



If calling, please ask for Democratic Services

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## Council

Tuesday 29 June 2021, 9.30am

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

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## 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

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Tuesday 29 June 2021, 9.30am

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

## Public Business

No.	Item	Report	Page
1.	Apologies		
2.	Conflict of interest declarations		
3.	Public Participation		
4.	<a href="#">Confirmation of the Public minutes of the Council meeting on 10 June 2021</a>	21.256	4

## Strategy/Policy/Major Issues

5.	<a href="#">Adoption of the 2021-31 Long Term Plan</a>	21.169	13
6.	<a href="#">Adoption of the Resource Management Charging Policy 2021-2024</a>	21.283	256
7.	<a href="#">Setting of Wellington Regional Council rates 2021/22</a>	21.210	326
8.	<a href="#">Wholesale water levy 2021/22 and end of year adjustment for levy 2020/21</a>	21.282	349
9.	<a href="#">Approval of the Wellington Regional Land Transport Plan 2021</a>	21.257	354
10.	<a href="#">Report on the Regional Public Transport Plan Hearing</a>	21.167	524
11.	<a href="#">Adoption of Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-2031</a>	21.168	538
12.	<a href="#">Report of the Environment Committee on Hearing submissions and feedback – Proposed Wellington Regional Navigation and Safety Bylaws 2021</a>	21.245	659
13.	<a href="#">Making the Wellington Regional Navigation and Safety Bylaws 2021</a>	21.243	668
14.	<a href="#">Let's Get Wellington Moving: Confirming Programme Objectives</a>	21.228	750

## **Governance**

15.	Changes to Council's delegation of powers, functions and responsibilities - June 2021	21.276	778
16.	Wellington Water Committee meeting – 17 May 2021	21.291	806
17.	Regional Transport Committee meeting - 8 June 2021	21.265	820

## **Corporate**

18.	WRC Holdings Statement of Intent 2021/22	21.290	853
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## **Resolution to Exclude the Public**

19.	Resolution to Exclude the Public	21.292	877
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## **Public Excluded Business**

20.	Confirmation of the Public Excluded minutes of the Council meeting of 10 June 2021	PE21.261	880
21.	Airport Service tender	PE21.274	884
22.	Snapper – change in corporate ownership	PE21.194	893
23.	Confirmation of the Restricted Public Excluded minutes of the Council meeting of 10 June 2021	RPE21.252	909
24.	Chief Executive performance indicators for 2021/22	RPE21.196	911



Please note these minutes remain unconfirmed until the Council meeting on 29 June 2021.

Report 21.256

## Public minutes of the Council meeting on Thursday 10 June 2021

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington at 1.02pm.

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### Members Present

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

### Public Business

#### 1 Apologies

There were no apologies.

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

The Council Chair advised that Council would need to deal with the report on the appointment of the Chief Executive.

Moved: Cr Hughes / Cr Staples



- 1 That under Standing Order 3.5.5, Appointment of the Chief Executive – Report RPE21.197 is dealt with at this meeting.
- 2 This report is not on the agenda for this meeting as at the time the agenda was prepared the Council was still working through the process of identifying the preferred candidate for appointment.
- 3 Discussion on matters contained in this report cannot be delayed until the Council’s next meeting because the matters need to be progressed and finalised promptly with the preferred candidate.

The motion was **carried**.

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

There were no declarations of conflicts of interest.

### **4 Public participation**

There was no public participation.

The Council Chair accorded priority to agenda item 7 – Wairarapa Water Resilience Strategy – Report 21.186.

### **5 Wairarapa Water Resilience Strategy – Report 21.186**

Dame Margaret Bazley, Geoff Henley, Rawiri Smith, Jo Hayes, and Robin Potangaroa presented the Wairarapa Water Resilience Strategy to Council and spoke to their presentation.

Al Cross, General Manager, Environment Management, and Alastair Smail, Programme Lead – Urban Water, spoke to the report.

Moved: Cr Staples / Cr van Lier

That Council

- 1 Adopts the Wairarapa Water Resilience Strategy.
- 2 Agrees that the Wairarapa Committee shall be the governance body that coordinates the implementation of the Wairarapa Water Resilience Strategy.

The motion was **carried**.

### **6 Confirmation of the Public minutes of the 2021-31 Long Term Plan Hearing Committee meeting on 18 May, 19 May, and 20 May 2021 - Report 21.207**

Moved: Cr Lamason / Cr Brash

That Council confirms the Public minutes of the 2021-31 Long Term Plan Hearing Committee meeting on 18 May, 19 May, and 20 May 2021 - Report 21.207.

The motion was **carried**.

**7 Confirmation of the Public minutes of the Council meeting on 27 May 2021 – Report 21.226**

Moved: Cr Lamason / Cr Brash

That Council confirms the Public minutes of the Council meeting on 27 May 2021 - Report 21.226

The motion was **carried**.

**8 Update on progress of action items from previous Council meetings – June 2021 – Report 21.240 [For Information]**

**Strategy, policy or major issues**

**9 Report on the 2021-31 Long Term Plan Hearing Committee – Report 21.171**

Councillor Ponter, Ali Trustrum-Rainey, Chief Financial Officer, and Tracey Plane, Manager, Strategic and Corporate Planning, spoke to the report.

Moved: Cr Nash / Cr Kirk-Burnnand

That Council:

- 1 Agrees to include in the final 2021-31 Long Term Plan the preferred options from the Consultation Document:
  - a Electric all the way
  - b Sow the seeds now
  - c Serious support.
- 2 Agrees to the following changes being included in the final 2021-31 Long Term Plan:
  - a Additional funding of \$250,000 per annum from 2023/24 until 2027/28 for Predator Free Wellington, subject to additional conditions regarding assisting and sharing best practice learnings across regional Predator Free groups.
  - b Additional funding of \$100,000 for 2021/22 increasing to \$300,000 per annum from 2022/23 for the Mauri Tūhono ki Te Upoko o Te Ika (Regional Biodiversity Framework).
  - c Signal a commitment in the 2021-31 Long Term Plan to fund Wellington Regional Stadium Trust for earthquake resilience works, totalling \$2.33 million in 2023/24 as a one-third contribution, subject to confirmation of Wellington City Council support.
  - d Funding of \$150,000 per annum from 2021/22 to 2023/24 for additional Greater Wellington park ranger resourcing.
  - e Signal in the 2021-31 Long Term Plan continued support for the feasibility work on the Wainuiomata Fenced Sanctuary, subject to the Department of Conservation being the lead agency.

- f Additional funding of \$400,000 per annum from 2021/22 onwards, to support the Whaitua Implementation Programmes.
  - g Funding the commitment to the living wage for bus drivers (as per 8 April 2021 Council Report 21.92) of \$906,500 per annum (net of Waka Kotahi co-funding), through reserves for 2021/22 and targeted rates for following years.
- 3 Notes that funding the commitment to the living wage for bus drivers (recommendation 2g above) is a new item since the public consultation process on the 2021-31 Long Term Plan was undertaken; this has been assessed as of low significance and does not require further public consultation to include it, as stated, into the final 2021-31 Long Term Plan.
- 4 Agrees to the following changes being included in the Resource Management Charging Policy:
- a a phased approach to the increases on the State of the Environment and customer service fees being specified in the Resource Management Charging Policy
  - b the application of a ten percent discount / rebate for telemetered takes.

The motion was **carried**.

#### **10 Finalisation of the 10 Year 2021-31 Budget – Report 21.222**

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

Moved: Cr Nash / Cr Lamason

That Council:

- 1 Approves the establishment of a new special dividend reserve funded from the WRC Holdings' proposed special dividend to be used for funding projects approved by Council as part of the 2021-31 Long Term Plan, or future Annual Plans, or as approved by Council.
- 2 Notes the new reserve will be used to fund the 2021/22 cost of the living wage for bus drivers as a one-off and can be used to fund any project, cost, rates smoothing or subsidy that benefits the Greater Wellington General Rate and benefits all ratepayers.
- 3 Approves the budget changes, proposed final rates and the proposed water levy as set out in this report.
- 4 Approves the finalisation of the 2021-31 Long Term Plan budget, rates and charges, incorporating the changes recommended in the 2021-31 Long Term Plan Hearing Committee's report (Report 21.171).

The motion was **carried**.

## Governance

### 11 Wellington Regional Leadership Committee: Independent Chair revised remuneration – Report 21.225

Sean Mahoney, Company Portfolio and Economic Development Manager, spoke to the report.

Moved: Cr Lamason / Cr Blakeley

That Council:

- 1 Notes that Greater Wellington, as the Administering Authority, is responsible determining the remuneration of non-elected members to the Wellington Regional Leadership Committee.
- 2 Notes that the proposed Independent Chair is recommended for appointment to the Wellington Regional Leadership Committee at this same Council meeting, 10 June 2021, report PE21.163 – Wellington Regional Leadership Committee: Appointment of Non Local Government Members.
- 3 Notes that, at its meeting on 8 April 2021, Council agreed in principle to \$35,000 as an annual taxable honorarium, plus Greater Wellington’s standard mileage allowance, as the annual remuneration for the Independent Chair of the Wellington Regional Leadership Committee.
- 4 Approves the revised remuneration for the Independent Chair of the Wellington Regional Leadership Committee as an annual taxable honorarium of \$50,000, plus Council’s standard mileage allowance.

The motion was **carried**.

## Resolution to exclude the public

### 12 Resolution to exclude the public – Report 21.187

An updated Resolution to exclude the public was tabled.

Moved: Cr Gaylor / Cr Lee

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

Confirmation of the Public Excluded minutes of the Council meeting of 27 May 2021 – Report PE21.229

Wellington Regional Leadership Committee: appointment of members – Report PE21.163

New replacement standby facility – Report PE21.182

Property Purchase – Lower Hutt – Report PE21.191

Appointment of the Chief Executive – Report RPE21.197

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

<b>Confirmation of the Public Excluded minutes of the Council meeting of 27 May 2021 – Report PE21.229</b>	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Information contained in the minutes relates to the commercially sensitive ownership structure of Mana and Transdev and parent company guarantee details supplied by the third parties. Making the information available would be likely to unreasonably prejudice the commercial position of those third parties.</p> <p>Information contained in the minutes relates to information which has been supplied under an obligation of confidence. Release of this information would likely prejudice the supply of similar information, or further information from the same source, and it is in the public interest that such information should continue to be supplied.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(b)(ii) of the Act (to enable the local authority to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information). And as per section 7(2)(c)(i) of the Act (to enable the local authority to protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied).</p>
<b>Wellington Regional Leadership Committee: appointment of non-Local Government members– Report PE21.163</b>	
<i>Reason/s for passing this resolution in relation to each matter</i>	<i>Ground/s under section 48(1) for the passing of this resolution</i>
<p>Information contained in this report includes personal and identifying information about proposed candidates for appointment to the Wellington Regional Leadership Committee. Release of this information prior to Council’s decision is likely to prejudice the privacy of natural persons (section 7(2)(a) of the Act) as releasing this information would disclose their</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>consideration for appointment as members of the Committee.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	
<p><b>New Replacement Standby Facility – Report PE21.182</b></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 pricing of financing facilities. Withholding this information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or is the subject of the information.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations)).</p>
<p><b>Property Purchase – Lower Hutt – Report PE21.191</b></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 the proposed purchase of private commercial property and contains high level estimates of both property acquisition costs and surplus property disposal proceeds. Having this part of the meeting open to the public would prejudice Greater Wellington’s negotiating position when engaging</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations)).</p>

<p>with owners and lessees of the subject properties.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information</p>	
<p><b>Appointment of the Chief Executive – RPE21.197</b></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 the details of the preferred candidate for appointment and details on the negotiation parameters with the preferred candidate. Release of this information would prejudice the privacy of the preferred candidate and disadvantage the Council in its negotiations with the preferred candidate.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons), and section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations)).</p>

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

The motion was **carried**.

