable costs set out in this memo.
14. This guidance clarifies Waka Kotahi's position on how this condition should be interpreted.

FOR THE MONTH OF MARCH 2020 COUNCILS SHOULD PAY THE FULL CONTRACT PRICE AS IF SERVICES WERE RUNNING AS NORMAL

15. Because New Zealand only moved to Level 3 and 4 in the last week of March, councils should pay the full base contract costs as if services were running as normal.
16. The cost of trying to adjust contract payments for the month of March are not justified by the potential savings and the focus should be on the months of April through to June when the full effect of the Level 4 interventions will be felt.
17. This aligns with the Ministry of Education approach to school bus service contracts.

A SIMPLIFIED APPROACH TO DISTINGUISHING BETWEEN FIXED AND VARIABLE COSTS

18. Service levels across public transport networks have dropped as part of the Covid-19 Alert Level 4. This is expected to generate savings, which need to be taken into account when making contract payments.
19. Attempting to distinguish between fixed and variable costs can be a complex exercise and is unlikely to be justified by the potential savings in variable costs over the three-month period from 1 April 2020 to 30 June 2020.
20. One option is to use existing contract rates like in-service kilometres, but there are a range of risks with this approach:
 - Rates may contain fixed costs undermining business sustainability at a time when businesses are already under significant financial pressure
 - Individual councils' approach to tendering will likely have encouraged operators to allocate costs differently leading to the risk of over/under compensation
21. Given that this policy applies for three months only and is subject to review, Waka Kotahi has determined that consideration of variable costs be restricted at this stage to the following by mode.

All modes

- Where applicable, staffing costs (e.g. overtime, training) budgeted for as part of an Annual Gross Price, but not utilised.

Bus Services

- Road user charges (for bus services)
- Fuel (where this is incurred or reduced by the operator)
- Tyres

Rail Services

- Subject to further discussions with Auckland Transport and Greater Wellington Regional Council with the expectation that what is agreed is consistent with the approach for bus and ferry services.

Ferry Services

- Fuel
- Wear and tear associated with ferry movements (i.e. like tyres for buses)
- Any Maritime New Zealand (MNZ) registration costs not applicable through the period

22. To calculate the above variable costs bus and rail operators should provide average costs for the prior six months that can be validated by councils if required through an open book process. For ferry services the same approach should be used but should be based on the average cost over the prior 12-month period (instead of six).
23. The net costs approach should be calculated and agreed each month for April, May and June, to minimise any uncertainty for all parties.
24. One extra consideration councils need to take into account is where councils and operators have contracted and committed to upcoming service level changes and the operator is already begun incurring costs (e.g. staff recruitment and training) or any PVR or fleet related costs.
25. Councils in this situation should work with affected operators and agree how any costs incurred are to be treated and reported to Waka Kotahi. Councils and operator discussions should be guided by our objective of being able to recover quickly.

SEPARATION OF EXTRA HYGIENE MEASURE AND OTHER COSTS ASSOCIATED WITH COVID-19 ACTIVITIES FROM STANDARD PUBLIC TRANSPORT COSTS

26. As signalled in the funding policy memo we expect operators to record and keep separate, from normal contract costs, all costs associated with implementing COVID-19 measures, including contact tracing.
27. This is to ensure there is transparency and accountability for use of public funds.
28. Waka Kotahi expects that these costs will be clearly identified in relation to the baseline cleaning regime in each contract. A comparison of costs nationwide will occur and Waka Kotahi expects to see a level of consistency and comparability, or where costs are higher than other parts of the country, an explanation for those costs.
29. Where the council incurs direct COVID-19 costs like advertising or assisting with contact tracing these should also be treated in similar a manner.

EXPECTATIONS AND PRINCIPLES

30. It is important that councils and their operators understand that the extra funding support is provided on the basis that councils and operators use the funding for the purpose of maintaining public transport services, as an essential service, to the extent possible under a very difficult situation and in line with Ministry of Health guidance.
31. Waka Kotahi's expectation with the support of the Ministry of Transport is that continued payment of contracted costs are that:
- Operators use funding to support staff health and safety, maintain operations and be ready to ramp up when we enter the recovery phase. To that end operators should:
 - i. Ensure work that is available is shared equitably and consistently between staff to keep all drivers on their roster engaged in work. To the extent practical operators should do this within current staff rostered hours so as to minimise additional labour costs.
 - ii. Ensure front line staff health and safety is prioritised and have a good understanding of the Government's guidance around which groups are at increased risk from COVID-19 and should not be required to work
 - iii. Continue to maintain assets that may not be required under a Level 4 situation so that increased service levels can be initiated within a week of such a directive being received by the operator
 - Operators within a region agree to work collaboratively across the region, including where there may be multiple providers in a region, agreeing to work to ensure the level of service required by Council is delivered. This may include working rapidly to cover another operator's work if circumstances, such as staff availability, change for another operator. Operators would of course be paid commercially at normal rates in this instance.
 - There is transparency around additional costs, especially if there is a *net* increase in contract costs over the three-month period to 30 June 2020 (for example, having to engage extra drivers to cover the existing staff complement to maintain service levels)
 - Councils suspend the financial consequences of KPI regimes in public transport contracts but continue to monitor service performance to the extent possible.
 - Operators' balance sheets may be audited to ensure funding is being used appropriately. Specifically, operators are advised not to continue receiving contractual payments for labour while requiring staff to take annual leave in lieu of wages;
 - Operators agree to open book financial and operational systems audit by Council, Waka Kotahi or their agents at any time upon request, including for the specific financial year in which these payment provisions apply, to ensure compliance with these guidelines.
32. Councils' and operators' discussions should be guided by the following principles:
- Parties should enter discussions in good faith and consistent with partnering principles set out in contracts to ensure services, and staff and public safety, are maintained.
 - Provide evidence to challenge or justify a submitted cost that is consistent with the objective of maintaining staff and public health and safety and being able to recover quickly, especially if there is a net increase in contract costs (for example, the need to engage extra drivers over and above normal numbers to cover staff absences).

INTERACTION BETWEEN CONTINUED FUNDING OF PUBLIC TRANSPORT CONTRACTS AND WIDER GOVERNMENT INTERVENTIONS TO SUPPORT NEW ZEALAND BUSINESSES AND ORGANISATIONS

33. The Government has released a large and comprehensive package of financial assistance to support New Zealand businesses and organisations through this difficult time. Waka Kotahi encourages operators to treat their employees fairly and in good faith consistent with the Government's expectations. The Government's COVID-19 wage subsidy is available to support employees who would otherwise face redundancy or a significant loss of income.
34. Additional funding is being provided through the National Land Transport Fund to support operators that provide public transport services under contract to councils. Our expectation is that no public transport service worker should be made redundant. Operators will need to be careful to not double dip when accessing the wage subsidy. They should maintain accurate records of the status of all employees and their operating expenses; and can expect the use of public funds to be audited.
35. Waka Kotahi will provide councils and operators further public transport service specific guidance, if necessary, regarding the use of wider Government assistance.
36. We encourage all councils and operators to regularly check the Government's latest advice for essential businesses at the [COVID-19 website](#).
Workforce specific guidance for essential businesses and workers can be found at the [Employment New Zealand website](#).

Council
7 April 2020
Report 20.122



For Information

FINANCIAL UPDATE 2019/20

Te take mō te pūrongo

Purpose

1. To provide Council with an:
 - a Update on the financial position as at 29 February 2020
 - b Outline of the possible financial impacts of the COVID-19 pandemic.

Te horopaki

Context

2. Greater Wellington Regional Council (Greater Wellington) has an annual budget of \$395 million for the 2019/20 financial year. Financial performance has been tracking ahead of expectations so far this year. Attached is a summary financial report for the eight months to 29 February 2020 ([Attachment 1](#)). This shows an operating deficit of \$3.7 million, some \$5.9 million better than budget.
3. The current full year operating deficit is budgeted at \$9.7 million. The total impacts of the COVID-19 pandemic and state of emergency are still unknown at this time. However, based on the information available, the current expectation is that the actual operating deficit will not be materially different to that budgeted.
4. Funding of Greater Wellington's activities is managed in accordance with the Revenue and Financing Policy and the Treasury Management Policy. Greater Wellington has \$105 million of bank lines available and, as at 3 April 2020, \$35 million in debt is undrawn and could be accessed should the need arise, as well over \$80 million in cash deposits. While some of these deposits are tagged for specific purposes, these deposits could be accessed if required.

Te tātaritanga

Analysis

5. The COVID-19 pandemic and state of emergency could impact Council's finance performance in the 2019/20 financial year in a number of ways. [Attachment 2](#) sets out a summary statement of revenue and expenses showing the possible financial impacts on each category of revenue and expenditure.

6. Two key points relating to revenue are:
 - a Public transport - loss of fare revenue of approximately \$28 million before NZ Transport Agency's contribution. This shortfall will largely be covered by the NZ Transport Agency (as noted in COVID-19 - Public Transport Commercial Matters - Report 20.106, also being considered at this meeting). Longer term implications are being discussed with the NZ Transport Agency
 - b Rates collection is likely to be impacted for the fourth quarter instalment; at this time the extent of this is difficult to judge. This is a cash flow issue as Greater Wellington would still expect to recover a large portion of these rates over time. We have sufficient funding to cover the shortfall in the short term.
7. The financial markets have also reacted to the COVID-19 pandemic and state of emergency. This reaction has created some uncertainty in Greater Wellington's ability to roll over and raise additional funds. However, this is not expected to last and short term funding requirements are covered by existing deposits and facilities.

Ngā tūāoma e whai ake nei

Next steps

8. Officers will provide a further financial update in the quarterly performance report for the period to 31 March 2020, scheduled for the Council meeting on 21 May 2020.

Ngā āpitihanga

Attachments

Number	Title
1	Financial Summary to 29 February 2020
2	Possible impacts on revenue and expenses for the Annual Plan 2019/20