The public part of the meeting closed at 2.20pm.

Councillor D Ponter

**Chair**

Date:



Council  
29 June 2021  
Report 21.169



For Decision

## ADOPTION OF 2021-31 LONG TERM PLAN

### Te take mō te pūrongo

#### Purpose

1. To present Council with the 2021-31 Long Term Plan (LTP) for adoption.

### He tūtohu

#### Recommendations

That Council:

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

### Te tāhū kōrero

#### Background

#### Process

2. Section 93 of the Local Government Act 2002 (LGA) requires Council to develop a Long Term Plan (LTP). This is a 10 year plan, updated every three years, and incorporates the Annual Plan for the first year.

3. Council has been through a highly collaborative process over the past 18 months to develop the 2021-31 LTP strategic framework and priorities; review and agree the assumptions, infrastructure strategy, financial strategy, groups of activities, new initiatives; and to agree the draft budget.
4. In April 2021 Greater Wellington publicly consulted through the 2021-31 LTP Consultation Document. Three topics were presented with two options each. The public showed significant support for the preferred options.
5. On 18 and 19 May 2021, the LTP Hearing Committee (Committee) heard submitters speak to their submissions, and on 20 May 2021, the Committee deliberated and agreed on a set of recommendations, which Council approved at its meeting on 10 June 2021.

***Audit Review***

6. Audit New Zealand has been involved throughout the development of the 2021-31 LTP, including auditing the Consultation Document and Supporting Information.
7. The 2021-31 LTP process was first audited in March 2021, prior to the public consultation. The second audit took place in June 2021.
8. The Office of the Auditor General (OAG) also reviewed both the 2021-31 LTP Consultation Document and the final 2021-31 LTP document, alongside Audit New Zealand.
9. Due to the timing of OAG's review of the final 2021-31 LTP, any significant changes that the OAG recommend will be tabled at this meeting.
10. The Audit Director, Clint Ramoo, will attend the meeting and provide the Audit Opinion.

***Related decisions at this Council meeting***

11. The Resource Management Charging Policy is being considered by Council following the adoption of the 2021-31 LTP at the meeting (Report 21.283).
12. The setting of the Wellington Regional Council rates for 2021/22 is being considered by Council following the adoption of the 2021-31 LTP (Report 21.210).
13. Under section 23 of the Local Government (Rating) Act 2002, Council must set its rates for the 2021/22 financial year by resolution. Rates must be set in accordance with the relevant provisions of Council's LTP. The LTP must be adopted before the rates can be set.
14. The wholesale water levy for 2021/22 is being considered by Council following the adoption of the 2021-31 LTP (Report 21.282).
15. The 2021-31 LTP outlines that the levy for the 2021/22 financial year will increase by 9.65 percent from the levy set for the 2020/21 financial year. Once the LTP is adopted the water levy for 2021/22 can be set.

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

***RiverLink property acquisition***

16. On 10 June 2021 Council approved the funding required for the purchase of property in Lower Hutt as part of the RiverLink property acquisition strategy (Report PE21.191).
17. The approval of this funding for \$13,060,000, was following the approval of the ‘Finalisation of the 2021-31 Long Term Plan Budget’ report (Report 21.222).
18. RiverLink property acquisition funds have now been integrated into the 2021-31 LTP budget from 2022/23.
19. This decision is not considered to be significant or material as it is part of an ongoing capital project, it aligns with prior decisions, and it has limited impact on rates. Therefore further public consultation is not required.

***Rates***

20. Financial impacts over the 10-year work programme have considered the affordability of rates, financial risk and investment in priority infrastructure. There is significant capital expenditure projected in 2021/22 through to 2024/25 and in 2026/27 of the 2021-31 LTP, to be financed through external borrowings.
21. The increase in rates will result in rates collection increasing from \$141 million in 2020/21 to \$323 million by 2030/31 and represents an average annual rates increase of 8.75 percent. In 2021/22 the rates increase is 12.95 percent. This equates to approximately an average increase per week of \$1.31 (incl. GST) for the residential ratepayer, \$5.01 (excl. GST) for the business ratepayer and \$1.65 (excl. GST) for the rural ratepayer region-wide.
22. The average annual rates increase across the Wellington Region over the life of this Plan are:

2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
12.95%	12.28%	14.01%	10.48%	10.23%	10.05%	8.99%	5.16%	1.05%	2.35%

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

23. The matter requiring decision in this report was considered by officers in accordance with the process set out in Greater Wellington’s Climate Change Consideration Guide 2020.
24. Climate Change is a key feature of the 2021-31 LTP. The LTP has been developed to support Council’s goals of carbon neutral by 2030 and climate positive by 2035.
25. Two of our three LTP public consultation topics related to how quickly Greater Wellington planned to reduce our carbon emissions. In both instances, public transport fleet decarbonisation and regional park restoration, the preferred option was to accelerate our carbon emissions reduction programme. Public support for the preferred options was high (over 80% of responses) and Council agreed to proceed with the preferred options.

26. The public transport fleet decarbonisation preferred option (“Electric all the way”) is expected to reduce annual public transport fleet emissions by 74 percent or 15,826 t CO<sub>2</sub>-e by 2031.
27. The regional park restoration preferred option (“Sow the seeds now”) is expected to reduce annual emissions from grazing in our regional parks by 71 percent or 6,073 t CO<sub>2</sub>-e by 2031.

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

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

### **Te hiranga Significance**

29. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of high significance because it determines Greater Wellington’s budget for the next 10 years.

### **Te whakatūtakitaki Engagement**

#### ***Public consultation process***

30. In preparing the budget for the 2021-31 LTP, the public were engaged twice: initial informal engagement (in August 2020) on our long-term priorities for the region, and then formal consultation in April 2021 on the consultation topics and the draft 10-year budget.
31. Following the public consultation period, submitters had the opportunity to speak to their submission to the LTP Hearing Committee. The Committee deliberated and provided their recommendations to Council, which were accepted.
32. Submitters who spoke at the 2021-31 LTP Hearings were sent personalised letters in response to their submission and the information they provided at the hearings. All other submitters were sent a formal acknowledgment and thank you for their participation in the public consultation process.

#### ***Mana whenua engagement***

33. Mana whenua partners were engaged throughout the development of the 2021-31 LTP. Councillors and officers met with iwi representatives on several occasions to discuss their priorities, aspirations and resourcing requirements and to build the partnership arrangements going forward.
34. Three of six mana whenua partners also made a formal submission during the LTP public consultation process.

**Public engagement post-adoption**

35. A press release will be issued promoting the adopted 2021-31 LTP, the significant decisions made and how the public can view the final document. This will also be published on Greater Wellington’s website.
36. In July 2021, the 2021-31 LTP will be published online, as an interactive website with engaging content such as animations, videos highlighting the priorities, and hyperlinks to other content. The full LTP document will also be available for download as a fully accessible PDF.
37. A social media campaign informing communities about the key areas of focus will be launched in July 2021 and will be used to drive our social media audiences onto the 2021-31 LTP website.
38. Catchment-based factsheets will also be produced to help Councillors, Greater Wellington officers and the community promote and understand the organisation’s strategic focus.
39. Hardcopies of the 2021-31 LTP will be distributed to public libraries and our mana whenua partners before the end of July 2021 to meet Greater Wellington’s Local Government Act 2002 obligation to have the document publicly available within one month of adoption.
40. Other stakeholders who also receive Greater Wellington’s statutory documents – such as the Audit New Zealand, the Office of the Auditor General, Taituarā, and the Parliamentary Library – will also be sent hardcopies.

**Ngā tūāoma e whai ake nei**

**Next steps**

41. Officers will prepare the final 2021-31 LTP document for publishing in print and on Greater Wellington’s website.
42. Communications as described in paragraphs 35-40 will commence.

**Ngā āpitihanga**

**Attachments**

Number	Title
1	2021-31 Long Term Plan

**Ngā kaiwaitohu**

**Signatories**

Writers	Kyn Drake – Advisor Planning and Reporting (2021-31 LTP Project Manager) Zofia Miliszewska – Team Leader Corporate Planning and Reporting
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Approvers	Tracy Plane – Manager Strategic and Corporate Planning Alison Trustrum-Rainey – Chief Financial Officer Luke Troy – General Manager Strategy
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<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Council responsible, under section 93 of the Local Government Act 2002 for preparing and adopting a Long Term Plan every three years.
<b><i>Implications for Māori</i></b> The 2021-31 LTP has been prepared in alignment with Greater Wellington's Strategic Framework in which 'Improved outcomes for mana whenua and Māori' is an overarching strategic priority. A Māori Outcomes Framework has also been developed to support Greater Wellington with achieving this priority. Through the adoption of the 2021-31 LTP our mana whenua partners will receive an increase in their base funding, enabling them to be resourced to contribute more effectively to our planning and delivery processes. There will also be funding allocated for mana whenua involvement in specific projects/programmes of work to be completed during the life of this LTP.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> This report is to adopt the 2021-31 Long Term Plan.
<b><i>Internal consultation</i></b> There was consultation with the Finance, Strategic and Corporate Planning, Democratic Services, and Communications and Engagement departments.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no identified risks relating to the content or recommendations of this report.

**Council**  
**29 June 2021**  
**Report 21.283**



**For Decision**

## **ADOPTION OF RESOURCE MANAGEMENT CHARGING POLICY 2021-2024**

### **Te take mō te pūrongo**

#### **Purpose**

1. To present Council with the Resource Management Charging Policy 2021-2024 for adoption.

### **He tūtohu**

#### **Recommendation**

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

### **Te tāhū kōrero**

#### **Background**

2. The Resource Management Charging Policy (the Policy) contains the regime of fees and charges for resource management services provided by Greater Wellington.
3. Following a review of the Policy in early 2021, Council initiated proposed changes to the Policy using the special consultative procedure as set out in section 83 of the Local Government Act 2002 (LGA).
4. Greater Wellington publicly consulted on the proposed changes between 6 April and 6 May 2021. On 18 to 20 May 2021 the 2021-31 Long Term Plan Hearing Committee (the Committee) heard submitters speaking to submissions. On 20 May 2021, the Committee deliberated on the proposed changes, which Council approved at its meeting on 10 June 2021.

### **Te tātaritanga**

#### **Analysis**

5. The final Policy following submissions and deliberations incorporates the following key changes from the existing Policy:
  - a An increase to the charge out rate of \$5/hour effective from 1 July 2021. The rate will be reviewed each year and if required will be adjusted if there are identified increases in the Consumer Price Index and staff salary market data.
  - b A phased-in increase to the customer service component of consent monitoring charge from \$40 per consent (existing Policy) to \$70 per consent in 2023/24



- c A phased-in increase to the state of the environment (SoE) component of the consent monitoring charge. The total recovery from our Environmental Science programme will be as follows:

Year	Recovery portion	Recovery amount
2021-22	12.5%	\$1.4 million
2022-23	13%	\$1.46 million
2023-24	14.4%	\$1.62 million

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

6. The increased charges are in line with budgets put forward as part of the Long Term Plan cycle. The increased charges do not impact the regional ratepayer and there is no rating impact. The impact is felt by consent holders and consent applicants. For SoE monitoring charges the proposed changes will result in a reduced regional ratepayer contribution and an increase consent holder contribution.

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

7. The matters requiring decision in this report were considered by officers in accordance with the process set out in Greater Wellington's Climate Change Consideration Guide 2020.
8. The proposed matters neither contributes to nor is at odds with Council's and Greater Wellington's policies and commitments relating to climate change.
9. The proposed matters will not impact on greenhouse gas emissions positively or negatively to any significant degree.
10. The proposal matters have no significant implications for greenhouse gas emissions over their lifetime and therefore does not require an approach to reduce them.
11. Climate change impacts will not have any direct effect upon the proposed matters over its lifetime.

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

12. The process for deciding these matters is prescribed explicitly by section 83 of the Local Government Act 2002. The adoption of the Policy represents the final step in that process.

**Te hiranga  
Significance**

13. 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 recommend that these matters are of medium significance. This is because the matters are updating an existing Policy within current principles outlined in that Policy, the matters have some community interest, and the matters do not impact on Council's capability and capacity.

**Te whakatūtakitaki  
Engagement**

14. All existing consent holder will be advised of the key changes once the Policy is adopted.

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

15. Existing processes and systems will be updated to reflect the updated Policy.

**Ngā āpitihanga  
Attachment**

Number	Title
1	Resource Management Charging Policy 2021-2024

**Ngā kaiwaitohu  
Signatories**

Writer	Stephen Thawley – Project Leader, Environmental Regulation
Approvers	Shaun Andrewartha – Manager, Environmental Regulation Lucy Baker – Manager, Environmental Science Al Cross – General Manager Environment Management

<b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>Council is accountable for the development and review of policies under the Resource Management Act 1991, and consultation with the regional community under the LGA.</p> <p>The changes to the Policy are made under section 36 of the Resource Management Act 1991, section 150 of the Local Government Act 2002, and section 243 of the Building Act 2004.</p>
<p><b><i>Implications for Māori</i></b></p> <p>There are no implications that relate specifically to Māori.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The changes will be in effect for a three year period to coincide the Long Term Plan (LTP) 2021-2031. Financial considerations of the Policy are consistent with LTP financial planning.</p>
<p><b><i>Internal consultation</i></b></p> <p>Internal consultation has been undertaken with Finance, Customer &amp; Engagement, and Strategy &amp; Corporate Planning departments.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>The Resource Management Charging Policy meets the requirements of section 36 of the Resource Management Act 1991. There are no health and safety implications arising from the proposed changes to this Policy.</p>



# Resource Management Charging Policy (2021 – 2024)

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## Highlights

This Policy document contains our regime of resource management charges for the region. It comes into force on 1 July 2021 and includes:

- Resource consent application charges
- Consent monitoring charges
- Charges for not complying with a rule in a regional plan or the Resource Management Act 1991 (RMA)
- Charges for providing information in relation to plans and resource consents
- Application charges for changing a plan or the Regional Policy Statement
- Charges associated with our work administering dams under the Building Act 2004.

The charge out rate for Greater Wellington Regional Council (GWRC) staff for all work relating to our resource management charges is between \$115 – \$150 per hour depending on the level of service provided.

When you apply for a resource consent, an initial fixed application fee is required to be submitted with your application. These fees vary depending on the type of consent you apply for and how your application will be processed. Additional charges may apply depending on the nature and complexity of your application.

Once you receive a consent, you will receive either a one-off or ongoing (eg, quarterly or annually) consent monitoring charge which is split into three parts:

- A customer service charge
- A compliance monitoring charge (variable depending on your consent)
- A state of the environment monitoring (SOE) charge (variable depending on your consent).

GWRC will charge actual and reasonable costs for carrying out and monitoring all abatement notices and enforcement orders covering consented and unconsented activities. All inspections for non-complying environmental incidents will incur a minimum standard charge.

The key changes to the 2019 Policy are:

- The Policy will apply for a three year period in parallel with GWRC's Long Term Plan (2021-2031). Some changes will be phased in over the three years.
- From 1 July 2021, an **increase to the charge out rate** for all services by \$5/hour. The last review to the charge out rate was in 2019. Resource management



services increase from \$110/hour to \$115/hour (excl. GST). Consent processing and compliance monitoring services increase from \$130/hour to \$135/hour (excl. GST). Technical and science expert advice services increase from \$145/hour to \$150/hour.

- **A review of the charge out rate will be made after 1 July each.** At each review if the Consumer Price Index (CPI) and salary market movement for consent processing and compliance monitoring services has increased by more than 3.7% since 1 July 2021, an increase to the charge out rate of \$5/hour will take effect immediately.
- From 1 July 2021, an **increase in the customer service charge** from \$40/year to \$70/year. This will be phased in over three years. The last review on customer service charge was in 2011. Discounts where there are multiple consents for the same activity will apply.
- **An increase in state of the environment monitoring (SOE) charges.** The last review of SOE charge was in 2019. GWRC's Revenue and Finance Policy requires that 10-20% of the cost of Environmental Science activities are funded from user charges (SOE charges). The 2019 Policy recovered approximately 12.5% of the cost of Environmental Science activities. The proposed Policy will recover 14.4% of the cost of Environmental Science activities. Hence the total expected income from SOE charges is expected to rise from \$1.25 million to \$1.62 million. This will be phased in over three years.

There are a number of other minor amendments to the 2019 Policy.

## **Part 1: Policy**

## **1. Introduction**

### **1.1 About this document**

This document is the Resource Management Charging Policy ("Policy") for the Greater Wellington Regional Council (GWRC). It describes the charges that are payable to GWRC for a range of resource management services.

We charge for processing your resource consent application. This is made up of an initial fixed application fee, and in some cases, an additional charge when the cost of processing your consent goes over the initial fixed application fee paid by \$67.50 or more. Should processing costs be less than the initial fixed application fee paid by \$67.50 or more, you will receive a refund.

If you obtain a consent, you will most likely receive a consent monitoring charge.

This document also describes our charges for:

- Processing applications for a change to a Regional Plan or the Regional Policy Statement
- Recovering costs for responding to environmental incidents that are not linked to the operation of a resource consent
- Provision of information and/or documents in relation to plans and resource consents
- Charges associated with our work administering dams under the Building Act 2004.

All of the charges in the Policy are made under either section 36 of the Resource Management Act 1991 (RMA), under section 150 of the Local Government Act 2002 (LGA), or section 243 of the Building Act 2004 (BA). These charges are also consistent with the GWRC Revenue and Funding Policy.

### **1.2 Our philosophy**

The RMA has an emphasis on the beneficiary pays principle: those who benefit from the use of natural and physical resources are expected to pay the full costs of that use.

The charges in this Policy reflect that philosophy, but they also recognise that the community benefits from much of the environmental monitoring carried out by GWRC. The regional community is therefore expected to share some of the costs of state of the environment monitoring.

### **1.3 Access to community resources**

GWRC manages the community's resources. No individual owns our rivers, aquifers, air, and coastal waters. They are used by all of the regional community. However, by obtaining a resource consent, individuals can access these resources for their own private use and economic benefit.

GWRC's job is to facilitate this resource use. But it must also make sure that the resource use is sustainable, that it is available for public use, both now and in the future. The charges for consent applicants and consent holders in this Policy reflect the reasonable cost of GWRC doing this job.

#### 1.4 Customer service

We are a customer service organisation. We want to provide you with excellent service and value for money. You have a right to good service which comes with the payment of your charges.

We recognise your desire to run a successful business or carry out activities on your land. We see ourselves as a partner in that success, looking after your continued access to the resources that are your raw materials.

To this end, the charges in this Policy are:

- Reasonable, fair, and consistent
- Based on the services we deliver
- Able to be estimated before you start your activity.

Every consent holder has someone who is personally responsible for ensuring you get the best service we can offer. If you want help with your consent, information about our monitoring programmes, or have a query about your account, email us at [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz) or call us on 0800 496734.

#### 1.5 Charge out rate

The majority of charges identified in this Policy are determined based on staff charge out rates. The charge out rates at the commencement of this Policy (1 July 2021) are proposed to be:

**Table 1.1: Charge out rates**

Hourly charge out rate	Excl. GST	Incl. GST
<b>Resource management services</b> includes work associated with administration of consent applications, resource consents, and information requests	\$115.00	\$132.25
<b>Consent processing, compliance monitoring, and environmental incident response services</b> includes work associated with processing consent applications, monitoring resource consents and permitted activities, dam activities under the Building Act, and responding to environmental incidents	\$135.00	\$155.25
<b>Technical or science expert services</b> for technical and/or science expert advice on consent applications, compliance monitoring, and environmental incidents	\$150.00	\$172.50

As this Policy will be in force for a three year period to coincide with GWRC's Long Term Plan (2021-2031), a review of charge out rates will be undertaken and adjusted as required during the period of this Policy.

Charge out rates will be increased by \$5 per hour if there is an increase of 3.7% in the Consumer Price Index (CPI) and annual market median salary for consent processing and compliance monitoring services. The increase of 3.7% will be based on establishing a baseline of CPI and annual market median salary when the salary market data is received in July-August 2021. The subsequent annual review of charge out rates will be undertaken when annual salary market data is received, normally in July-August each year.

A summary of what charges will apply for the term of this Policy is summarised below:

**Table 1.2: 2021-2024 charge out rates**

Year	Review	Comment
<b>2021-2022</b> (1 July 2021 – 30 June 2022)	July-August 2021	<ul style="list-style-type: none"> <li>Charge out rate as shown in Table 1.1</li> <li>Baseline of CPI and market salary established</li> </ul>
<b>2022-2023</b> (1 July 2022 – 30 June 2023)	July-August 2022	<ul style="list-style-type: none"> <li>Increase charge out rate by \$5/hour if CPI and annual market median salary is greater than 3.7% since July-August 2021</li> <li>No increase if CPI and annual market median salary threshold not met</li> </ul>
<b>2023-2024</b> (1 July 2023 – 30 June 2024)	July-August 2023	

## 1.6 Goods and Services Tax

The charges and formulae described in this document **do not include** GST.

## **2. Principles**

The principles which have guided GWRC in setting its resource management charges are set out below.

### **2.1 Charges must be lawful**

GWRC can only levy charges which are allowed by the RMA, the LGA, and the BA.

Section 36 of the RMA provides for consent application charges, consent administration and monitoring charges, and charges for carrying out state of the environment monitoring. Applications for the preparation of, or changes to, regional plans or policy statements may also be charged. This section also covers charging for information in respect of plans and resource consents and the supply of documents.

Section 150 of the LGA enables GWRC to prescribe the fees payable in respect of any inspection made by GWRC under the LGA or any other legislation. This provides for recovering the costs of responding to environmental incidents.

Section 243 of the BA allows for GWRC to impose fees or charges for performing functions and services under the Act. It also allows GWRC to recover its costs from a dam owner should we need to carry out building work in respect of a dangerous dam.

### **2.2 Charges must be reasonable**

The sole purpose of a charge is to recover the reasonable costs incurred by GWRC in respect of the activity to which the charge relates – see RMA (section 36AAA(2)), LGA (section 150), and BA (section 243).

### **2.3 Charges must be fair**

Charges must be fair and relate to consent holders' activities. GWRC can only charge consent holders to the extent that their actions have contributed to the need for GWRC's work.

GWRC must also consider the benefits to the community and to consent holders when setting a charge. It would be inequitable to charge consent holders for resource management work done in the interests of the regional community and *vice versa*. We take this into account when setting the proportion of charges we wish to recover for state of the environment and compliance monitoring from an individual consent holder.

Where possible, GWRC will look for opportunities to streamline and improve processes to ensure that consent processing and compliance monitoring functions continue to be cost effective and efficient.

With regard to state of the environment monitoring, GWRC must also relate any charge to the effects of consent holders' activities on the environment (see RMA section 36AAA(3)(c)).

**2.4 Charges must be uniformly applied**

Charges should be applied uniformly and consistently to users whose activities require them to hold a consent, and where GWRC incurs ongoing costs.

**2.5 Charges must be simple to understand**

Charges should be clear and easy to understand. The administration and collection of charges should be simple and cost effective.

**2.6 Charges must be transparent**

Charges should be calculated in a way that is clear, logical, and justifiable. The work of GWRC for which costs are to be recovered should be identifiable.

**2.7 Charges must be predictable and certain**

Consent applicants and resource users are entitled to certainty about the cost of their dealings with GWRC. The manner in which charges are set should enable customers to evaluate the extent of their liability.

Resource users need to know the cost of obtaining and maintaining a consent to manage their business and to plan for future growth and development. Charges should not change unnecessarily: any charges must be transparent and fully justified.