Ngā kaiwaitohu

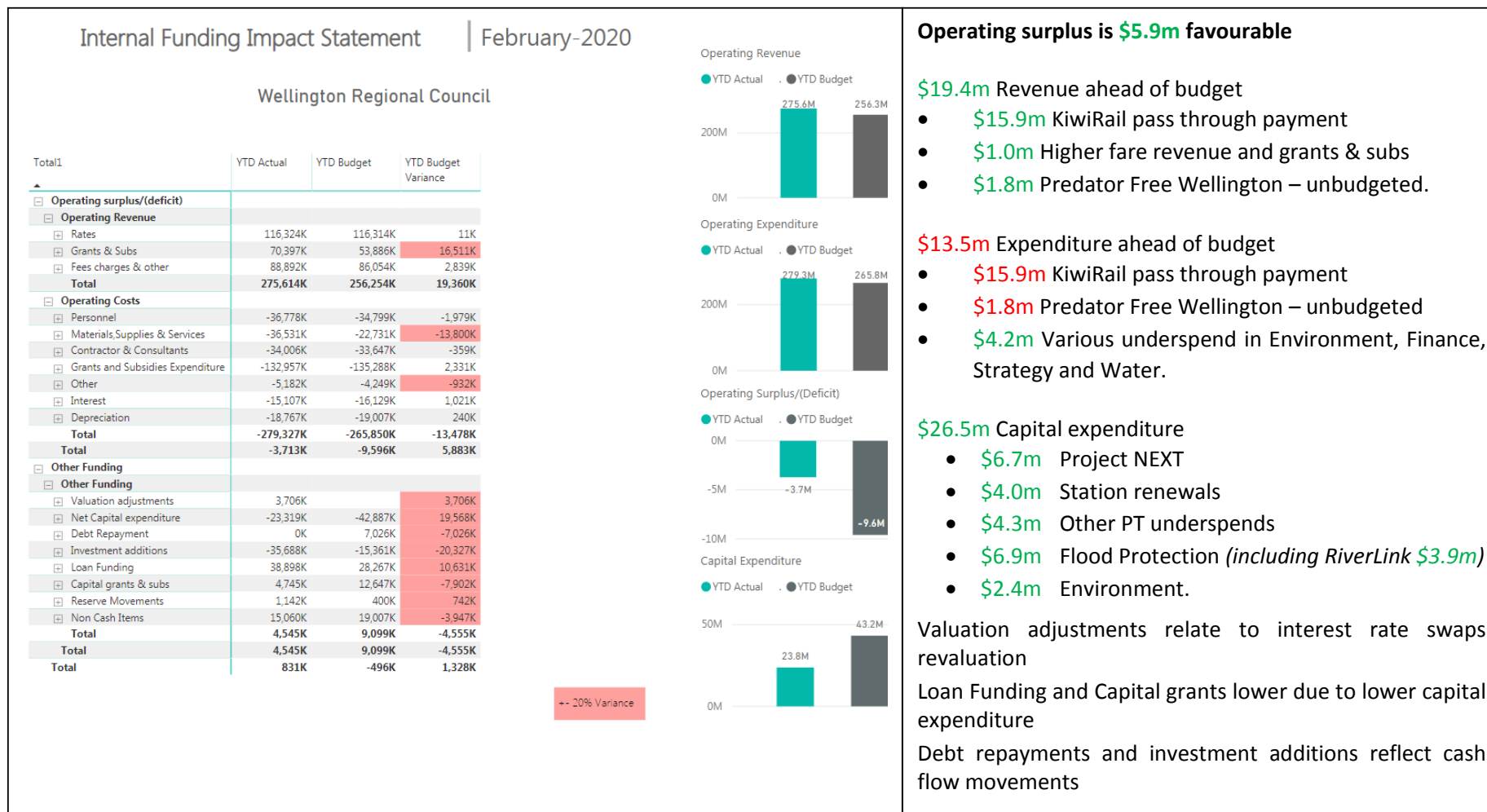
Signatories

Writers	Samantha Gain – General Manager, Corporate Services Alan Bird – Chief Financial Officer
Approver	Greg Campbell – Chief Executive

<p style="text-align: center;">He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or Committee's terms of reference</i></p> <p>Council is ultimately responsible for financial performance.</p>
<p><i>Implications for Māori</i></p> <p>No specific implications for Māori.</p>
<p><i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i></p> <p>This report notes financial performance and potential implications for achieving the 2019/20 Annual Plan forecast.</p>
<p><i>Internal consultation</i></p> <p>The Finance and Treasury departments were consulted.</p>
<p><i>Risks and impacts: legal / health and safety etc.</i></p> <p>A number of broad financial risks are addressed in this report. No other risks are specifically relevant.</p>

Financial Summary to 29 February 2020

Financial Summary – Actual vs Budget Year To Date – 29 February 2020



Financial Summary to 29 February 2020

Greater Wellington Regional Council Statement of Financial Position As at 29 February 2020			
	Note	Entity	
		Actual 2020 \$'000	Actual 2019 \$'000
ASSETS			
Current assets			
Cash and cash equivalents	11	9,167	16,857
Trade and other receivables	12	37,065	38,452
Other financial assets	14	115,961	79,382
Inventories	13	3,056	3,059
Total current assets		<u>165,249</u>	<u>137,750</u>
Non-current assets			
Other financial assets	14	69,674	69,557
Property, plant and equipment	17	1,222,909	1,217,790
Intangible assets	18	9,853	10,419
Investment in subsidiaries	21	274,145	269,295
Derivatives	22	-	1,056
Total non-current assets		<u>1,576,581</u>	<u>1,568,117</u>
Total assets		<u>1,741,830</u>	<u>1,705,867</u>
LIABILITIES			
Current liabilities			
Derivatives	22	-	1,247
Trade and other payables	23	47,783	47,171
Interest bearing liabilities	24	104,624	64,713
Employee benefits liabilities and provisions	25	2,740	3,324
Total current liabilities		<u>155,147</u>	<u>116,455</u>
Non-current liabilities			
Interest bearing liabilities	24	400,000	402,800
Derivatives	22	62,658	66,173
Employee benefits liabilities and provisions	25	-	137
Service concession liability	17	28,411	29,425
Total non-current liabilities		<u>491,069</u>	<u>498,535</u>
Total liabilities		<u>646,216</u>	<u>614,990</u>
Net assets		<u>1,095,614</u>	<u>1,090,877</u>
EQUITY			
Retained earnings		301,537	302,966
Other reserves		794,077	787,911
Total equity		<u>1,095,614</u>	<u>1,090,877</u>

Attachment 2 – Report 20.122

Possible impacts on revenue and expenses for the Annual Plan 2019/20

	(\$m)	Impact
Revenue		
Rates	140	Fourth quarter collections will be impacted. However, this is a cash flow issue more than anything else. Funding lines will cover any shortfall in the 2019/20 financial year.
Public Transport fares	100	Shortfall from moving to free public transport is being covered by the NZ Transport Agency.
Water levy	35	Collected from councils, probably no impact.
Government Subsidies	80	These will continue, subject to levels of spending.
Transport improvement grants	22	Will continue subject to the level of capital spend.
Interest and dividends	6	The final dividend from CentrePort is unlikely to be received.
Rental income	15	Potential reduction if tenants ask for deferrals/holidays.
Other charges	11	Will be impacted but extent unknown at this stage.
	409	
Expenditure		
Employee benefits	52	Likely to be largely unchanged.
Grants and subsidies	204	Some reductions, but offset by a reduction in funding from the NZ Transport Agency.
Finance expense	24	May be impacted by capital spend over the fourth quarter.
Depreciation and amortisation	29	May be impacted by capital spend over the fourth quarter.
Other Operating Expenses	87	Various possible impacts depending on the length of the lockdown; ongoing work to quantify.
	396	

Council
9 April 2020
Report 20.92



For Information

REPORT ON THE WELLINGTON WATER COMMITTEE MEETING – 5 MARCH 2020

Te take mō te pūrongo **Purpose**

1. To update Council on the meeting of the Wellington Water Committee (the WWC) held on 5 March 2020.

Te horopaki **Context**

2. The WWC meets four times a year and comprises six shareholder representatives and two Mana Whenua representatives. Council is one of those shareholders.
3. The WWC's responsibilities include governance oversight of Wellington Water Limited (WWL).
4. The business considered by the WWC at the meeting held on 5 March 2020 is summarised below.

Wellington Water Governance Review

5. The meeting considered an update on the proposed governance review of WWL. This review is not proceeding as the WWC wants to respond to the Government's proposed water reforms.
6. The Government, through the release of a Cabinet paper on Three Waters Service Delivery and Funding Arrangements, has indicated that it wishes to see the future of water provision and service arrangements occur through three different forms of entity. The sector has been set a deadline of the end of 2020 to have made 'voluntary' progress towards one of these three forms.
7. The proposed service arrangements are:
 - a One national, publicly-owned water provider
 - b Three to five multi-regional, publicly-owned water providers
 - c Regional, publicly-owned water providers.
8. The Government has indicated that it does not, at this stage, favour one national water provider (form a). Council will need to consider, in consultation with others, the best outcome for Greater Wellington.

9. Wellington City Council provided a verbal update to the meeting on the establishment of a Mayoral Taskforce on Three Waters (water services) (the Taskforce). The key areas of focus for the Taskforce are the operational aspects relating to Wellington City Council's own assets and capacity issues for WWL. The Taskforce is looking to provide input to Wellington City Council's 2021–31 Long Term Plan. There was acknowledgement that the operational issues overlap with governance issues.

Draft Statement of Intent

10. WWL's draft Statement of Intent (SOI) was presented to the WWC. This SOI is for the third year of Council's 2018–28 Long Term Plan and reflects delivery within that funding and planning environment.
11. The draft SOI includes a refreshed set of performance measures that have been driven by a review of WWL's performance framework. This review included refreshing the outcomes, developing a new set of impact statements and refining the performance measures. This is part of a continual improvement process.
12. The WWC has delegation to receive, consider and provide agreed feedback and recommendations to WWL on its draft SOI.
13. The feedback process on the draft SOI is open until 17 April 2020 and the draft document will be provided to Councillors. An item at the Council workshop on 17 March 2020 enabled Councillors to provide their feedback.

Performance Update

14. A performance update for the six months to 31 December 2019 was presented. This period included the instigation of the new operational service alliance with Fulton Hogan.
15. WWL has worked with the South Wairarapa District Council, which joined WWL as a shareholder in October 2019, to ensure the drinking water standards are met.
16. This period also included the sewerage pipe collapse on Dixon Street which led to waste being discharged into the harbour.
17. The period saw an increase in the number of reported leaks on the water network.

Climate Change

18. A report on WWL's proposed response to climate change was discussed. The report highlighted the challenges and responses being put in place by WWL and also across the shareholding councils. Emission reduction targets in the next planning period will be council-specific given each council's funding and investment priorities.

Sustainable Water Supply Policy

19. Understanding water usage is the key to understanding the sustainability of our water supply. Overall demand continues to grow, as does per capita usage. WWL will commission a business case to examine universal water meters for client councils to consider. The business case will be funded by Greater Wellington. At this stage, the business case is unlikely to consider detailed aspects that may follow implementation, such as charging models.

**Ngā kaiwaitohu
Signatories**

Writer	Seán Mahoney – Company Portfolio Manager
Approvers	Samantha Gain – General Manager, Corporate Services Cr Jenny Brash – Member, Wellington Water Committee

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> It is appropriate for Council, as shareholder representative on the WWC, to be kept informed of the business conducted by that committee.
<i>Implications for Māori</i> There are no known implications for Māori.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> The report contains updates on how WWL's work ties in to Council's Annual Plan and Long Term Plan.
<i>Internal consultation</i> No internal consultation was needed.
<i>Risks and impacts: legal / health and safety etc.</i> There are no risks or impacts arising from this report.

**Council
9 April 2020
Report 20.115**



For Information

**REPORT ON THE EMERGENCY CIVIL DEFENCE EMERGENCY MANAGEMENT
GROUP MEETINGS OF 30 MARCH 2020 AND 2 APRIL 2020**

**Te take mō te pūrongo
Purpose**

1. To inform Council of the deliberations of the Emergency Civil Defence Emergency Management Group Joint Committee (the Joint Committee) meetings of 30 March and 2 April 2020.

**Te horopaki
Context**

2. The Joint Committee held emergency meetings on 30 March and 2 April 2020 to approve a number of statutory appointments to the positions of Group Controllers, Local Controllers and Recovery Managers, including alternates. The current list of appointees is set out in [Attachment 1](#) - Civil Defence Emergency Management appointments – March and April 2020.

**Ngā āpitihanga
Attachment**

Number	Title
1	Civil Defence Emergency Management appointments – March and April 2020

**Ngā kaiwaitohu
Signatories**

Writer	Lucas Stevenson – Kaitohutohu/Advisor, Democratic Services
Approvers	Francis Ryan – Kaiwhakahaere Matua/Manager, Democratic Services Luke Troy – Kaiwhakahaere Matua Rautaki/General Manager, Strategy Cr Daran Ponter – Council’s representative, Civil Defence Emergency Management Group Joint Committee

He whakarāpopoto i ngā huritaonga Summary of considerations
<p><i>Fit with Council's roles or Committee's terms of reference</i></p> <p>It is appropriate for Council, as a member of the Joint Committee, to be kept informed of the business of that committee.</p>
<p><i>Implications for Māori</i></p> <p>There are no known implications for Māori.</p>
<p><i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i></p> <p>The report contains updates relevant to business continuity planning and emergency management.</p>
<p><i>Internal consultation</i></p> <p>There was no internal consultation required.</p>
<p><i>Risks and impacts: legal / health and safety etc.</i></p> <p>There are no risks or impacts.</p>

Attachment 1 to Report 20.115**Civil Defence Emergency Management appointments – March and April 2020**

The following table provides the current list of statutory appointees as Group Controllers, Local Controllers, and alternates.

Controllers	
CDEM Group	David Russell (Group Controller) Davor Bejakovich (alternate) Bruce Pepperell (alternate) Jeremy Holmes (alternate) Derek Baxter (alternate) Scott Martin (alternate) Richard Harbord (alternate) Lester Piggott (alternate) Phil Becker (alternate) Andrew Dalziel (alternate) Adrian Glen (supplementary) Dan Neely (supplementary)
Wellington City	Derek Baxter (primary) David Chick (alternate) Phil Becker (alternate) Sarah Murray (alternate) Stephen McArthur (alternate) Michelle Riwai (alternate) Moana Mackey (alternate) Mike Mendonca (alternate) Karl Maddaford (alternate) Adrian Glen (supplementary) Kane McCollum (supplementary)
Porirua City	Jerry Wrenn (primary) Brian Anderson (alternate) Scott Martin (alternate) Andrew Dalziel (alternate) Trevor Farmer (alternate) Bruce Pepperell (alternate) Karen Stillwell (alternate) Mike Scott (alternate) Ken Bailey (alternate) Olivia Dovey (alternate) Alison Wiley (alternate)
Kāpiti Coast District	James Jefferson (primary) Janice McDougall (alternate) Bruce Johnston (alternate) Kevin Currie (alternate)

Attachment 1 to Report 20.115**Civil Defence Emergency Management appointments – March and April 2020**

Controllers	
	Glen O'Connor (alternate) Rian van Schalkwyk (alternate) Adrian Glen (supplementary) Scott Dray (supplementary)
Hutt City	Lester Piggott (primary) Geoff Stuart (alternate) Craig Cottrill (alternate) Damon Simons (alternate) Simon Fleisher (alternate) Jay Houppapa (alternate)
Upper Hutt City	Geoff Swainson (primary) Richard Harbord (alternate) Jonnette Adams (alternate) Craig Cottrill (alternate) Vibhuti Chopra (alternate) Liesel Jahnke (alternate) Chris Costley (alternate) Dirk Botha (alternate) Jessica Hare (supplementary)
Wairarapa	David Hopman (primary) Jonathan Hooker (alternate) Tim Langley (alternate) Carolyn McKenzie (alternate) Richard Harbord (alternate) Murray Johnston (alternate) Darryl McCurdy (supplementary)

Attachment 1 to Report 20.115**Civil Defence Emergency Management appointments – March and April 2020**

The following table provides a list of statutory appointees as Local Recovery Managers.

Recovery Managers	
CDEM Group	Dan Neely (Recovery Manager) Nigel Corry (alternate) Luke Troy (alternate)
Wellington City	Mike Mendonca (Recovery Manager) Paul Andrews (alternate) Danny McComb (alternate)
Porirua City	Steven Perdia (Recovery Manager)
Kapiti Coast District	Natasha Tod (Recovery Manager)
Hutt City	Andrea Bradshaw (alternate) Helen Oram (alternate) Geoff Stuart (alternate)
Upper Hutt City	Liezel Jahnke (Recovery Manager) Geoff Swainson (alternate) Jonnette Adams (alternate)
Wairarapa	Tania Madden (Masterton) (Recovery Manager) Dave Gittings (Carterton) Kate Conroy (Masterton) (alternate) Karen Yates (South Wairarapa)

Attachment 1 to Report 20.115

Civil Defence Emergency Management appointments – March and April 2020

The following table lists the appointment to Lifelines Co-ordination.

Lifelines Co-ordination	
CDEM Group	Richard Mowll

Council
9 April 2020
Report 20.112



For Decision

DESIGN OF THE LOW CARBON ACCELERATION FUND

Te take mō te pūrongo

Purpose

1. To advise Council on the proposed design of the Low Carbon Acceleration Fund (the Fund), for Council's approval.

He tūtohu

Recommendations

That the Council:

1. **Notes** that, as Council's COVID-19 pandemic response included the cancellation of Committee meetings, Council is considering urgent items that were scheduled for those cancelled Committee meetings.
2. **Notes** that this report is considered an urgent item as ensuring effective climate action is one of Council's top priorities.
3. **Approves** the proposed design of the Low Carbon Acceleration Fund (Attachment 1).

Te tāhū kōrero

Background

2. Following the Government's COVID-19 pandemic response, Council cancelled Committee meetings for the next cycle. This Council meeting is considering urgent COVID and non-COVID-related items, including those that were to go to the cancelled first meeting of the Climate Committee. The Climate Committee Chair requested that this report, originally prepared for the Climate Committee, be considered by Council. The report is an urgent non-COVID-related item, as ensuring effective climate action is one of Council's top priorities.
3. On 21 August 2019, Council declared a climate emergency and adopted a target of reducing corporate carbon emissions to net zero by 2030. This declaration was supported by two ten-point action plans - a Corporate Carbon Neutrality Action Plan and a Regional Climate Emergency Action Plan.

4. Action 10 in the Corporate Carbon Neutrality Action Plan is to:
 - Sell down the free allocation of carbon credits (NZUs) GWRC received for its pre-1990 forests to create a 'low carbon acceleration fund' to reduce the rates impact of this programme of work.
5. The overarching target of being carbon neutral by 2030 is ambitious, and change needs to start as quickly as possible to meet it. The purpose of establishing a low carbon acceleration fund is to help spur the necessary step change in Greater Wellington Regional Council's (Greater Wellington) activities relating to reducing greenhouse gas emissions. The Fund is intended to assist with carbon reduction targets (primarily for the organisation to be carbon neutral from 2030), while mitigating any additional rates impact of this investment. The Fund will be used to develop or implement additional projects within Greater Wellington's operations that will avoid, reduce or absorb greenhouse gas emissions.
6. The 'free allocation of carbon credits' being sold to establish the Fund refers to the one-off free allocation of 322,873 New Zealand Units (NZUs) that were received from the Government when the New Zealand Emissions Trading Scheme (NZ ETS) was first established. Notionally, these NZUs were given to owners of pre-1990 planted forests, including Greater Wellington, to partly compensate them. This is because, under the NZ ETS, owners would incur liabilities for these forests if deforested. These NZUs do not relate directly to an additional carbon-reducing activity, and therefore are not suitable for use as voluntary offsets (e.g. to achieve carbon neutrality). As Greater Wellington has transferred all its NZ ETS liabilities for its planted forests along with the cutting rights to a third party, and has no intention of deforesting, it has no direct use for these units itself.
7. The current price of these units is \$22.50 each¹, meaning their total current value is just under \$7.2 million, although the carbon price is changing on a daily basis at the moment. The Government's current 'fixed price offer', which is set at \$25, is available to those with liabilities under the NZ ETS, which effectively creates a price cap for NZUs.
8. In December 2019, the Government signalled changes to the NZ ETS to firstly raise the fixed price offer to \$35 in 2021, and soon after remove this option altogether (by no later than 31 December 2022), replacing it with an annual auction of new NZUs issued by the Government. The most recent NZ ETS consultation document proposes values of \$20 and \$50 for the floor and ceiling prices of auctioned NZUs between 2021 and 2025. The carbon price initially rose sharply following that announcement, to reach a high of over \$29, then settled slightly above the fixed price offer mark, but is now dropping in response to the economic downturn brought on by the Covid-19 pandemic. The price changes have a significant impact on the total value of the Fund.
9. While Council has indicated it would like to investigate selling the free allocation NZUs, a formal decision on this will not be made without consulting with the community. This is planned to occur during the 2021-31 Long Term Plan consultation process.

1 Source – [CommTrade Carbon website](#) at 27 March 2020.

10. An indicative proposal for how the Fund will operate has been developed by officers and presented to Council at its workshop on 11 February 2020. This included options for how the Fund would be funded in 2020/21. The option of borrowing to fund the projects in 2020/21 is recommended, as borrowing allows for action sooner while taking advantage of likely increases in the price of NZUs by selling the NZUs later. This approach to funding will be confirmed through the 2020/21 Annual Plan process, separate to this paper. The continuation of the Fund after 2020/21 and any sale of NZUs will be decided subsequent to public consultation for the Long Term Plan process.
11. The proposed design for the Fund is outlined in [Attachment 1](#).

Te tātaritanga Analysis

The Fund is open to bids for projects from parties within the Greater Wellington 'group'

12. Greater Wellington has committed to the target of being carbon neutral by 2030. Given corporate emissions have been steadily rising, this is an extremely ambitious target, and we need to focus on investing in initiatives that will reduce our corporate carbon footprint, that is, within Greater Wellington's operations. The Fund will help achieve Council's carbon neutrality target and build capability in the organisation to undertake this work as part of a new 'business as usual' (BAU). Other parties (i.e. wholly separate organisations, businesses and individuals) would not be eligible to apply, as the action point agreed by Council in 2019 (see paragraph 4), focuses on Greater Wellington's corporate carbon neutrality. Consideration could be given to making the Fund open to Greater Wellington's associated entities whose activities are part of Greater Wellington's carbon footprint – e.g. CentrePort, Greater Wellington Rail Ltd and Wellington Water Ltd, but this is not proposed for 2020/21.

Spend entire Fund endowment over four years

13. The purpose of the Fund is to spur a step change on action within Greater Wellington to get on track to achieve the agreed targets for 2025, 2030 and 2035. Therefore, funding needs to occur relatively soon. The proposal is that the entire Fund will be spent over the next four financial years in order to achieve the step change required. Once this step change has occurred, all costs associated with achieving carbon targets will be met from other sources (i.e. rates, external funding). This is to be expected in a maturing programme - the activity will become BAU.

Only the proportion of project costs that is additional to BAU activity will be funded

14. It is proposed to fund only the proportion of project costs that is additional to BAU activity. This approach should ensure the Fund is genuinely accelerating progress. For example, if five hectares of reforestation occurs in regional parks per year, and the rate is increased to ten hectares per year, then the Fund can support the planting of the additional five hectares only. Also carbon savings should be calculated on the basis of 'additionality'. For example, if an electric vehicle (EV) is purchased two years sooner than it otherwise would under BAU, only two years of carbon savings would be counted. Eligible activities can include topping up an existing budget to implement an option that is more expensive but has a carbon reduction benefit. The eligibility and

carbon calculations will be peer reviewed to ensure they are realistic, fair and represent additional action.

The Fund is partitioned so it is not monopolised by one type of activity

15. It is proposed to split the portion of the Fund devoted to implementation into two sub categories of activity – one for the land sector (reducing emissions and increasing carbon sequestration primarily forest establishment and wetland restoration) and the other for energy and other sources (e.g. EVs, renewable energy, energy efficiency, waste or refrigerants). The rationale for this is that forest and wetland restoration projects are likely to take five to ten years before the carbon reduction benefits start to be realised. It is also around five to ten years from now that these benefits will be needed to achieve Council's carbon targets (via offsetting). Therefore it is important that such work is progressed now.
16. Another advantage of allocating funds to different project types is it will allow a greater diversity of Greater Wellington teams to engage with the Fund and start to build familiarity and experience with carbon reduction work in a positive way (i.e. through obtaining additional funding). This will be useful for helping bring about a change in capability and organisational culture.
17. If the Fund is undersubscribed in one of the subcategories, there would be flexibility to review this allocation.