**2.8 GWRC must act responsibly**

GWRC should implement its charging policy in a responsible manner. Where there are significant changes in charges GWRC should provide advance warning and give consent holders the opportunity to make adjustments.

### **3. Application charges**

#### **3.1 Introduction**

This section of this Policy describes our charges for your:

1. Application for a resource consent, application to change conditions or lapse date on an existing consent, application to transfer an existing consent, certificates of compliance, and deemed permitted activities
2. Application for the preparation or change of a regional plan or the Regional Policy Statement.

#### **3.2 Applications for resource consents**

##### **3.2.1 Types of resource consent and resource consent application process**

Resource consents permit you to do something that would otherwise contravene the RMA. GWRC processes the following consent types as classified by section 87 of the RMA:

- Water permit
- Discharge permit
- Land use consent
- Coastal permit

Resource consents are processed as either non-notified, limited notified, or publicly notified. The majority of consent applications are processed as non-notified. Our staff are happy to provide advice about your application for a resource consent. Our aim is to ensure your application is processed quickly and simply, while meeting the requirements set down in the RMA.

##### **3.2.2 Charges for processing applications**

GWRC charges consent applicants for any costs incurred when processing resource consent applications and most other application types. Charges include the costs of technical assessment, RMA assessment, peer review work and administration costs. We may also charge for travel time associated with site visits.

**Our policy is that we charge the actual and reasonable costs for processing a resource consent application or other application type.** This is based on the charge out rates identified in Table 3.1 below.



**Table 3.1: Charge out rates for processing applications**

Hourly charge out rate	Excl. GST	Incl. GST
<b>Resource management services</b> including consent registration, database entry, and notified consent processing support	\$115.00	\$132.25
<b>Consent processing services</b> including assessment of consent applications, decision recommendations	\$135.00	\$155.25
<b>Technical or science expert services</b> for technical and/or science expert advice on consent applications	\$150.00	\$172.50

Note: Charge out rates may alter following annual reviews as identified in section 1 of the Policy.

Before beginning to process an application we require an initial fixed application fee to be paid in full. These application fees are shown in Tables 3.2 and 3.3 and are explained in more detail in sections 3.3 and 3.4. Where processing costs exceed the initial fixed application fee, an additional charge for actual and reasonable costs is made. Under section 36AAB(2) of the RMA, **we will not begin to process any application until the initial fixed application fee is paid.**

Please note that application processing charges apply **even if your consent application is declined or you withdraw your application.**

### 3.2.3 Charges associated with pre-application advice

GWRC provides a pre-application advice service. Getting things right early in the process can save considerable time and expense later on, and we believe it is important that you know how to make an application and how it will be processed. The following pre-application services are **free of charge**:

- Initial pre-application meeting
- Site visit
- Follow up advice following meeting and/or site visit.

The staff time associated with our free pre-application service is capped at 4 hours and is only applicable to non-notified consents where the effects on the environment are considered to be minor. The free pre-application service does not include the time of any external experts engaged in pre-application services, or time spent reviewing draft applications including any Assessment of Environmental Effects (AEE).

We will charge for pre-application services that exceed 4 hours of staff-time, the review of draft applications and AEEs, and the time of external experts. We will always advise you before we start charging for application advice. In most cases costs incurred for pre-application advice are included when calculating your final consent processing charges. However, for larger projects we may invoice before and during the resource consent process.

### 3.3 Application charges for non-notified resource consents, and other application types

#### 3.3.1 Schedule of fees

Resource consent applications are processed as non notified (ie, not advertised in the newspaper and public submissions not called for) if their effects are minor, and those who might be affected by the activity agree to the consent being granted. The initial fixed application fees for non-notified resource consents are outlined in Table 3.2 on the following page.

There are other application types for resource management services. Most of these incur application charges which are also outlined in Table 3.2 on the following page. There are no charges for surrendering a resource consent.

All initial fixed application fees are the average cost of processing the application type. In many cases they will be the total cost you pay. However, for some applications the cost of processing may vary from these charges. In some circumstances you may receive a refund on your application fee or we may require an additional charge. When the processing costs are nearing the application fee paid, and costs are likely to significantly exceed the application fee paid, you will be advised of any potential additional charges.

**Table 3.2: Initial fixed application fees for non-notified resource consents, and other application types**

Non-notified consent Type (s87 RMA)	Initial fee (excl. GST)	Initial fee incl. GST)	Hours
Discharge to Land	\$2,275.00	\$2,616.25	17
Discharge to Land/Water (earthworks)	\$3,355.00	\$3,858.25	25
Discharge to Water (other)	\$3,355.00	\$3,858.25	25
Discharge to Air	\$1,465.00	\$1,684.75	11
Take/Use, Water – new application	\$2,005.00	\$2,305.75	15
Take/Use, Water – replacement/renewal application	\$1,195.00	\$1,374.25	9
Dam/Divert Water	\$1,060.00	\$1,219.00	8
Land Use (land clearing, logging, soil disturbance, forestry)	\$1,735.00	\$1,995.25	13
Land Use (works in the bed of a lake or river, bridge, culvert)	\$1,127.50	\$1,296.63	8.5*
Land Use (bore) – standard	\$790.00	\$908.50	6*
Land Use (bore) – non-standard eg, sand trap/bore spear/geotechnical bore outside of Lower Hutt groundwater zone and any community drinking water supply protection area	\$587.50	\$675.63	4.5*

<b>Non-notified consent Type (s87 RMA)</b>	<b>Initial fee (excl. GST)</b>	<b>Initial fee incl. GST)</b>	<b>Hours</b>
Coastal Permit (existing boatshed or driving on beaches)	\$790.00	\$908.50	6*
Coastal Permit (other including new boatshed)	\$1,735.00	\$1,995.25	13
Other Consent Types	\$1,195.00	\$1,374.25	9
Change of consent conditions – administrative conditions only (s127, RMA) – see key note 3 below	\$520.00	\$598.00	4
Change of consent conditions – all other conditions (s127, RMA) – see key note 3 below	\$1,195.00	\$1,374.25	9
<b>Other Application Type</b>	<b>Initial fee (excl. GST)</b>	<b>Initial fee incl. GST)</b>	<b>Hours</b>
Change of lapse date (s125, RMA)	\$520.00	\$598.00	4
Transfer of water permit or discharge permit from site to site (s136(2)(b) & s137(3), RMA)	\$1,195.00	\$1,374.25	9
Certificate of compliance (s139, RMA)	\$1,465.00	\$1,684.75	11
Deemed permitted activities (s87BB, RMA) – see key note 4 below	\$405.00	\$465.75	3
Surrender of consent (s138)	No charge		
Transfer of land use consent, coastal permit, water permit, discharge permit to another person at the same site (s134, 135, 136(1), s136(2)(a), s137(1) – see key note 5 below	\$115.00	\$132.25	1

Key notes:

1. The hours specified above include 1 hour for resource management services (\$115/hour), and the remaining balance for consent processing services (\$135/hour). If charge out rates alter following any annual review as identified in section 1 of the Policy, the above initial fixed application fees will be changed to reflect any adjusted charge out rate.
2. The initial fixed application fee for consent types marked with a \* includes a consent monitoring charge of \$67.50. This covers 0.5 hours for compliance monitoring (eg, registering bore logs on our Wells Database, and checking any photographic records sent to us). This is because the majority of these consent types are one-off and not monitored with a site inspection. No further consent monitoring charges apply after the granting of consent in these instances.
3. For applications to change consent conditions, *administrative conditions* include monitoring and reporting requirements. *All other conditions* include conditions relating to avoiding, remedying, or mitigating environmental effects, eg, rates of take/discharge, water quality standards, maintaining environmental flows, construction methodology.
4. Deemed permitted activities (DPA's) are generally invoiced when a decision on a DPA is made in writing. If the actual and reasonable costs of are less than the fixed fee of \$405.00,

a lesser fee will be applied. If the actual and reasonable costs of are greater than the fixed fee of \$405.00, an additional charges will apply.

5. This only applies to transfers of consent(s) to another person/entity that does not include any changes to the activity or conditions. Where other changes are required, the actual and reasonable cost of transferring consent(s) are recovered. This fixed fee is invoiced generally to the new consent holder at the completion of the transfer.

### 3.3.2 Waiver of fees

GWRC may at its discretion, waive non-notified fees in relation to any consents required for wetland restoration. This is because GWRC supports the protection of wetland ecosystems, and their restoration.

Where there is more than one application required for the same proposal, an initial fixed application charge is required for each application. In some instances, GWRC may waive, at its discretion, the requirement to pay all initial fixed application fees associated with multiple applications.

## 3.4 Application charges for limited and publicly notified resource consents

### 3.4.1 Schedule of fees

In general, a resource consent is **publicly notified** (ie, advertised on our website and public submissions called for) if its effects are more than minor. Where the effects on the environment are considered to be minor, but it is not possible to obtain the written agreement of all those who might be affected by a proposed activity, the application is **limited notified**.

The fixed application charges for limited and publicly notified consents are required to be paid at two points in time:

1. When the application is lodged the initial application fee is required
2. If a hearing is required to determine the application, a further application fee will be invoiced when the hearing is notified.

The initial fixed application charges for a limited notified or publicly notified resource consent are as follows:

**Table 3.3: Initial fixed application fees for limited notified or publicly notified resource consents**

Resource consent process	Initial fee (excl. GST)	Initial fee (incl. GST)
Initial limited notified application fee (up to hearing)	\$10,000	\$11,500
Initial publicly notified application fee (up to hearing)	\$20,000	\$23,000
Further application fee if hearing scheduled for less than 5 days is required	\$20,000	\$23,000

Resource consent process	Initial fee (excl. GST)	Initial fee (incl. GST)
Further application fee if hearing scheduled for 5 days or more is required	\$50,000	\$57,500

**Key notes:**

1. The initial fixed application fees for limited notified or publicly notified consents applies to each proposal and not each consent application if multiple consents are required for the same proposal.
2. The initial fixed application fees also apply to changes to consent conditions (s127, RMA) which are required to be processed on a limited notified or publicly notified basis.

**Under section 36AAB(2) of the RMA, the processing of any application will be stopped if the applicable fixed fee is not paid in full.** The processing of the application will not commence until the initial fixed application fee is paid. If a hearing is required, the processing of the application will be stopped and, if required, the hearing postponed until the fee is paid.

The actual and reasonable cost of processing a limited or publicly notified resource consent varies considerably and is dependent on a number of factors such as how well the applicant has consulted relevant parties, how well the application is prepared, the number of submissions received, and how difficult the issues are to resolve.

**3.4.2 Resource consent hearings**

The cost of the Hearing Panel when made up from Council members is charged as per the schedule set in the Local Government Members (2019/20) (Local Authorities) Determination 2019. Council members are reimbursed for time spent at a formal site inspection, preparing for a hearing, the hearing, and in deliberations. At the time of writing this Policy the charges are as follows:

- Chairperson of hearing panel – \$100/hour
- Elected member on hearing panel – \$80/hour

Independent commissioners can be appointed to decide your consent application in the following circumstances:

1. An iwi commissioner is commonly appointed to a Hearing Panel
2. Where GWRC considers the issues are sufficiently complex in nature, or the size of the hearing in terms of public interest
3. Where there is a conflict of interest, eg, where an internal department of GWRC is applying for resource consent
4. At the request of a submitter
5. At the request of an applicant.

Where independent commissioners are appointed at the request of the applicant or Council, the full costs of the independent commissioners are on charged to the applicant. Where independent commissioners are appointed at the request of submitters, the applicant pays for the hearing costs that would have been incurred if there was a Hearing Panel of Councillors, whilst the balance of any additional costs are passed on to the submitters who requested independent commissioners.

Any disbursements incurred by the Hearing Panel and/or independent commissioners such as photocopying, meals, travel and accommodation are on charged to the applicant.

#### 3.4.3 Cost estimates and regular invoicing

For limited and publicly notified resource consent applications we will provide you with a summarised cost estimate which we will update where necessary.

GWRC has the discretion to invoice additional charges during the processing of an application and once processing has been completed. Once any consent processing costs exceed the paid initial fee or further fixed fee, GWRC will regularly invoice (eg, monthly or quarterly) or at key stages of the notified process.

#### 3.4.4 Application charges where application processed by Environment Protection Agency or via direct referral to Environment Court

Where an application is a proposal of national significance that the Minister for the Environment directs to be processed by the Environment Protection Agency, all actual and reasonable costs incurred by GWRC for the s88 completeness check and key issues report will be on charged to the applicant.

Where an application is processed via direct referral to the Environment Court, all actual and reasonable costs incurred by GWRC up to notification of the application will be on charged to the applicant. All costs incurred after that point, will be sought through the normal Environment Court costs order process.

### 3.5 **Application charges for the preparation or change of a Regional Plan or the Regional Policy Statement<sup>1</sup>**

#### 3.5.1 Receiving, accepting or adopting a request

When GWRC receives a request to prepare or change a Regional Plan or to change the Regional Policy Statement, it may treat the request in one of three ways.

GWRC may decide to:

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<sup>1</sup> Only Ministers of the Crown or local authorities can apply to change the Regional Policy Statement.

1. Decline the request. In this case, the request would go no further
2. "Accept" the request, but to charge the applicant the cost of processing the application
3. "Adopt" the request. In this case we will meet the cost of making the change after the initial assessment.

A request may be adopted if GWRC considers the benefit of the change accrues wholly to the community as distinct from the person or persons making the request.

In all three cases above, we charge the actual and reasonable costs for the initial assessment of the merits of the request. The application charge for this assessment is set out in Table 3.4. The actual costs of this assessment will vary depending on the nature and complexity of the request.

The charge out rate for any actual and reasonable costs are the same as those outlined in Table 3.1.

3.5.2 Schedule of fees

The charges levied by GWRC in relation to a Regional Plan or Regional Policy Statement changes are set out in Table 3.4.

**Table 3.4: Initial fixed application fee for the preparation or change of a Regional Plan or the Regional Policy Statement**

	Initial fee (excl. GST)	Initial fee (incl. GST)
Charge for assessing a request before deciding to decline, accept, or adopt it; <u>and</u>	\$6,900.00	\$7,935.00
Charge for processing a request which is accepted; <u>or</u>	\$17,250.00	\$19,837.50
Charge for processing a request which is adopted	No charge	

The charge for processing a change which GWRC has accepted (but not adopted) is intended to provide for:

- Public notification of the change and the calling of submissions
- Preparation of a summary of submissions
- Advertising for further submissions.

The actual cost will vary depending on the number and complexity of submissions received.

The charge **does not** include any cost associated with processing the change after the receipt of further submissions. This is because the amount of work necessary to take the proposed change through the remainder of the process

laid down in the First Schedule to the RMA may vary considerably depending on the magnitude or complexity of the proposal and the number of submissions received.

This can best be estimated once the public has demonstrated its interest in the change through the public submission and further submission phase. We will recover any actual and reasonable costs that exceed the amounts shown in this section by way of an additional charge under section 36 of the RMA.

We will provide an estimate of the total cost of the application when the period for submissions on the requested change has closed.

If the cost of processing a request which has been accepted is less than \$17,250 (excl. GST), we will refund the difference.

### 3.6 Charging basis

To process your resource consent application or other application type, or request to change a Regional Plan or the Regional Policy Statement we charge for our actual and reasonable costs in the following way:

#### 1. Staff services:

Staff time is charged on the basis of actual time spent. The charge-out rate is dependent on the services provided as outlined below:

Hourly charge out rate	Excl. GST
<b>Resource management services</b> including consent registration, database entry, and notified consent processing support	\$115.00
<b>Consent processing or plan change services</b> including assessment of consent applications, decision recommendations	\$135.00
<b>Technical or science expert services</b> for technical and/or science expert advice	\$155.00

Note: Charge out rates may alter following annual reviews as identified in section 1 of the Policy.

#### 2. Consultant services:

Consultant services are charged on the basis of actual and reasonable cost of the services provided.

#### 3. Iwi services:

Where iwi services are required to work through any matters raised through the resource consent process, GWRC will (at its discretion) pass on the actual and reasonable costs of iwi providing those services. This will most likely occur in any resource consent applications where



the activity is undertaken in a Schedule C site of significance to mana whenua as prescribed in the Proposed Natural Resources Plan.

(Explanatory note: GWRC incurs the cost of standard comments provided by iwi for non-notified consent applications. This cost is not passed on to consent applicants. However in instances such as those described above, there may be considerable time and associated costs for iwi to appropriately advise on a resource consent application. In such instances, consent applicants are encouraged to engage and reimburse iwi services directly. This policy recovers costs of iwi services in the circumstances where it is necessary for GWRC to pass on the actual and reasonable costs of iwi services.

#### 4. Disbursements:

Disbursements include advertising expenses, laboratory analysis, consultants, photocopying (at 20 cents per A4 page), and hearing costs (other than staff time) eg, venue hire

The fees do not include any charges payable to the Crown in respect of any application (eg, the Maritime Safety Agency's fee for checking the navigational safety of maritime structures).

### 3.7 Resource Management (Discount on Administrative Charges) Regulations 2010

#### 3.7.1 Introduction

Changes to the RMA in 2009, resulted in the implementation of the Resource Management (Discount on Administrative Charges) Regulations “Discount Regulations” which sets a default discount policy for resource consents that are not processed within statutory timeframes.

Whilst the Discount Regulations allow for Councils to implement a more generous policy, GWRC’s policy is to adhere to the Discount Regulations.

#### 3.7.2 Value and scope of Discount Regulations

The Discount Regulations set out a discount of 1% for each day an application is processed over the statutory timeframes specified in the RMA, up to a maximum of 50% (ie, 50 working days).

The Discount Regulations apply to the processing of most resource consent applications or applications to change consent conditions. They do not apply to the following:

- Applications to extend consent lapsing periods (s127, RMA)
- Consent reviews (s128, RMA)
- Certificates of compliance (s139, RMA)
- Replacement consent applications when applications are processed prior to the expiry of a resource consent
- When an applicant withdraws a resource consent application.

If your application is not processed within statutory timeframes, you will be advised at the time a decision is made on your consent and a discount will be identified accordingly in line with the Discount Regulations.

If you have any questions regarding your charges and whether the Discount Regulations apply to the processing of your consent, email us at [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz) or phone us on 0800 496734.

The Discount Regulations can be viewed in full at <http://www.legislation.govt.nz/>. The Ministry for the Environment (MfE) has prepared some helpful guidance on the Discount Regulations<sup>2</sup>. This information can be accessed at the MfE website [www.mfe.govt.nz](http://www.mfe.govt.nz).

### **3.8 Your right of objection and appeal**

If you consider any additional charge (that is any charge which exceeds the initial fixed application fees specified in Tables 3.2, 3.3, or 3.4) is unreasonable, you may object to GWRC in accordance with s357 of the RMA. You need to make your objection in writing to GWRC within 15 working days of receiving your invoice. GWRC will hear your objection and make a decision on whether to uphold it.

If you are still not satisfied then you may appeal GWRC's decision to the Environment Court.

You may not object to any of the charges listed in Tables 3.2, 3.3, or 3.4.

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<sup>2</sup> Ministry for the Environment. 2010. *Resource Management (Discount on Administrative Charges) Regulations 2010 – Implementation Guidance*. Wellington: Ministry for the Environment.

## 4. Consent monitoring charges for resource consents

### 4.1 Introduction

This section of the Policy sets the charges which GWRC levies annually in relation to resource consents. Under section 36(1)(c) of the RMA, GWRC may charge for costs associated with its ongoing consent management responsibilities. These include:

- The administration and monitoring of resource consents
- The gathering of information necessary to monitor the state of the environment of the region.

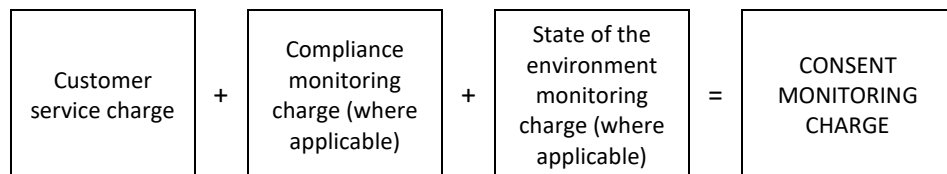
Where the charges set in this section are inadequate to cover GWRC's reasonable costs, GWRC may impose an additional charge under section 36(5) of the RMA.

### 4.2 Consent monitoring charges

The components of the consent monitoring charge which consent holders face are:

- A fixed customer service charge
- A fixed or variable charge for compliance monitoring
- A fixed or variable charge for state of the environment monitoring.

#### Your Consent Monitoring Charge



### 4.3 The customer service charge

Summary: The annual customer service charge for administering your consent is \$70 (excl. GST). Whether there are multiple consents for the same activity (ie, the same WGN/WAR consent number) a discount of \$20 per consent will apply for any additional consents. **The customer service charge is being phased in over three years.**

#### 4.3.1 What we do for your money

There is a cost in providing a range of customer services relating to consents. We pass this cost on to consent holders. The services we provide are:

- Information and advice about your consent
- The maintenance of an up-to-date record of your consent on our database

- A record of any changes in the status of your consent (eg, if you surrender your consent)<sup>3</sup>
- The administration of these charges
- The maintenance and storage of your permanent consent file.

We welcome any inquiry about your consent and are happy to assist you in understanding these charges. Please email us at [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz) or phone us on 0800 496 734.

4.3.2 The basis for the customer service charge

The basis for the customer service charge is the time spent on the above tasks by GWRC staff. As most consents take about the same time to maintain, this cost is averaged across all consent holders. A standard customer service charge applies to all consents.

The charge includes overhead costs which are related to the services we deliver. These costs include office rental, stationery, and computer costs. Only those overheads that can be reasonably attributed to the provision of services to customers are charged for. Other GWRC overheads, such as the cost of corporate services, management, and Council meetings are **not** charged to consent holders.

The customer service charge has remained the same at \$40 since 2011. GWRC is currently upgrading its database support systems. It is appropriate that part of the cost of this upgrade is recovered by consent holders.

4.3.3 Application of the customer service charge

The customer service charge is \$70 per consent per year (excl. GST). **This will be phased in over three years from 1 July 2021.**

The full customer service charge applies to consents which:

- Are active and where there is ongoing administration and/or monitoring by GWRC or by the consent holder
- Are temporarily inactive, but where there will be ongoing administration and/or monitoring when the consent becomes active.

Where a consent holder has multiple consents for the same activity a discount is applied to each consent after the first consent as shown below:

No. of consents for an activity	Cost (excl. GST) 2021-22	Cost (excl. GST) 2022-23	Cost (excl. GST) 2023-24
1	\$50	\$60	\$70
2	\$100	\$110	\$120
3	\$150	\$160	\$170

<sup>3</sup> We will not accept a surrender or transfer of a consent unless all outstanding fees have been paid.

No. of consents for an activity	Cost (excl. GST) 2021-22	Cost (excl. GST) 2022-23	Cost (excl. GST) 2023-24
4	\$200	\$210	\$220
5	\$250	\$260	\$270

Generally an activity is considered to have the same location and same purpose and be linked to one WGN/WAR number. Where there may be different WGN/WAR numbers they will be considered as a separate activity, unless special circumstances apply.

#### 4.3.4 Circumstances where the customer service charge does not apply

The customer service charge does not apply:

- For most land use consents (bores and works in the bed of a lake or river) and coastal permits, where no compliance inspections are required to be undertaken
- The activity for which the consent was granted has concluded, and the consent will most likely not be active in the future
- Other circumstances at our discretion.

The charge does not apply in these circumstances because little or no work is required to maintain the record on the database in the long term.