Use the Fund for project development/feasibility studies as well as project implementation

18. It is intended that the work of developing documentation for the Fund and preparing bids will be met from existing staff resources (e.g. the centralised climate change team and activity managers). The Fund itself will not be used to fund these costs.
19. 'Implementation' projects may be an incremental measure applied to an existing project – e.g. to purchase extra EVs than allowed for in an existing budget. For this type of incremental project, extra management costs will be minimal. Only funding such incremental initiatives, however, is unlikely to achieve the step change that is required to be carbon neutral by 2030.
20. Other kinds of implementation projects, particularly standalone initiatives, will require planning and project management. For these, it is proposed that a small project management overhead could be included in a bid and funded from the Fund.
21. A second category of project is proposed to be included as eligible for funding - 'project development/feasibility'. The purpose of this is to allow teams at Greater Wellington to procure the necessary personnel and expertise (extra staff or contractors) to take the idea for a project and develop a full business case. This would allow an informed decision to be made to implement it, possibly using the Fund. For example, this would be required if Council was to investigate investing in renewable energy sources. There is precedent for this approach - it is a feature of external funds such as the One Billion Trees Fund, the Provincial Growth Fund and the NZ Transport Agency's single-stage business cases.
22. Bids for project development/feasibility would be assessed based on their potential to reduce emissions, strategic significance and likelihood of leading to implementation, among other things.

Initial split of the Fund

23. It is proposed that the Fund is partitioned initially by activity in the following ratios: 40 percent for land sector implementation, 40 percent for energy and other sources implementation and 20 percent for project development/feasibility. Following internal consultation on the proposed design of the Fund and looking at other funds (such as those outlined in paragraph 21 above), it was identified that 20 percent is an appropriate figure for project development/feasibility. This is just a guide and could be adjusted and discussed by the Committee depending on what bids are received.

Responsibilities

24. The internal Climate Emergency Response Programme Board will vet bids, before proposing appropriate bids to the Committee for its recommendation to Council for its approval. Each year, the Climate Emergency Response Programme Board would also review the performance of the Fund and suggest to the Committee any adjustments to the Fund's details and settings. The Committee may then recommend any changes to Council for its approval.

Ngā hua ahumoni

Financial implications

25. The financial implications of creating the Fund itself and the capacity to borrow \$2 million in 2020/21, have been considered and will be included in the 2020/21 Annual Plan. As the borrowings would be drawn upon progressively over 2020/21, interest costs are likely to be less than \$50,000 in that year.
26. The planned approach is that these interest costs are capitalised and repaid using part of the proceeds from the sale of the NZUs when this occurs. If this sale does not occur, the costs of any borrowing that has occurred for the Fund, including repayments, would need to be met from other sources, most likely rates.

Te huritao ki te huringa o te āhuarangi

Consideration of climate change

27. 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

28. While the implementation and operation of the Fund will trigger the need for mitigation assessments (in order to properly assess funding bids) and in some cases adaptation assessments (for proposed projects that may be affected by climate change impacts) these can only be completed on a case-by-case basis.

Ngā tikanga whakatau

Decision-making process

29. 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**

30. 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.

**Te whakatūtakitaki
Engagement**

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

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

32. Following the Committee's decisions, the proposed design of the Low Carbon Acceleration Fund will be referred, for approval, to Council's 9 April 2020 meeting.

**Ngā āpitihanga
Attachment**

Number	Title
1	Proposed Design of the Low Carbon Acceleration Fund

**Ngā kaiwaitohu
Signatories**

Writer	Jake Roos – Climate Change Advisor
Approvers	Tracy Plane – Manager Strategic and Corporate Planning Luke Troy – General Manager Strategy

He whakarāpopoto i ngā huritaonga Summary of considerations
<p><i>Fit with Council’s roles or Committee’s terms of reference</i></p> <p>The matters for decision fit with the Council’s specific responsibility to “oversee the development and review of Council’s... environmental strategies, policies, plans, programmes and initiatives”.</p>
<p><i>Implications for Māori</i></p> <p>Implications for Māori have not been considered. Mana whenua’s views will be sought on our climate change programme, which will include carbon reduction initiatives and this associated fund, through the 2021—31 Long Term Plan process.</p>
<p><i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i></p> <p>The proposed design will directly contribute to Greater Wellington’s carbon reduction targets.</p>
<p><i>Internal consultation</i></p> <p>ELT, the Corporate Carbon Neutrality Project Steering Group, Treasurer and Chief Financial Officer were consulted and provided input on the design of the Fund. An indicative design of the Fund was presented to Council at its annual plan workshop on 11 February 2020.</p>
<p><i>Risks and impacts: legal / health and safety etc.</i></p> <p>There are no significant risks associated with the matters under consideration.</p>

Attachment 1 to Report 20.112

Proposed Design of the Low Carbon Acceleration Fund

Purpose of the Fund

1. To help spur a step change in Greater Wellington's activities to reduce emissions and put it on track to achieve Council's carbon reduction goals (primarily corporate carbon neutrality from 2030) by funding activities or initiatives that reduce net emissions more quickly and/or at a greater scale than otherwise would occur.

Initial period and Long Term Plan confirmation

2. The Fund will operate using borrowing for the first year (2020/21).
3. The level of borrowing budgeted for in the Annual Plan for 2020/21 will be \$2.0 million.
4. Further operation of the Fund is subject to Council approval following the consultation process for the 2021-31 Long Term Plan. This consultation will include seeking the community's views regarding the sale of Greater Wellington's free allocation NZUs to repay borrowing costs incurred by the Fund and/or create a cash reserve to support subsequent years of the Fund's operation.

Key elements proposed

5. The Fund is open to bids for projects that would occur within Greater Wellington's operations and reduce its carbon footprint. This includes the Metlink bus fleet.
6. The aim is to allocate the entire Fund over a period of approximately four years (i.e. 2020—24).
7. Only the proportion of project costs that is additional to business as usual activity will be funded.
8. The Fund is partitioned so it is not fully monopolised by one type of activity, although this can be reviewed at any time if any part of the Fund is undersubscribed.
9. The Fund can be used for a small level of project development/feasibility studies as well as project implementation.
10. Quarterly, the Climate Emergency Response Programme Board will provide bids to the Climate Committee.
11. The Climate Committee will consider these bids, and recommend suitable bids to Council for approval.

Fund criteria proposed for projects

12. Dollars of funding sought per tonne of CO₂e emissions mitigated is lowest (implementation projects only).
13. The project would not proceed without the extra funding.
14. The project will have demonstrable emissions impact, particularly for Greater Wellington itself.
15. The project has other wider benefits e.g. for biodiversity, contribution to freshwater outcomes.

Attachment 1 to Report 20.112

Proposed Design of the Low Carbon Acceleration Fund

16. The level of ongoing rates impact once the funding allocation has been used.
17. The project is of strategic importance to achieving Greater Wellington's corporate carbon reduction targets.
18. The project will help secure external funding for the project or related projects.

Proposed split of Fund for 2020/21

19. Project implementation:
 - a Land sector (e.g. afforestation, land use change, wetlands): 40 percent
 - b Energy and other sources (e.g. EVs, renewable energy, waste): 40 percent
20. Project development/feasibility: 20 percent.

Administration

21. The climate change team within the Strategy and Corporate Planning department will:
 - a Develop the required documentation, including application forms and guidance
 - b Promote the Fund
 - c Work with activity managers to help them develop project bids/business cases
 - d Provide analysis to decision makers regarding the bids received.
22. The Climate Emergency Response Programme Board will review the bids and decide which to propose to the Climate Committee for its recommendation to Council for approval.
23. The Finance team will support all the necessary transactions and provide advice on financial strategy – in particular the opportune time to sell the free allocation NZUs.

Review

24. The Fund's details and settings, along with whether to hold or sell the free allocation NZUs, will be reviewed annually by the Climate Emergency Response Programme Board (the Board). The Board can suggest any adjustments to these matters to the Climate Committee, which may recommend any changes to Council for approval.

Council
9 April 2020
Report 20.95



For Information

STORMWATER – REGULATORY FRAMEWORK AND MONITORING

Te take mō te pūrongo

Purpose

1. To inform the Council about the background to the management of stormwater under the regional planning framework, and on Greater Wellington's science and compliance monitoring practices for stormwater discharges.

Te tāhū kōrero

Background

2. Following the Government's COVID-19 pandemic response, Council cancelled Committee meetings for the next cycle. This Council meeting is considering urgent COVID and non-COVID-related items, including those that were to go to the cancelled Committee meetings. The report is an urgent non-COVID-related item.

The previous approach to the management of stormwater was not fit for purpose

3. The current regulatory framework for stormwater discharges is set by the Proposed Natural Resources Plan (PNRP).
4. The previous regulatory framework of the operative regional plans did not include specific rules for stormwater discharges. The relevant operative plans – the Coastal Plan, Freshwater Plan and Regional Discharges to Land Plan (the Discharges to Land Plan) – do not have objectives specific to managing stormwater. In these three operative plans, stormwater discharges were provided for as permitted activities and were covered under general rules for point source discharges. This resulted in stormwater discharges being dealt with in an ad hoc manner and in many discharges being outside the consenting process.

In general, the approach of these first generation operative regional plans can be characterised as permissive, and with an emphasis on developing further knowledge around the impacts of stormwater discharges and on encouraging better stormwater management practice. The subsequent development of information led to the application and granting of discharge consents for the Kāpiti Coast District Council stormwater network and parts of the Wellington City Council stormwater network.

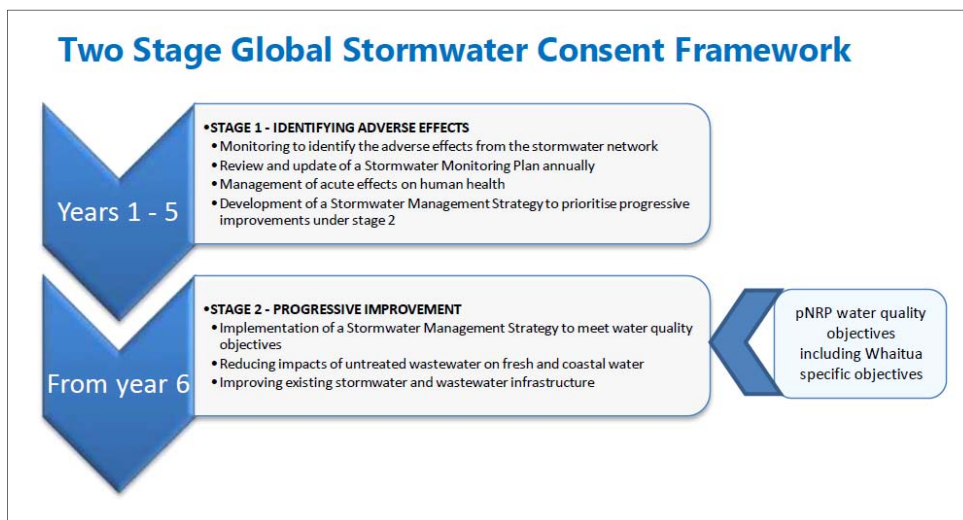
5. The adverse environmental effects associated with the discharge of stormwater to both fresh and coastal water in the Wellington Region are now better understood than at the time of the notification of the operative plans. However, the voluntary nature of the operative plans has not delivered regional improvements in the way that

stormwater is managed, nor has an industry- or sector-led approach emerged to minimise the adverse effects of stormwater discharges.

6. To summarise the situation under the operative plans, there is:
 - Increasing evidence of the adverse effects of contamination from stormwater runoff in the region, and particularly affecting low energy receiving environments such as Te Whanganui-a-tara and Te Awarua-o-Porirua harbour
 - Cross-contamination between wastewater and stormwater leading to faecal contamination of fresh and coastal water in the region, affecting both primary and secondary contact recreation, Māori customary use and mauri
 - Significant variation in approaches for managing stormwater for water quality outcomes amongst local authorities
 - Significant variation in resource consent requirements between those few networks currently consented, reflecting changing practice over the last 20 years
 - Limited application of land use controls to manage contaminant inputs and stormwater volume into local authority networks to date
 - A lack of land use controls and planning systems to manage stormwater networks for water quality outcomes
 - Missed opportunities for integrated water and sediment quality data collection and reporting
 - Little certainty for the community in terms of managing stormwater discharges for their impact on water quality
 - A lack of policy direction in operative regional plans
 - A lack of connection between strategic planning, asset management and operational systems meaning lost opportunities and inefficiencies
 - An operative regulatory framework not suitable for achieving the requirements of the NPS-FM.
7. The operative permitted activity regime has not yet driven regional improvement in stormwater management for water quality outcomes. Only some discharges from local authority stormwater networks have been consented during the life of the operative regional plans. Further, the conditions of these consents vary widely in terms of complexity, effectiveness and cost to implement, reflecting changing management regimes and practices for stormwater through the past two decades. The consents consequently have greatly varied efficiency and effectiveness.
8. The PNRP addressed these issues by introducing a 'global' approach specifically to stormwater discharges which is consistent with the overall intent of the PNRP to manage resources in a holistic manner.

Proposed Natural Resources Plan direction

9. The PNRP seeks to achieve a progressive reduction in the adverse effects on the environment of stormwater discharges from local authority networks. A two-stage global consent framework is set out in the PNRP which recognises the substantial resource and time implications of achieving this outcome. Stage One is largely about gathering information and Stage Two requires an action plan for progressive improvements. This two-stage global stormwater framework is illustrated in the diagram below:



Stage One

10. Under Stage One, local authorities are granted a five-year consent to undertake monitoring and develop knowledge of their networks and land uses to understand the effects of stormwater discharges. This approach is due to the fact that there is currently a knowledge gap which needs to be filled before improvements can be prioritised. The purposes of monitoring are to establish the impacts of stormwater discharges on ecosystem health, mahinga kai, recreation and Māori customary use at a catchment or sub-catchment level. This could include monitoring of heavy metals, sediment and faecal pathogens that could be contributed by land uses, as well as discharges from wastewater infrastructure.
11. While primarily a monitoring consent, territorial authorities are also required to manage any acute effects on human health that are detected during monitoring under Stage One. Such management involves communicating the health risks to the public, investigating the cause of the effect and undertaking remedial works to fix issues that are found. The monitoring results are used to develop a draft Stormwater Management Strategy which is prepared towards the end of the Stage One consent.

Stage Two

12. Under Stage Two, local authorities may be granted a longer term consent focused on the implementation of a Stormwater Management Strategy. The Stormwater Management Strategy will be a strategic document that links stormwater asset management and land use planning with water quality outcomes. This strategy will be developed using the monitoring data from Stage One and will be a live document that will be updated as prioritised works are completed. The strategy will set out how stormwater quality will be progressively improved to meet water quality objectives set out in the PNRP, including the whitua-specific freshwater objectives that will be incorporated in the PNRP by way of any plan changes. The strategy could include goals and timeframes in relation to the progressive elimination of wastewater overflows to the stormwater network.

Why is there wastewater in the stormwater network?

13. Wastewater overflows can enter the stormwater network via constructed overflows, unconstructed overflows, illegal cross-connections, or leaking wastewater networks.

Constructed overflows

14. Constructed overflows allow wastewater to exit the wastewater network through an overflow arrangement between the wastewater and stormwater network. These arrangements are typically weirs or pipes set to a designated height to provide a controlled discharge from the wastewater network into the stormwater network during major failures, blockages, or when the network is overwhelmed by wet weather flows.
15. Constructed overflows are also typically found near wastewater pumping stations and are designed to provide relief from power failures, pump breakdowns, network failure, volumes beyond the pump's capabilities, or a catastrophic event.
16. There are approximately 195 constructed overflows in manholes and pump stations distributed across the Wellington Region that connect the wastewater network to the stormwater network.

Unconstructed overflows

17. Unconstructed overflows occur in the wastewater network, but were not designed or constructed to discharge directly into the stormwater system. These overflows can be caused by similar failures as those from constructed overflows, but they may not be contained or discharged to isolated locations. The most common manifestation of an unconstructed overflow is when a manhole surcharges, lifting off the manhole lid, and discharging into the area surrounding the manhole.

Illegal cross connections/leaking wastewater networks

18. Illegal cross connections are the result of mistakenly laid wastewater lateral connections to the stormwater system during construction or replacement. These illegalities pose a significant risk to human health during dry weather periods in particular.

19. Aging infrastructure and rapidly growing population puts immense stress on wastewater and stormwater systems. Breaks and leaks in wastewater mains and laterals that overlap with the stormwater system can result in cross contamination. Unidentified sources such as these can continue unchecked for years before pipe and manhole condition assessments are performed or renewal programs reach the area.

Direct discharges to water

20. It should also be noted that wastewater can also overflow directly to fresh and coastal water bodies. These discharges may occur either via constructed or accidental overflows. An example of such a discharge location is the Porirua central city pump station which overflows to the Porirua Stream near the mouth to the harbour during some rainfall events. Direct discharges of wastewater can contribute significantly to negative impacts on water quality in our streams and harbours.

Wellington Water's Stage One global stormwater consent

21. Wellington Water Limited (WWL) was granted its Stage One global stormwater consent in November 2018. The consent authorises the discharge of stormwater, and stormwater occasionally contaminated with wastewater, into fresh and coastal water for Wellington City, Porirua, Lower Hutt and Upper Hutt.
22. Prior to WWL's consent application being prepared, Greater Wellington Regional Council (Greater Wellington) established a Technical Review Group to provide advice on what monitoring should be done under the Stage One consent and the trigger levels and actions required. The Technical Review Group was made up of water quality experts from Greater Wellington, WWL's consultant panel, National Institute of Water and Atmospheric Research, Catchment and Coast Ltd and Aquanet.
23. WWL have prepared and implemented two key documents under its Stage One consent – a stormwater monitoring plan and a Stormwater Network Management and Procedures Plan.

Stormwater Monitoring Plan

24. The Stormwater Monitoring Plan guides the collection of information over the five-year period. WWL evaluated the availability of information on values, pressures and the state of each catchment. From this, a matrix was developed to prioritise monitoring to fill information gaps. An extract from WWL's Stormwater Monitoring Plan is illustrated below:

Table 2-4: Karori Stream

Site type	Site Name	Site ID	Council	Frequency	Variables
Freshwater stream	Karori Stream at Friend Street	KAFW1	WCC	Monthly	E.coli, total & dissolved Cu, total & dissolved Zn, DOC, total hardness, pH
Freshwater stream	Karori Stream at Campbell Street Bridge	KAFW2	WCC	Monthly	E.coli, total & dissolved Cu, total & dissolved Zn, DOC, total hardness, pH
RWQE site	Karori Stream at Makara Peak MB Park	RS18	GWRC	Monthly	DO, temp, pH, EC, visual clarity, turbidity, TSS, E. coli, enterococci, DOC, dissolved and total nutrients, dissolved Cu & Zn, habitat quality, MCI, periphyton
Stream sediments	Karori Stream at Makara Peak MB Park	RS18	GWRC	Once in year 2	Total recoverable metals in soils (As, Bo, Cd, Cr, Cu, Pb, Ni, Zn), DDT screen, PAH screen, TOC.

Table 2-5: Owhiro Stream

Site type	Site Name	Site ID	Council	Frequency	Variables
Coastal recreation	Owhiro Bay ✓	OWCW1	WCC	Monthly	Enterococci
Freshwater stream	Owhiro Stream above T & T Landfill	OWFW1	WCC	Monthly	E.coli
Freshwater stream	Owhiro Stream at Owhiro Bay Parade	OWFW2	WCC	Monthly	E.coli, enterococci
RWQE site (Temporary)	Owhiro Stream at 17 Happy Valley Road	RS002	GWRC	Monthly	DO, temp, pH, EC, visual clarity, turbidity, TSS, E. coli, DOC, dissolved and total nutrients, dissolved and total Cu & Zn, habitat quality, MCI, periphyton
Stream sediments	Owhiro Stream at 17 Happy Valley Road	RS002	GWRC	Once in year 2	Total recoverable metals in soils (As, Bo, Cd, Cr, Cu, Pb, Ni, Zn), DDT screen, PAH screen, TOC.

Table 2-6: Island/Houghton/Princess/Lyall bays

Site type	Site Name	Site ID	Council	Frequency	Variables
Coastal recreation	Island Bay at Denwent Street ✓	ISCW1	WCC	Monthly	Enterococci
Coastal recreation	Island Bay at Reef Street ✓	ISCW2	WCC	Monthly	Enterococci
Coastal recreation	Island Bay at Surf Club ✓	ISCW3	WCC	Monthly	Enterococci
S/W outlet to coast	Island Bay ✓	ISSW1	WCC	Monthly	E.coli, enterococci, total Cu, total Zn
S/W outlet to coast	Houghton Bay Culvert ✓	HOSW1	WCC	Monthly	E.coli, enterococci, total Cu, total Zn, total Fe, total Mn ⁶
Coastal recreation	Princess Bay ✓	HOCW1	WCC	Monthly	Enterococci
Coastal recreation	Lyall Bay at Queens Drive	LYCW1	WCC	Monthly	Enterococci
Coastal recreation	Lyall Bay at Onepu Road	LYCW2	WCC	Monthly	Enterococci
S/W outlet to coast	Lyall Bay West Culvert	LYSW1	WCC	Monthly	E.coli, enterococci, total Cu, total Zn
S/W outlet to coast	Lyall Bay East Culvert	LYSW2	WCC	Monthly	E.coli, enterococci, total Cu, total Zn

25. WWL is responsible for monitoring in accordance with the Stormwater Monitoring Plan. Note that the Stormwater Monitoring Plan includes details of other monitoring programmes (such as Greater Wellington’s Water Quality and Ecological Monitoring Programme) which will help provide a complete picture of the adverse effects of stormwater discharges and will also be used to inform the development of a Stormwater Management Strategy. Some maps of the extent of the monitoring undertaken are included in [Attachment 1¹](#).

Stormwater Network Management and Procedures Plan

26. The Stormwater Network Management and Procedures Plan sets out how the actual and potential acute effects on human health will be communicated and managed, and is closely linked to the Stormwater Monitoring Plan. The Stormwater Network Management and Procedures Plan includes details of sanitary survey procedures and communication procedures to inform and educate the public of the presence of wastewater overflows. The response to a wastewater overflow into the stormwater network with potential public health risk involves the following:
- a Hutt, Upper Hutt, Wellington and Porirua City Councils (via WWL) are responsible for informing the public regarding any public health risk and have duties to ensure that all proper steps are taken to abate or remove the risks
 - b Regional Public Health (RPH), specifically the Medical Officer of Health, provides advice and ensures proper steps are taken by territorial authorities/WWL to protect the health of the community and provide information on the risk. RPH also provides involvement and reviews in the development of all communication strategies.

¹ Source: WWL’s Stormwater Monitoring Plan for Stage One stormwater consent.