#### 4.4 The compliance monitoring charge

Summary: Your compliance monitoring programme is tailored to your individual circumstances. You pay only the cost of monitoring your consent.

##### 4.4.1 What we do for your money

The purpose of compliance monitoring is to confirm that consent holders are meeting the conditions of their consents. The conditions on resource consents are designed to control any adverse effects on the environment arising from the exercise of the consent. We need to know that consents are being complied with. In this way we can ensure the resource you are using remains fit for you and other consent holders to use.

We have a strategic compliance monitoring programme that prioritises monitoring of particular consented activities. In principle, this programme focusses more monitoring on consents likely to have an environmental impact if their conditions are not being complied with.

How your activity fits within our strategic compliance monitoring programme is determined at the time your consent is granted and when our programme is reviewed each year. How much compliance monitoring is required varies

according to the nature of your activity, its size and frequency, and its potential environmental impact.

As part of the compliance monitoring programme for a consent, we may:

- Carry out site visits and inspections (where required)
- Review management plans and/or the results of any monitoring carried out by you or your consultants
- Advise you on the outcome of the compliance visit.

Occasionally, we may also need to use outside expertise to assist with the monitoring of some consents. The costs of these experts may be included as part of your compliance monitoring charge.

#### 4.4.2 The basis for the compliance monitoring charge

The basis for the compliance monitoring charge is the actual and reasonable cost of carrying out your compliance monitoring programme. You pay only the cost of monitoring compliance with your consent.

GWRC has considered the criteria in section 36 of the RMA before setting this charge. It considers that the need for this type of monitoring arises only because of consent holder's activities and that the benefits accrue entirely to consent holders. It is appropriate, then, for consent holders to bear the reasonable cost of this monitoring.

Fixed and variable charges are made up of the cost of staff time to carry out an inspection (if required), audit any monitoring information provided by you, follow up any non-compliance, and reporting back to you outcomes of any compliance monitoring (if required).

The charge-out rate is dependent on the services provided as outlined in Table 4.1 below:

**Table 4.1: Charge out rates for consent monitoring**

Hourly charge out rate	Excl. GST
<b>Compliance monitoring services</b> including undertaking site visits and auditing any monitoring information supplied by consent holders	\$135.00
<b>Technical or science expert services</b> for technical and/or science expert advice on compliance monitoring information supplied by consent holders	\$150.00

Note: Charge out rates may alter following annual reviews as identified in section 1 of the Policy.

Where GWRC uses an external consultant, the actual and reasonable costs of consultant services will be passed on to the consent holder.

Where iwi services are required to work through any matters relating to compliance monitoring, GWRC may at its discretion, pass on the actual and reasonable costs of iwi providing those services. This will most likely occur for any resource consents where the activity is undertaken in a Schedule C site of significance to mana whenua as prescribed in the Proposed Natural Resources Plan. Any such monitoring costs are also likely to have been identified at the time your resource consent is processed.

4.4.3 Application of the compliance monitoring charge

The compliance monitoring charge applies to all consents for which a compliance monitoring programme is established. Depending on the activity, either fixed or variable charges will apply. Table 4.2 below generally outlines what activities incur fixed or variable charges:

**Table 4.2: Fixed and variable charges for various activities**

Fixed charges	Variable charges
Water takes	Municipal wastewater
Agricultural effluent	Municipal water supplies
Industrial, non-municipal, and winery discharges	RoNS projects and earthworks
Coastal works, structures, and activities	Urban stormwater
River works, bridges, and culverts	Air discharges
Boatsheds	Landfills, cleanfills, and quarries
Bores	Contaminated sites
Swing moorings	Forestry
	Reclamation
	1080 and agrichemical

**Fixed charges** are set charges which generally apply to activities where conditions are very similar or the same. If an activity identified for fixed charges is non-standard, then variable charges may apply to that non-standard activity, eg, a water take with non-standard consent conditions may require additional monitoring.

Fixed charges under section 36(1) of the RMA are not open to objection and appeal.

**Variable charges** apply to activities where consent conditions and the nature and scale of activity are likely to vary. All variable charges are based on actual and reasonable costs since the previous invoice. There may be some instances where the variable charge may be \$0 as no monitoring is undertaken in the previous year.

Variable charges are considered additional charges under section 36(5) of the RMA. Section 36(7) provides for any additional charge to be open to objection and appeal.

All **fixed and variable charges** for compliance monitoring activities are provided in Part 2A of this Policy.

#### 4.4.4 Circumstances where the annual compliance monitoring charge does not apply

Some activities in our strategic compliance monitoring programme are not inspected. Only minimal monitoring is completed. These activities include:

- Bores
- Most river works
- Most coastal works and activities.

For these activities a compliance monitoring charge of \$67.50 is included when the consent is processed. Note: In special circumstances, for some of the above activities an inspection may be required and fixed or variable charges will apply.

#### 4.4.5 Additional compliance monitoring charges

Fixed compliance monitoring charges are based on the premise that consent holders use resources in a responsible manner and according to the conditions of their consent. The charge covers only routine monitoring.

Where the actual and reasonable costs incurred by us in carrying out compliance monitoring exceed any fixed compliance monitoring charge identified for your resource consent by \$67.50 or more, these costs may be recovered by way of a **fixed non-compliance charge** or a **variable additional charge**. Any variable additional charge is levied under section 36(5) of the RMA. Section 36(7) provides for any additional charge to be open to objection and appeal.

Variable additional compliance monitoring charges apply in situations where:

- Resource users need to undertake further work to meet conditions of their resource consent and there is consequently additional monitoring work required by GWRC
- Further inspections, assessment and reporting are required from GWRC for the activity than originally anticipated.
- Non-compliance with consent conditions has been observed following an incident notification
- Additional site visits are requested by the consent holder.

Fixed non-compliance charges can be applied on top of standard fixed compliance charges for the following:



**Table 4.3: Fixed non-compliance charges**

Non-compliance fixed charge	Excl. GST
Advisory notice (issued to remedy any non-compliance)	\$270.00
Late submission of management plan and/or monitoring information	\$135.00

Note: Fixed non-compliance charges may be adjusted if there is a change to the charge out rate following any annual review as identified in section 1 of the Policy.

The above fixed non-compliance charges may be waived at the discretion of GWRC.

If any consent does not comply with the conditions, and inspections are less than one per year, your compliance charge may be altered at the next charging round to provide for additional inspections until such time that good compliance is observed.

Where we carry out an inspection as a result of an **incident notification** (for example, a complaint about water pollution or odour release), the consent holder is only charged if the consent is breached and/or non-compliance is observed.

Where we carry out an inspection to determine compliance with an **enforcement order or abatement notice** for a consented activity, we will charge the consent holder actual and reasonable costs for any follow up visit to confirm that the required action has been taken and full compliance with the notice and your resource consent is achieved.

We levy any charges on an actual and reasonable basis.

**4.5 The state of the environment monitoring charge**

Summary: GWRC charges consent holders for the cost of state of the environment monitoring where that monitoring benefits consent holders.

The charge you pay is related to the effects of your activity on the environment.

Consent holders pay for only a part of the cost of this monitoring. The regional community pays for the rest as it also benefits from the information gained.

**4.5.1 What we do for your money**

State of the environment (SOE) monitoring is the gathering of information about a resource (water, land, and air) so that it can be managed on a sustainable basis. GWRC is tasked under section 35 of the RMA to monitor the state of the environment in the Wellington region in order to effectively carry out our functions. The information is used, amongst other purposes, to

determine the nature and state of a resource, to enable us to grant resource consents with confidence, and to check whether the management tools for resources in regional plans are working properly.

GWRC carries out SOE monitoring in many of the air sheds, catchments and groundwater zones of the region. We operate a network of hydrological recording stations which measure such variables as rainfall, river flow, and water depth in aquifers. We also routinely test the quality of water in our rivers, aquifers, and the sea. In addition, we monitor ambient air quality.

State of the environment monitoring and investigations focus on a resource in a more general way than the monitoring of an individual consent (eg, a catchment or area basis). We measure a range of environmental variables to identify a resource's availability and quality, and the uses to which it is being put. In relation to rivers for example, we monitor changes in water quality and quantity to ensure that our rivers remain available for a wide range of private and community uses, both now and in the future.

We carry out a wide range of monitoring and investigations and produce publicly available information on:

- The quantity and quality of surface water
- The quantity and quality of groundwater
- Coastal water quality
- Air quality.

GWRC seeks to optimise and co-ordinate its SOE monitoring programme in a cost effective manner in order to avoid duplicating monitoring that may be undertaken by consent holders.

You can find out about the resource you are using by accessing this information: it may be useful in operating your business. Please contact our Environmental Science team on 0800 496 734 for more information.

#### 4.5.2 The basis of the state of the environment charge

The basis of the SOE monitoring charge is the cost to GWRC of undertaking this monitoring. However, we only charge consent holders for a portion of our monitoring that benefits consent holders. The cost is shared with the regional community (ie, ratepayers), as they also need this type of monitoring and benefit from the knowledge acquired through the programme. We do not charge consent holders for monitoring undertaken for flood warning, river management, or regional planning purposes.

The benefits of state of the environment monitoring for consent holders are:

- Protection of the resource through its management on a sustainable basis
- Early warning of changes in resources
- Reduced costs for future consent applications

- Better information to aid business planning.

However, as indicated above, SOE monitoring is carried out for a variety of reasons, of which meeting the needs of consent holders is but one. It is appropriate to only charge consent holders for their share of this monitoring.

GWRC's SOE monitoring programme is undertaken by our Environmental Science Department. GWRC's Revenue and Financing Policy requires that between 10%-20% of programme cost for the Environmental Science Department is recovered from resource users (ie, consent holders). The 2019 Policy recovered approximately 12.5% of the Environmental Science programme. This Policy aims to recover 14.4%. **This will be phased in over three years.**

GWRC considers that the SOE monitoring charges established by this Policy meet the requirements for setting SOE monitoring charges in section 36AAA of the RMA. As part of these requirements, GWRC also examines the monitoring programme to determine whether consent holders benefit from it to a greater extent than other members of the regional community. GWRC is of the view that consent holders do enjoy a benefit which non-consent holders do not, that is, a legal right to access the resource for their economic benefit.

#### 4.5.3 Application of the state of the environment charge

A SOE monitoring charge applies to most consent types. This includes:

- Land use consents where there are ongoing environmental effects relating to our environmental science programme
- Water permits to take surface water or groundwater
- Discharge permits to discharge contaminants to land
- Discharge permits to discharge contaminants to fresh water
- Discharge permits to discharge contaminants to air
- Coastal permits to discharge contaminants to coastal water
- Coastal permits where there are ongoing environmental effects relating to our environmental science programme.

A scale of fixed SOE monitoring charges are applied to consents. These charges vary due to the following factors:

- The nature and scale of activity, eg, the size of a water take or type of discharge
- The level of stress a particular catchment or groundwater zone is under, eg, the level of allocation from a groundwater zone.

The scale of fixed charges applied to consents are more specifically identified in Part 2B of this Policy.

#### 4.5.4 Waiver or reduction in state of the environment monitoring charges

GWRC may waive or reduce the SOE monitoring charge in the following instances:

1. Where an activity has multiple consents (relating to the same consent type), the SOE monitoring charge may be reduced
2. Where through the operation of the formula for setting the charge in the Schedules to this Policy, the resulting amount does not satisfy the principles of reasonableness and fairness in sections 2.2 and 2.3 of this Policy.

#### 4.5.5 Additional state of the environment monitoring charges

GWRC may apply an additional SOE monitoring charge. This will occur in instances where due to the nature and scale of the activity, the formulas set in the Schedules to this Policy are not adequate to recover the reasonable costs related to our SOE monitoring programme. Any additional charges will need to satisfy the principles of reasonableness and fairness in sections 2.2 and 2.3 of this Policy. Any additional charge is levied under section 36(5) of the RMA. Section 36(7) provides for any additional charge to be open to objection and appeal.

### 4.6 Other matters relating to consent monitoring charges

#### 4.6.1 Consent termination

Where a resource consent expires or is surrendered during the course of the year, and the activity to which it relates ceases, then the customer service, compliance, and state of the environment charges apply only to that period of the year (based on complete months) for which the consent was operative. We may not accept a surrender of consent unless any outstanding fees and charges have been paid in full.

#### 4.6.2 Consent expiry and replacement

Where a resource consent expires during the course of the year, but the activity to which the consent relates continues until the consent is replaced, then the consent monitoring charges outlined in this Policy apply.

#### 4.6.3 Consent transfer

Where a resource consent is transferred during the course of the year (eg, when a property with a consent is sold to a new owner), it is the responsibility of the original owner to advise us of the change. *Any apportionment of fees after the charge has been made remains the responsibility of the respective owners.* We may not accept a transfer of consent unless any outstanding fees and charges have been paid in full.

4.6.4 Partial remission of consent monitoring charges for minor activities with community service or good

GWRC recognises that there are some minor activities undertaken by not-for-profit organisations relating to community services that incur consent monitoring charges which can significantly impact the ability for the consent holder to provide this community service or good. If a consent holder can demonstrate that their minor activity is for a community good or service, and it is primarily operated through sourcing public funding (eg, charitable grants or donations), they can apply for a remission of up to 50% of their consent monitoring charge. GWRC at its discretion will consider each request on a case by case basis.

## **5. Permitted activity monitoring charges**

### **5.1 Introduction**

This section of the Policy sets the charges which GWRC levies in relation to permitted activities. Under section s36(1)(ae) and s36(1)(cc) two types of permitted activities can be charged:

1. Deemed permitted activity under section 87BB of the RMA
2. Any specified permitted activities in a National Environmental Standard (NES).

At the time of writing this Policy, the following NES have specified permitted activities where charges can apply:

National Environmental Standard for Plantation Forestry  
National Environmental Standard for Freshwater.

### **5.2 The permitted activity monitoring charge**

The charge-out rate for permitted activity monitoring is **\$135<sup>4</sup> per hour** (excl. GST). All permitted activity monitoring charges are **variable charges**. All variable charges are based on actual and reasonable costs incurred for monitoring the permitted activity.

Where GWRC uses an external consultant, the actual and reasonable costs of consultant services are passed on to the person/organisation undertaking the activity. A **customer service charge** and **state of the environment monitoring charge** do not apply to any permitted activity monitoring.

#### **5.2.1 Deemed permitted activities**

Most deemed permitted activities will not be monitored and therefore monitoring charges will not apply except under special circumstances.

#### **5.2.2 NES for Plantation Forestry**

Under Part 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017, the only activities where permitted monitoring charges are applicable are earthworks (regulation 24), river crossings (regulation 37), forestry quarrying (regulation 51), and harvesting (regulation 63(2)).

#### **5.2.3 NES for Freshwater**

Under Part 4 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, the costs of monitoring the permitted activities identified in the NES may be charged to the person/organisation undertaking the activity.

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<sup>4</sup> The charge out rate for permitted activity monitoring may alter following annual reviews as identified in section 1 of the Policy.

## 6. Building Act charges

### 6.1 Introduction

Prior to 2004 territorial local authorities (ie, City and District Councils) were responsible for dams. The Building Act 2004 (BA) altered the regime by which territorial authority handled matters pertaining to dams. The BA referred matters pertaining to dams to Regional Councils.

In July 2008 GWRC transferred various Building Act 2004 functions relating to dams to Waikato Regional Council (WRC). The Building Consent Authority (BCA) functions transferred relate to the assessment, processing, inspection and granting of building consents, and certificates of compliance.

Section 243 of the BA allows GWRC to retain some functions such as the processing and issuing of a project information memorandum, certificates of acceptance, building warrant of fitness' and the dam safety requirements. The BA allows GWRC to impose fees or charges for performing these functions.

### 6.2 Schedule of charges

The fees and charges for various activities for administering the Building Act are outlined in Table 6.1 below:

**Table 6.1: Building Act 2004 fees and charges (all figures exclude GST)**

Function	Deposit	Hourly charge
Project Information Memorandum (PIM)	Large Dam (above \$100,000 value) \$1,000 Medium Dam (\$20,000 to \$100,000 Value) \$750 Small Dam (\$0 to \$20,000 value) \$500	\$135 per hour
Building consent application (lodged directly with WRC)	Large Dam (above \$100,000 value) \$4,000 Medium Dam (\$20,000 to \$100,000 Value) \$2,000 Small Dam (\$0 to \$20,000 value) \$1000	\$170 per hour (WRC Resource use group managers) \$140 (WRC BA officer)
Lodge Building Warrant of Fitness	\$130	\$135 per hour
Amendment to compliance schedule	\$1,000	\$135 per hour for officer time Actual and reasonable costs for expert advice

Function	Deposit	Hourly charge
Building warrant of fitness audit		\$135 per hour
Certificate of Acceptance	Large Dam (above \$100,000 value) \$4,000 Medium Dam (\$20,000 to \$100,000 value) \$2,000 Small Dam (\$0 to \$20,000 value) \$500	\$135 per hour for officer time  Actual and reasonable costs for expert advice
Lodge dam potential impact category	\$130	\$135 per hour
Lodge dam safety assurance programme	\$130	\$135 per hour
Lodge annual dam safety compliance certificate	\$130	\$135 per hour
Policy implementation – Dangerous Dams, Earthquake-prone dams, Flood-prone dams		\$135 per hour  Actual and reasonable costs for expert advice

Key notes:

1. The charges associated with building consent applications are those that are directly applied by Waikato Regional Council (WRC) as these functions have been transferred to WRC. It is therefore advised to contact WRC ([www.waikatoregion.govt.nz](http://www.waikatoregion.govt.nz)) to check building consent application charges and charge-out rates.
2. Charge out rates may alter following annual reviews as identified in section 1 of the Policy.
3. Building consents incur BRANZ and Department of Building and Housing levies. The levies are payable to Waikato Regional Council.

The costs for processing various applications under the BA vary greatly due to the scale, complexity, and specialist design features associated with each project. Hence the charges listed in Table 6.1 are considered deposits only and in most circumstances additional charges will apply at the charge out rates specified.



## 7. The provision of information

### 7.1 Information provided under the Resource Management Act 1991

GWRC may charge for the provision of information in relation to resource consents and regional plans and policies (see RMA sections 36(1)(e) and (f)).

We recognise that we have a significant advisory and information role. Our aim is to assist you to have access to the information you need to make effective use of your resource consent. To this end, we provide a reasonable amount of information free of charge, as listed below. If more time is spent, or more photocopying required than is allowed for here, the provision of information may be subject to the following charges.

Any charge for information is made in accordance with the following:

1. **Staff time** spent in making information available, or in providing technical advice is charged after the first half hour (except in relation to applications for resource consents) at the following rates:

Hourly charge out rate	Excl. GST
Resource management services from our Environmental Regulation (Technical Support) staff	\$115.00
Resource management services from our Environmental Regulation (Consents & Compliance) staff	\$135.00
Technical or science expert services from our Environmental Science staff	\$150.00

Note: Charge out rates may alter following annual reviews as identified in section 1 of the Policy.

2. **Photocopying** charges are 20 cents per A4 page after the first 10 pages
3. **All other disbursements** are charged at cost. We may pass on charges to the person requesting the information where the information held by us is subject to agreements with commercial data suppliers who may require us to levy charges.

### 7.2 Local Government Official Information and Meetings Act 1987

Information provided in response to requests under the Local Government Official Information and Meetings Act (LGOIMA) may be charged for under section 13(1A) of the Act. We follow the Ministry of Justice Guidelines for charging, therefore GWRC's costs for responding to information requests will be charged in the following way (GST inclusive):

The first hour of time spent searching, abstracting, collating, copying, transcribing and supervising access should be free

\$38 may be charged for each subsequent half hour (or part of this time), irrespective of the seniority of the staff member (unless specialists are required)

20c per A4 sized page may be charged after the first 20 pages

The actual costs may be recovered for the

- Provision of documents on devices
- Retrieval of information off-site
- Reproduction of film, video or audio recording
- Provision of maps, plans or other documents large than foolscap size.

## **8. Environmental incident inspection charges**

### **8.1 Circumstances in which a charge may apply**

Where a person (or persons) or organisation carries out an activity in a manner which does not comply with the provisions of RMA sections 9, 12, 13, 14, 15, 315, 323, 327, or 329, GWRC will charge that person or organisation for the cost of any inspection it undertakes in relation to that activity. This cost may include:

1. Time spent by GWRC officers identifying and confirming that the activity is taking place or has taken place
2. Time spent by GWRC officers identifying and confirming the person or organisation responsible for causing or allowing the activity to take place or to have taken place
3. Time spent by GWRC officers alerting and informing the person or organisation responsible of their responsibilities in relation to the activity, including any suggestions or advice relating to how any adverse effects might be managed
4. Staff travel time
5. Costs of disbursements (such as laboratory analysis costs, expert or professional services, clean-up costs and materials).

GWRC will only charge for time spent which exceeds 30 minutes. Travel time will be included in the calculation of this time.

An minimum standard charge of \$270 (2 hours staff time) will apply to all environmental incidents inspected which covers travel time, inspection time, identifying parties, initiating follow up action and advice eg, issuing advisory notice, advice letter, or warning letter.

Additional charges will only be made to allow GWRC to recover its actual and reasonable costs from the perpetrator.

### **8.2 Charges applicable to consented activities**

Where an incident occurs on a site that holds a resource consent and a breach of consent conditions is confirmed, then section 8.1 does not apply. Any actual and reasonable costs incurred in investigation the incident will be recovered as additional compliance monitoring charges in accordance with section 4.4.6 of this Policy.

### **8.3 Authority to charge**

These charges are made under section 150 of the LGA.

**8.4 Charge-out rate**

The following charge out rates apply:

Hourly charge out rate	Excl. GST
Officers time as per 8.1	\$135.00
Technical or science expertise used to determine a breach of the RMA	\$150.00

Note: Charge out rates may alter following annual reviews as identified in section 1 of the Policy.

**8.5 When due**

Payment of invoices for environmental incident inspection charges is due within 28 days.

**8.6 Relationship of charges to infringement offences**

Where we use the infringement offences legislation for environmental incidents, no charge will be made for preparation of documents relating to the issue of the infringement notice.

**8.7 Relationship of charges to enforcement orders and abatement notices**

GWRC may also seek reimbursement for any actual and reasonable costs it incurs in inspecting an activity to determine compliance with an enforcement order or abatement notice under sections 315 and 323 of the RMA.

A minimum standard charge of \$270 will apply for any follow up visit to confirm full compliance with any abatement notice (or enforcement order) has been achieved. This charge covers travel time, inspection time, and the provision of follow up advice.

Any additional charges for a follow up visit to confirm compliance will only be made to allow GWRC to recover its actual and reasonable costs.

**8.8 Relationship of charges to the Maritime Transport Act 1994**

These charges do not apply to marine oil pollution incidents. These are provided for under the Maritime Transport Act 1994.

**9. Payment of charges**

**9.1 Date charges become operative**

This Policy applies from 1 July 2021 and will continue in effect until amended or replaced under section 36(3) of the RMA. The Policy covers the period from 1 July 2021 to 30 June 2024.

**9.2 When charges are due or invoiced**

**9.2.1 Application charges**

Initial fixed application fees must be paid in full before GWRC will begin processing resource consent applications.

Additional charges for processing resource consents are invoiced on completion of processing of your consent, or when the amount owing exceeds \$2,000. This means that for notified consents particularly, we will invoice at regular intervals during the processing of your consent.