Monitoring and actions required under WWL's Stage One stormwater consent

27. Under WWL's Stage One stormwater consent, WWL is required to undertake monitoring in accordance with the Stormwater Monitoring Plan across the Wellington, Hutt, Upper Hutt and Porirua areas. Monitoring is largely undertaken at each site on a monthly basis (an example of which is outlined in the extract above).
28. The stormwater consent includes microbiological trigger values for monitoring results that, if exceeded, require WWL to commence sanitary surveys and risk communication procedures. If a sanitary survey indicates that there is an unacceptable risk to human health resulting from discharges from the stormwater network, WWL is to undertake actions and communications to manage the risk. Also, where the cause of the contamination is known, implement immediate remedial works to address the cause. In practice, this works as follows:
 - Sample results are received by WWL within 24 hours of the sample collection and preliminary results provided within 12 hours of sample collection. A notification alert informing of the exceedance is received by WWL and a follow-up sample is undertaken within 24 hours of the first sample collection.
 - WWL's Customer Operations Group is sent on-site as soon as a sample result is received that exceeds the triggers on the consent. If the on-site crew deem the risk to human health to be high, temporary warning signs are erected immediately. If no immediate risk to human health is perceived by the on-site crew, it will consult with RPH and Greater Wellington to confirm whether warning signage is required. Other risk communications in the form of media releases and messages via social media may also be used depending on the risks.
 - WWL's on-site team commences a sanitary survey. The sanitary survey is used as the first investigative tool. Its objective is to carry out an inspection of the area to note any obvious anomalies, identify the source of elevated sample results and assess the effects on the receiving environment.
 - Once the source of the contamination is found immediate actions are required to prevent the public coming into contact with a discharge that could potentially have acute effects on human health. The consent does not stipulate timeframes for 'immediate action' as these timeframes are subject to external factors such as gaining access to private property and engaging subcontractors.
 - Where there is a dry wastewater overflow, if there are no existing investigations in the catchment and the source of contamination is not identified, an investigation programme tracking the faecal source is developed and initiated. This investigation includes sampling upstream of the elevated results to narrow down the catchment area contributing to the contamination. Methods such as dye testing, CCTV inspections and smoke testing are carried out until the source of the fault is found.
 - If any cross-connection of leaking infrastructure on private property is found WWL gives the property owner a notification card requesting they contact WWL within two weeks to discuss steps required to fix the fault. Arrangements are made for remedial works to occur and these are checked by WWL upon

completion. If the property owner does not contact WWL, the owner is sent a second notification. If WWL is still not contacted, WWL arranges for the remedial works to be undertaken.

- If faults are found with the public network these are fixed as soon as possible. Where there is a major fault, the fault is recommended to be placed in the relevant council's Capital Works Programme. Projects where there is a risk to public health are usually prioritised ahead of others.
 - The results of sanitary surveys and investigations and actions taken are provided to Greater Wellington on a monthly basis.
29. In the event that there is potential for acute human health effects linked to the stormwater discharge and the cause of these effects has not been rectified through immediate actions, WWL is required to undertake a human health project in the catchment. This project could involve, for example stormwater network investigations such as more closed-circuit television and/or faecal source tracking, public education, and physical works. The scope of any human health project would be developed in consultation with Greater Wellington and RPH.
30. Under the Resource Management Act 1991 and the stormwater consent, the conditions can be reviewed, but only if certain criteria are met. These criteria are strict and limited in a legal sense. Two of the main criteria are that there is an effect arisen which was unforeseen at the time the consent was granted and is appropriate to deal with at a later stage; or that there has been a shift in policy through the Regional Plan or National Environment Standards and regulations. None of those situations exist here. Any decision to review is also subject to the usual appeal/objection rights for the applicant.
31. For this consent, under the review condition, Greater Wellington can invoke the clause to review the adequacy of any report and/or monitoring requirements, and if necessary, amend these requirements. Before going down this formal route we would first look at opportunities to collaboratively work with the consent holder to agree any changes deemed necessary to the monitoring plans as set out above.

Greater Wellington's compliance monitoring

Greater Wellington's Strategic Compliance Programme

32. Greater Wellington operates a strategic compliance programme. Strategic compliance is all about ensuring consent compliance monitoring is undertaken on what's important. This risk-based approach ensures sufficient and appropriate resources are channelled to activities with higher risk to the environment. Given the number of active resource consents across the region, monitoring every activity would result in Greater Wellington's current compliance resources being stretched. The consequences would be that minimal time could be spent on monitoring resource consents with potential significant environmental effects and follow up on non-compliance issues encountered would be limited. When determining the risks of consented activities to develop and review our strategic compliance programme the following factors are considered, namely the:

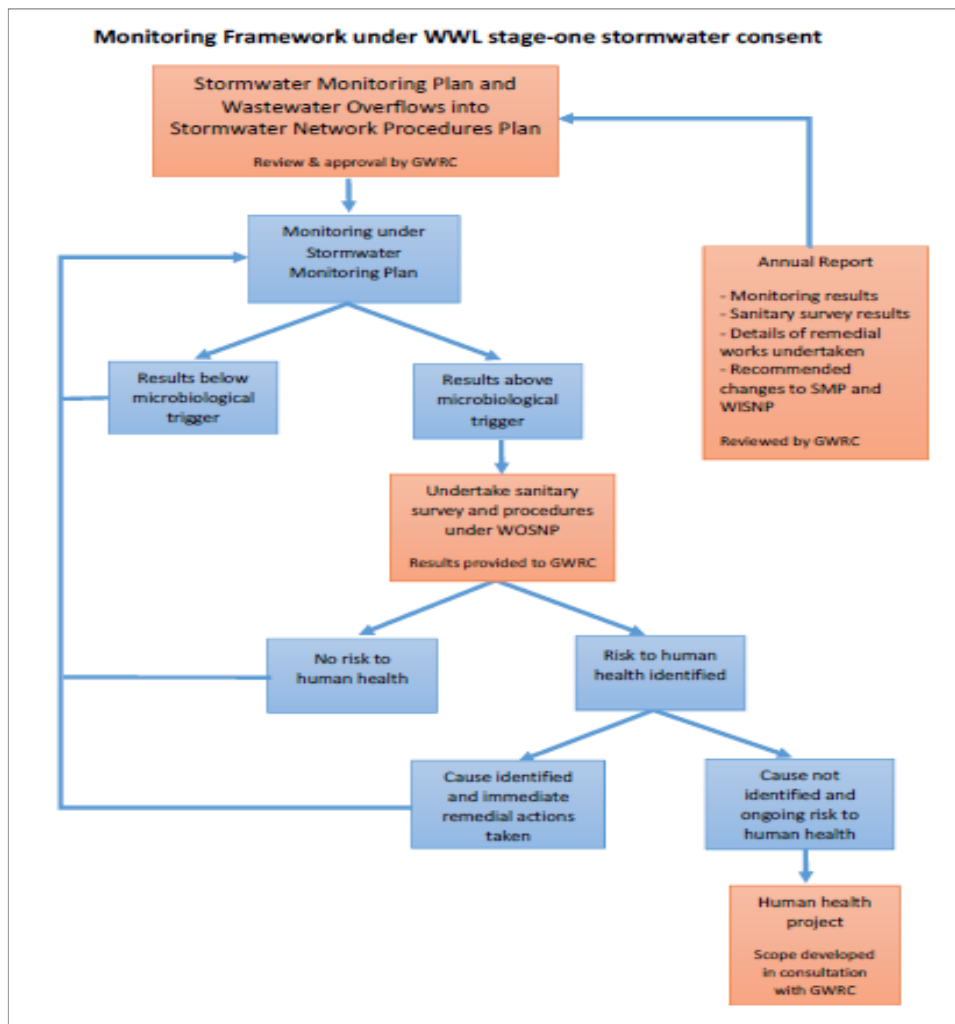
- a Receiving environment the activity occurs in and the sensitivity and pressure on that environment
 - b Scale of potential effects on the receiving environment
 - c Level of risk to the environment if the activity does not operate within any conditions of the consented activity
 - d Performance history of the site, type of activity, and/or consent holder.
33. Under our strategic compliance programme stormwater consents are monitored annually; however, actual compliance monitoring is undertaken on an 'as needs' basis. Greater Wellington's compliance role for stormwater consents varies throughout the year in response to operations.

Greater Wellington's Incident Response Service

34. Our incident response service will also investigate any reported discharges. The team will look at whether the discharges are in fact unauthorised (i.e. not covered through the stormwater consent) and, if so, the nature of the offending - that is, the level of the environmental effects. Where the offending is deemed significant (or potentially significant), we will undertake a full investigation and assess what enforcement action is necessary. Typically, where we consider the incident requires enforcement action this occurs within four months of the date of the incident but can be up to six months. Enforcement action can range from education for the more minor breaches, through to formal warnings, infringement fines and prosecutions for the more serious cases.

Greater Wellington's compliance monitoring on WWL's Stage One stormwater consent

35. Monitoring under WWL's Stage One stormwater consent largely involves WWL undertaking self-monitoring and reporting. The diagram below sets out the framework for monitoring undertaken under the stormwater consent:



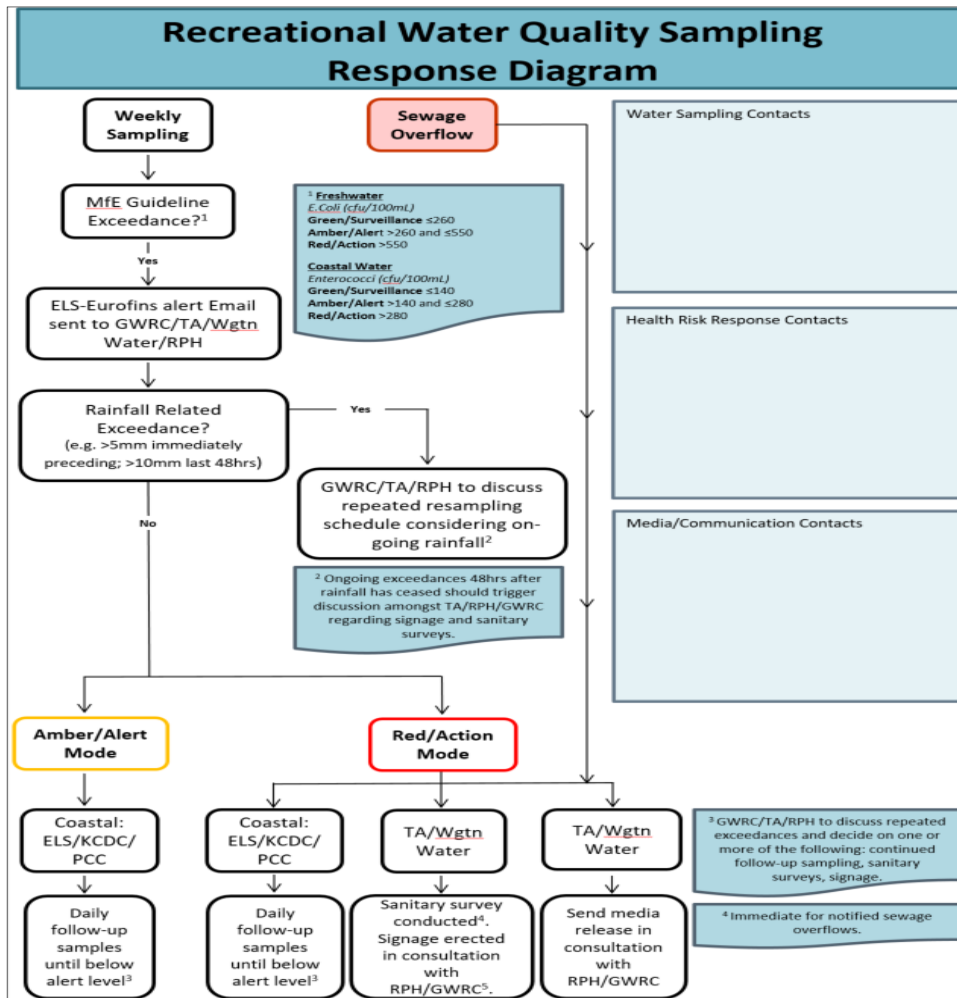
36. The boxes in red are those areas where Greater Wellington’s compliance officer is involved. Our compliance monitoring of this consent is:
- a Review and approval of the Stormwater Monitoring Plan and Wastewater Overflows into the Stormwater Network Management and Procedures Plan
 - b A monthly compliance meeting with WWL to discuss monitoring and actions taken under the consent and for Greater Wellington to provide feedback to WWL on the latest sanitary survey results
 - c Receipt of sanitary survey results on a monthly basis. Greater Wellington has reviewed and provided advice on the information we require to be provided in these reports
 - d If a human health project is triggered, Greater Wellington will be involved in the development of the scope of this project. Greater Wellington would also take an active compliance role in ensuring the project is implemented in accordance with the agreed scope and timeframes agreed

- e Greater Wellington receives an annual report that will be reviewed by the compliance officer and technical expert. This review will include consideration of proposed changes to the Stormwater Monitoring Plan.

Recreational Water Quality Monitoring programme

Roles and responsibilities

37. During the swimming season (1 December to 30 March) Greater Wellington, the city councils and Regional Public Health assess the health risks from faecal contamination and toxic algae at popular swimming spots (both in freshwater and marine). Between April and November, monthly monitoring at all the recreational water quality sites takes place. The roles and responsibilities for the different agencies in implementing the monitoring programme are guided by the Ministry for the Environment/ Ministry of Health Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas and are outlined in the following paragraphs.
38. Greater Wellington is responsible for implementing a monitoring programme. This includes:
 - Overseeing weekly sampling at popular swimming sites during summer (December to March) and monthly (April to November)
 - Informing the Medical Officer of Health and city council if alert or action levels are reached in conjunction with WWL
 - Collating information for annual reporting and for grading of sites.
39. The Medical Officer of Health is responsible for:
 - Reviewing the effectiveness of the monitoring and reporting strategy
 - Ensuring the territorial authority is informed in conjunction with WWL and Greater Wellington
 - Ensuring the territorial authority informs the public of any health risks.
40. The city councils are responsible for:
 - Informing the public when the action level is exceeded
 - Implementing steps to abate or remove any sources of contamination.
41. Sites are added/removed from the recreational water quality monitoring programme by joint decision of WWL/city council, Greater Wellington and RPH. The Recreational Water Quality Sampling Response diagram is below:



When is action required?

42. Under the Recreational Water Quality Monitoring Programme, when monitoring results exceed 280 cfu²/100ml for freshwater or 140 cfu/100ml for coastal/marine daily follow-up samples are taken until the results are back below the amber alert level (>260 but ≤ 550 cfu/ml). If there has been rain immediately preceding sample collection, and that sample is above the amber alert then a discussion is required between Greater Wellington, RPH, WWL and the city council about whether daily sampling is necessary. It is well known that rain washes contaminants into the stormwater and coastal areas. When the amber alert is exceeded, daily sampling is undertaken by Eurofins on behalf of WWL. Monitoring results exceeding 550 cfu/100ml for freshwater and 280 cfu/100ml in marine water triggers sanitary surveys.

² Colony-forming unit.

43. Signage is erected when levels exceed 550 cfu/100ml for freshwater or 280 cfu/100ml for marine. Similarly, signage is typically taken down after three consecutive days of results below the bathing guidelines. Consultation occurs between WWL, Regional Public Health and Greater Wellington regarding putting signs up and removing signs. WWL typically puts signs up and removes them. On occasion WCC puts signs up and removes them when exceedances occur along the Wellington Water Front.
44. These actions are formalised through protocols between GWRC, RPH and the territorial authorities (via WWL) in accordance with the Ministry for the Environment/ Ministry of Health Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas.
45. The delay between taking a sample, receiving the lab results and displaying these for the public can take over two days. During this delay, conditions may have changed, and the test result becomes out of date and not fit for purpose. To overcome this, we have moved to using a model to forecast a 'daily swimming risk category' which is posted on the Land, Air, Water Aotearoa website. The model is updated twice daily and uses the information from the lab testing, recent rainfall and forecast rainfall from the MetService. Greater Wellington has the ability to alter this category manually if we are informed of toxic algae or infrastructure failures.

What is happening in Owhiro and Titahi Bay?

46. Sanitary surveys have been undertaken (and are ongoing) in the Owhiro and Titahi Bay catchments. These have been triggered under the Recreational Water Quality Monitoring Programme, not WWL's Stage One stormwater consent. Investigations and remedial works are ongoing to address the sources of the contamination. In the Owhiro catchment, WWL has found and fixed six cross connections and anticipates that further cross connections will be found. Wellington City Council's building compliance team is now also involved. Daily water quality monitoring continues to be undertaken by WWL.

Why are the triggers for action under the Recreational Water Quality Monitoring Programme and Stage One stormwater consent different?

47. The triggers for sanitary surveys under the Recreational Water Quality Monitoring Programme and WWL's Stage One stormwater consent are different.
48. Under the Recreational Water Quality Monitoring Programme, monitoring results exceeding 550 cfu/100ml for freshwater and 280 cfu/100ml in marine water triggers sanitary surveys. The monitoring programme looks at the receiving environment at popular swimming sites. The limits for these sites are from the Ministry for the Environment's 2003 guidelines, where there is a risk to human health (i.e. illness to people swimming/ingesting the water). The monitoring is targeted at those sites where we know it is generally safe to swim. The intent of the monitoring is to check that this is the case during the bathing season.
49. As part of the formulation and assessment of WWL's Stage One stormwater consent a Technical Review Group was established to provide advice on the monitoring requirements and actions that should be reflected in the conditions of the consent. This advice covered the contaminant levels that trigger sanitary surveys and remedial

works where the source of the contamination is found, or human health projects where the source is not found and risks to human health continue. The Technical Review Group determined that sanitary surveys should be undertaken when a single dry weather pipe/outfall sample result exceeds any of the following:

- a Any water sample collected in dry weather from a stormwater outfall or pipe under this consent has an indicator bacteria count exceeding 10,000 cfu/100ml
- b Any two successive routine water samples collected at a coastal receiving water site exceed 1,000 indicator bacteria count per 100 ml
- c Any two successive routine water samples collected at a freshwater receiving water site, with the exception of any sites on the Hutt, Akatarawa and Whakatikei rivers, exceed 1,000 indicator bacteria count per 100 ml

Any single dry weather water sample collected from the Hutt, Akatarawa or Whakatikei rivers exceeds 1,000 indicator bacteria count per 100 ml.

50. The purpose of the triggers is to represent a gross pollution event that is happening which is above and beyond what is acceptable. These triggers recognise that wastewater discharges from constructed and unconstructed overflows into the stormwater network occur and there is no immediate solution to preventing these discharges. As such, under the short term Stage One stormwater consent, urban streams are not managed for contact recreation purposes and it is advised (and has been for some time) that it is not safe to swim in urban streams. The outcome of the Stage One consent will be an understanding of the effects of stormwater discharges, including occasional discharges of wastewater. This information along with the direction in the PNRP and whitua outcomes, such as water bodies to be managed for contact recreation or progressive improvement, will be used to prioritise progressive improvement.

Looking forward – operative PNRP, whitua plan changes, and non-regulatory methods

Resolution of the PNRP

51. Greater Wellington is currently in the appeals process for the PNRP. A number of parties are appealing the stormwater and wastewater provisions, including Porirua City Council, WWL, Casterton District Council, South Wairarapa District Council, Masterton District Council, CentrePort and Wellington Airport.
52. Formal Court mediation has begun and is expected to run until at least June 2020. If any appeals are unresolved, these will progress to the Court hearing stage which may last for an additional one or two years.

Implementation of the National Policy Statement for Freshwater Management

53. At the same time, Greater Wellington is progressing the whitua programme. This is an ongoing programme designed to implement the intent of the National Policy Statement for Freshwater Management (NPS-FM).
54. The NPS-FM requires water quality objectives and limits to be in regional plans by 2025. In addition, a new freshwater planning process is currently in front of the Environment Select Committee as part of the Resource Management Amendment Bill.

Implementing the Te Awarua-o-Porirua Whaitua Implementation Programme

- 55. The Te Awarua-o-Porirua Whaitua process was completed in 2019. The Committee made extensive recommendations in its Whaitua Implementation Programme (WIP) regarding the management of stormwater and wastewater. These recommendations include requiring, through policies and rules in the Regional Plan, that discharges achieve the national bottom line for *E. coli* (the main indicator of wastewater) by 2040 and that there be a reduction of heavy metal (the main indicators of stormwater runoff) contaminant load of 40 percent by 2040.
- 56. Implementation of these recommendations requires a change to the PNRP, as well as additional programmes and activities to be established. A plan change would address regulating the location and extent of urban development, the adverse effects of urban development on water quality and habitat and set up a stormwater framework in the plan to meet the objectives, limits and targets in the WIP.
- 57. Greater Wellington has until 2025 to ensure the WIP is part of the Regional Plan. If Greater Wellington brought forward the implementation of the WIP, this would provide a significant step forward in the regulation of stormwater and wastewater discharges in Te Awarua-o-Porirua whaitua. The implementation of this WIP will also provide a pathway forward for the implementation of the work of Te Whanganui-a-Tara Whaitua.

Te Whanganui-a-Tara Whaitua process

- 58. The Te Whanganui-a-Tara Whaitua Committee was established in 2018 and is planning to have its recommendations complete by the end of 2020. The Committee will make recommendations including the setting of objectives and limits to sit in the whaitua chapter of the PNRP. The Committee will also consider what actions are required to meet these objectives. The presence of *E. coli* and the impact on cultural and recreation values is one of the key consideration of the Committee.

**Ngā āpitihanga
Attachment**

Number	Title
1	Monitoring sites for Lambton Harbour, Lower Hutt and Porirua catchments

**Ngā kaiwaitohu
Signatories**

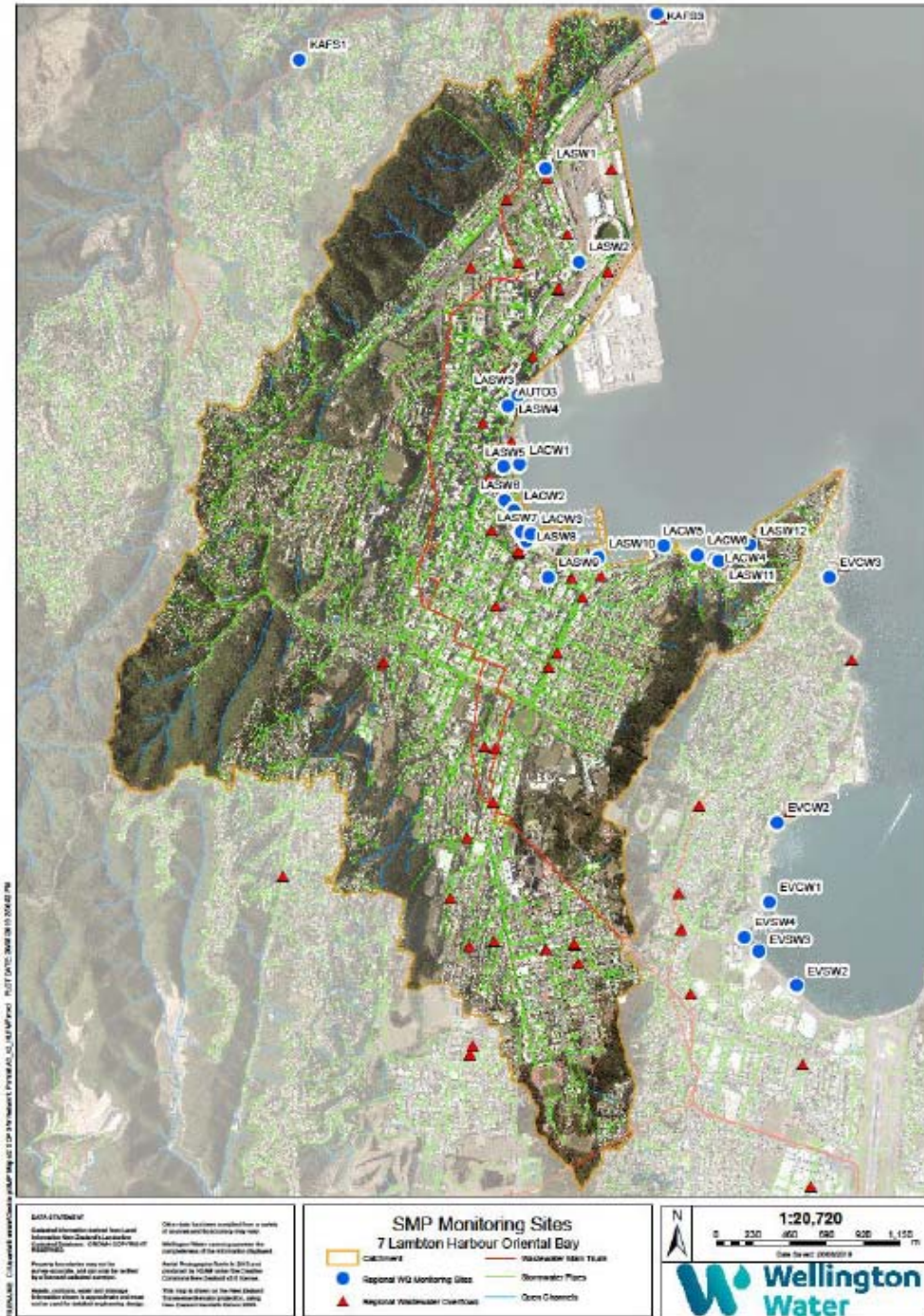
Writers	Shaun Andrewartha – Manager, Environmental Regulation Lucy Baker – Manager, Environmental Science Matthew Hickman – Manager, Environmental Policy
Approver	Al Cross – General Manager, Environment Management

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or Committee's terms of reference</i> Council is considering this report under its role to oversee the development, implementation and review of Council's regulatory systems, processes and tools to meet Council's related legislative responsibilities.
<i>Implications for Māori</i> There are no implications for Māori.
<i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i> There are no implications for Council's strategies, policies and plans.
<i>Internal consultation</i> There was no internal consultation outside of the Environment Management group.
<i>Risks and impacts: legal / health and safety etc.</i> The report raises no specific risks or impacts.

Attachment 1 to Report 20.95

Stormwater – Regulatory Framework and monitoring

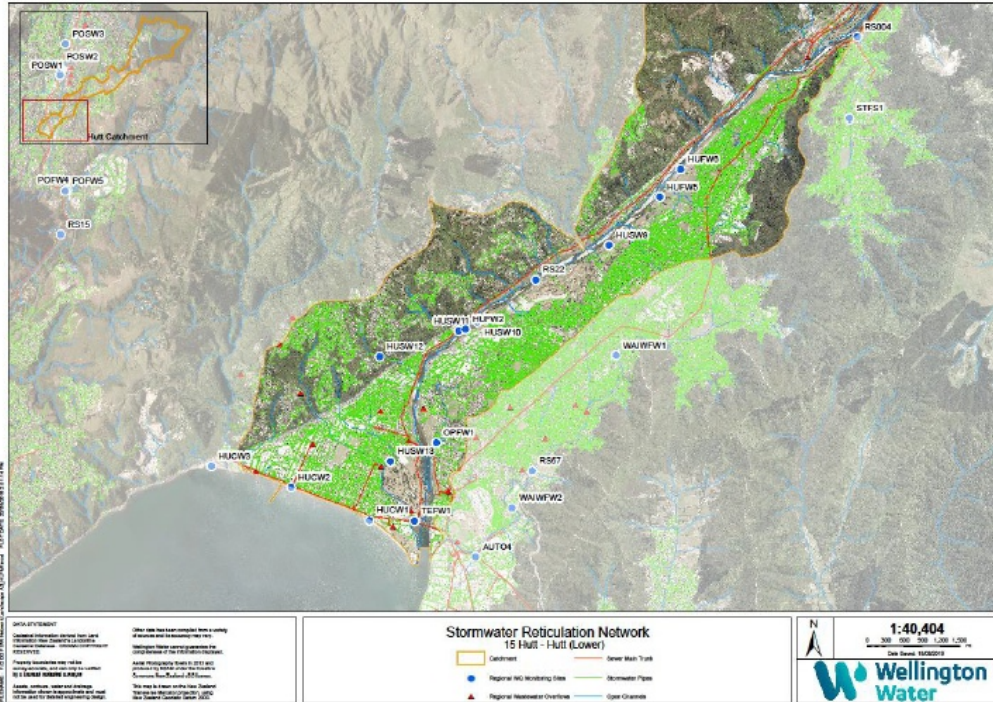
Monitoring sites for Lambton Harbour, Lower Hutt and Porirua Catchments



Attachment 1 to Report 20.95

Stormwater – Regulatory Framework and monitoring

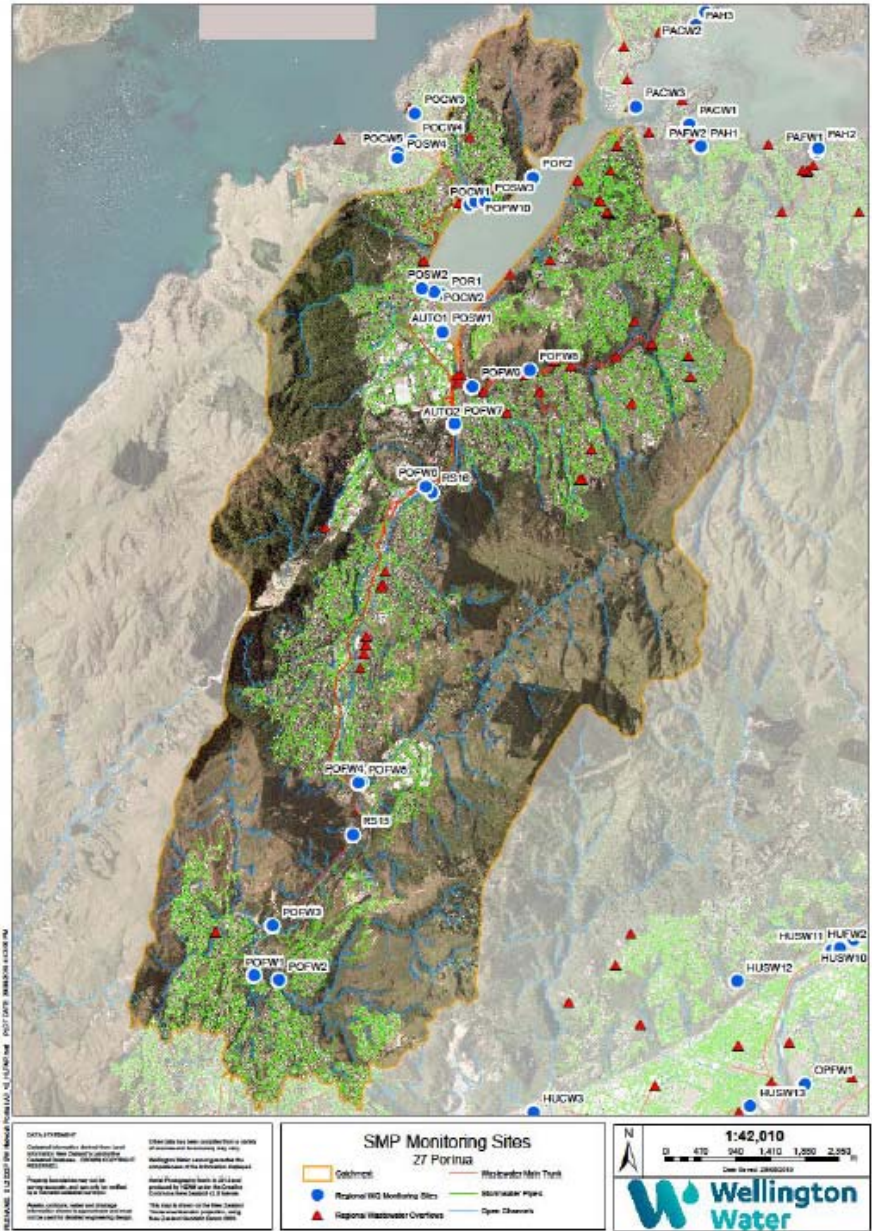
Monitoring sites for Lambton Harbour, Lower Hutt and Porirua Catchments



Attachment 1 to Report 20.95

Stormwater – Regulatory Framework and monitoring

Monitoring sites for Lambton Harbour, Lower Hutt and Porirua Catchments



Council
9 April 2020
Report 20.97



For Decision

RESOLUTION TO EXCLUDE THE PUBLIC

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

Multi-user ferry terminal

Confirmation of the public excluded minutes of the Council meeting 27 February 2020

Confirmation of the restricted public excluded minutes of the Council meeting 27 February 2020.

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:

Multi-user ferry terminal – Report PE20.121	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
The information contained in this report includes commercially sensitive information about the likely business impacts of the site options for a Multi User Ferry Terminal (MUFT). Withholding this information is necessary to avoid unreasonably prejudicing the commercial position of CentrePort and its commercial partners as holding this part of the meeting in public would release information that is detrimental to their commercial activities. Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.	The public conduct of this part of the meeting is excluded as per section 7(2)(b)(ii) of the Act, (to protect information where making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information

Confirmation of the public excluded minutes of the Council meeting 27 February 2020 – Report PE20.81	
<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 these minutes relates to a proposed contractual arrangement regarding land owned by Greater Wellington, including details of the commercial terms. Having this part of the meeting open to the public would disadvantage Greater Wellington in that it would reveal Greater Wellington’s expectations as to the final terms and conditions that would be acceptable to Greater Wellington. It also relates to due diligence information obtained in relation to the holder of the Forestry Rights, RMS FGI New Zealand Limited and the proposed new shareholder in RMS FGI New Zealand. The disclosure of this information would likely to unreasonably prejudice the commercial positions of the persons supplying or the subject of the information. It may also prejudice or disadvantage Council in the negotiation of the proposed Deed of Covenant and the Ancillary Deed that Council is seeking to secure as a condition of Council consenting to the Proposed Transaction.</p> <p>The minutes also contain information that relates to negotiations with the New Zealand Transport Agency and other public transport authorities in New Zealand. Release of this information would be likely to prejudice or disadvantage the ability of Council to carry on negotiations with the New Zealand Transport Agency and public transport authorities. In addition, information in the minutes relates to procurement processes for a ticketing solution provider and associated financial service providers that are underway. Release of this information would be likely to prejudice or disadvantage the ability of the New Zealand Transport Agency and public transport authorities (including Council) to carry on negotiations with parties participating in the</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)), 7(2)(b)(ii) of the Act (to protect information where making available of the information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information) and section 7(2)(g) of the Act (to maintain legal professional privilege).</p>

<p>procurement process. Council has not been able to identify a public interest favouring disclosure of this information in public proceedings of the meeting that would override the need to withhold the information.</p>	
<p>Confirmation of the restricted public excluded minutes of the Council meeting 27 February 2020 – Report RPE20.82</p>	
<p><i>Reason for passing this resolution in relation to each matter</i></p>	<p><i>Ground(s) under section 48(1) for the passing of this resolution</i></p>
<p>Information contained in these minutes relates to negotiations with Stride and Wellington City Council. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington to carry on negotiations with Stride and Wellington City Council. Council has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).</p>

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.