**9.2.2 Consent monitoring charges**

Consent monitoring charges are invoiced in accordance with our Strategic Compliance Monitoring Programme timetable. Various compliance activities are invoiced during the months identified below:

Month	Activity
July	Air discharges Forestry Earthworks Reclamation/offset mitigation
October	Wineries Water takes
January	Agricultural effluent Onsite wastewater Swing moorings & boatsheds Bridges & culverts Municipal wastewater Municipal water supplies & races Coastal works & structures River works
April	Landfills Urban stormwater Industrial discharges & contaminated sites Quarries & cleanfills

**9.3 Remission of charges**

We may remit any charge referred to in this Policy, in part or in full, on a case by case basis, and solely at our discretion (see section 36AAB(1) of the RMA).

**9.4 Credit**

Credit is not generally available for application charges or consent monitoring charges in this Policy. We will consider staged payments in exceptional

circumstances. In some circumstances, we may require full payment of the estimated cost of processing an application prior to initiating work.

#### **9.5 Debtors and unpaid charges**

Under this Policy debtors and unpaid charges are treated like any other outstanding amount owed to GWRC. An outstanding debt will be pursued according to GWRC's procedures which are summarised below:

Reminders are sent by GWRC Finance staff between 1–3 months after the charge has been processed and sent to you

If charges are not paid within three months of being invoiced to you, a final reminder letter is issued by Finance staff. This letter gives a final deadline to pay any unpaid charges.

If charges remain unpaid and unresolved after the final deadline, GWRC will place the account in the hands of a collection agency and reserves the right to recover actual and reasonable costs for recovering the unpaid charges. This is through the combination of a minimum fixed charge of \$230 (excl. GST) and any additional actual and reasonable costs for staff time charged at \$115/hour (excl. GST)

#### **9.6 Charges required to be paid**

All **application charges** for resource consents or for Plan or Policy Statement changes shall be paid according to the provisions of sections 3 and 9 of this Policy.

All **consent monitoring charges** for customer services, compliance monitoring, and state of the environment monitoring shall be paid according to the provisions of sections 4 and 9 of this Policy and the relevant sections in Part 2 of the Policy.

All **permitted activity charges** for shall be paid according to the provisions of sections 5 and 9 of this Policy and the relevant sections in Part 2 of the Policy.

All **Building Act charges** shall be paid according to the provisions of sections 6 and 8 of this Policy.

All **provision of information charges** shall be paid according to the provisions of sections 7 and 9 of this Policy.

All **environmental incidents charges** not related to resource consents shall be paid according to the provisions of sections 8 and 9 of this Policy.

## **Part 2: Compliance and SOE monitoring charges**

## A. Compliance monitoring charges

The compliance monitoring charges for each activity are presented in Table A. This table outlines the various compliance activities, the fixed and variable charges for each activity, and a summary of the compliance monitoring programme.

**All fixed charges are invoiced annually**, at a time based on our Strategic Compliance monitoring programme (see part 1 section 9.2.2 of this Policy). Depending on your compliance assessment, the category of your charge may change from year to year.

**Most variable charges are invoiced annually**, at a time based on our Strategic Compliance monitoring programme (see part 1 section 9.2.2 of this Policy). They are based on actual and reasonable amount of time spent monitoring your consent since your last invoice. There are some instances where more regular invoicing of your variable charges may apply. This is normally for large projects where significant monitoring occurs on a regular basis.

The compliance monitoring programme is made up of one or all of the following three components:

- **Inspections** – site inspections (by arrangement or unannounced) to the property or location where the consent activity takes place; and/or
- **Auditing** – a desktop audit of monitoring information submitted by a consent holder; and/or
- **Reporting** – GWRC staff report back to consent holders on their compliance rating for their consent.

Not all three components are necessarily required for undertaking compliance monitoring on a consent. Your consent may be inspected and/or audited. For some activities we don't intend to report back to you unless you are not complying with your consent conditions.



**Table A: Compliance monitoring charges (all figures exclude GST)**

Compliance activity	Charges	Compliance categories	Compliance monitoring programme	Related SOE charges
Agricultural effluent	<u>Variable charges</u> for non-complying and non-standard agricultural discharges	DL1 (variable charge)	Inspections and annual compliance report assessed on case by case basis	Discharge to land
	<u>Fixed charges</u> for categories below			
	\$337.50 Standard agricultural discharge	DL2 (ag discharge)	Annual inspection and compliance report completed	
	\$67.50 Low risk agricultural discharge	DL5 (ag discharge)	Where no inspection is required for a low risk activity (assessed each year) a small charge applied for reviewing compliance requirements	
Air discharges	<u>Variable charges</u> based on actual and reasonable costs	DA1 (variable charge)	Inspections determined on an annual basis. Compliance report provided following inspection(s)	Discharge to air
Boatsheds	<u>Variable charges</u> for non-standard boatsheds based on actual and reasonable costs	CP1 (variable charge)	Inspections and annual compliance report assessed on case by case basis	N/A
	<u>Fixed charges</u> for categories below			
	\$270 Cost per inspection for consents requiring inspection	CP2 (one inspection)	Inspections determined on an annual basis. Compliance report provided following inspection(s)	
Bores	<u>Variable charges</u> for non-standard bores based on actual and reasonable costs	LU1 (variable charge)	Most consents not inspected and therefore no annual charges	N/A
	<u>Fixed charges</u> for categories below			
	\$67.50 All standard bores	N/A	Applies to most consents – fee included in consent processing charges	N/A
Coastal works, structures, and activities	<u>Variable charges</u> for non-standard consents based on actual and reasonable costs	CP1 (variable charge)	Inspections and annual compliance report assessed on case by case basis	Coastal
	<u>Fixed charges</u> for categories below			
	\$67.50 Standard coastal works, structures, and activities	N/A	Applies to most consents – fee included in consent processing charges	N/A
	\$270 Cost per inspection for consents requiring inspection	CP2 (one inspection) CP3 (two inspections) CP4 (three inspections)	Compliance report provided following inspection(s)	Coastal
Forestry	<u>Variable charges</u> based on actual and reasonable costs	DW1 (variable charge)	Inspections determined on a case by case basis. Annual compliance report completed	Discharge to water Discharge to land
		DL1 (variable charge)		

Compliance activity	Charges	Compliance categories	Compliance monitoring programme	Related SOE charges
Industrial, onsite wastewater, contaminated sites and winery discharges	<u>Variable charges</u> for non-standard discharges based on actual and reasonable costs <u>Fixed charges</u> for categories below	DW1 (variable charge) DL1 (variable charge)	Inspections and annual compliance report assessed on case by case basis	Discharge to water Discharge to land
	\$337.50 High risk discharges	DL3 (high risk discharge)	Annual inspection and compliance report completed	
	\$135 Low risk discharges	DL4 (low risk discharge)	Inspection once every three years and compliance report completed	
Landfills	<u>Variable charges</u> based on actual and reasonable costs	DW1 (variable charge) DL1 (variable charge) DA1 (variable charge)	Inspections determined on a case by case basis Annual compliance report provided	Discharge to water Discharge to land Discharge to air
Municipal water supplies & races, municipal wastewater, and urban stormwater	<u>Variable charges</u> based on actual and reasonable costs	WS1 (variable charge) WG1 (variable charge) DW1 (variable charge) DL1 (variable charge)	Inspection only on as needs basis Audited frequently Annual compliance report completed	Surface water takes Groundwater takes Discharge to water Discharge to land Coastal discharges
Quarries & cleanfills	<u>Variable charges</u> for non-standard quarries & cleanfills based on actual and reasonable costs <u>Fixed charges</u> for categories below	DW1 (variable charge) DL1 (variable charge) LU1 (variable charge)	Inspections and annual compliance report assessed on case by case basis Annual inspection and compliance report completed	Discharge to water Discharge to land
	\$270 Standard quarry or cleanfill	LU2 (one inspection)		
Reclamation/offset mitigation	<u>Variable charges</u> based on actual and reasonable costs	LU1 (variable charge)	Inspections and annual compliance report assessed on case by case basis	Land use
River works, bridges & culverts	<u>Variable charges</u> for non-standard consents based on actual and reasonable costs <u>Fixed charges</u> for categories below	LU1 (variable charge)	Most consents not inspected and therefore no annual charges	Land use
	\$67.50 Standard river works	N/A	Applies to most consents – fee included in consent processing charges	N/A
	\$270 Cost per inspection for consents requiring inspection	LU2 (one inspection) LU3 (two inspections) LU4 (three inspections)	Compliance report provided following inspection(s)	Land use

Compliance activity	Charges	Compliance categories	Compliance monitoring programme	Related SOE charges
RoNS projects and earthworks	<u>Variable charges</u> based on actual and reasonable costs	DW1 (variable charge) DL1 (variable charge) LU1 (variable charge)	Weekly inspections for RoNS projects and large earthworks Less frequency for small earthworks No annual compliance report completed	Discharge to water Discharge to land
Swing moorings	<u>Variable charges</u> for non-standard swing moorings based on actual and reasonable costs <u>Fixed charges</u> for categories below	CP1 (variable charge)	Inspections and annual compliance report assessed on case by case basis	N/A
	\$33.75 Swing moorings – fully complying	CP5 (moorings complying)	No annual compliance report completed	
	\$202.50 Swing moorings – non-complying	CP6 (moorings non-complying)	No annual compliance report completed	
Water takes	<u>Variable charges</u> for non-standard water takes based on actual and reasonable costs <u>Fixed charges</u> for categories below	WT1 (variable charge)	Inspections, water use data audit, and annual compliance report assessed on case by case basis	Surface water takes Groundwater takes
	\$45 Water meter verification	WT2 (fixed charge)	Average annual cost for checking verification of water meter	
	\$67.50 Telemetered take	The fixed charge is the total of the applicable categories for each water take consent eg, a consent where verification is required, is telemetered, and has a low flow restriction would have a fixed charge of \$180	Average annual cost for checking compliance with submission of telemetered water take data	
	\$135 Non-telemetered take		Average annual cost for checking with submission of non-telemetered water take data	
	\$67.50 Low flow restriction		Average annual cost for checking compliance with restrictions at times of low flow	
	\$0 Unmetered takes	WT3	No inspection, audit, or compliance report completed	
Non-complying takes – actual and reasonable charges in addition to fixed WT2	WT4 (variable)			

## B. State of the Environment (SOE) monitoring charges

The fixed SOE monitoring charges for each consent type are presented in section B.1 – B.6.

Further detail on the cost of the SOE monitoring programme is provided in Appendix A.

All **land use consents, water permits to dam/divert water, and coastal permits (excluding discharges)** with ongoing effects on the environment will receive an annual SOE monitoring charge as outlined in Table B.1. (Note: This does not apply to one-off construction related activities.)

Special SOE monitoring charges apply to the activities shown in Table B.1. These charges are made as the nature and scale of these activities are not fairly reflected in the fixed charges specified in section B.1 – B.6:

**Table B.1: SOE monitoring charges for land use consents and other specified activities**

Consent type	Activity	Annual SOE charge from 1 July 2021	Annual SOE charge from 1 July 2022	Annual SOE charge from 1 July 2023
Land use	Any activity with ongoing effects on the environment	\$115	\$125	\$140
Consent holder	Activity	Annual SOE charge from 1 July 2021	Annual SOE charge from 1 July 2022	Annual SOE charge from 1 July 2023
GWRC, Flood Protection	River works maintenance for all schemes in the region	\$45,000	\$50,000	\$56,000
Wellington Water Ltd	Water take from the Hutt Aquifer	\$63,000	\$67,000	\$72,000
NZTA, Transmission Gully	All works associated with the construction of Transmission Gully	\$65,000	\$68,000	\$75,000
NZTA, Peka Peka to Ōtaki	All works associated with the construction of Peka Peka to Ōtaki	\$22,000	\$23,000	\$25,000

## B.1 Surface water takes

The SOE monitoring charge for this consent type is levied on all surface water and groundwater take consents ('Category A' and 'Category B' where there is a stream depletion effect managed by a minimum flow). The charge is dependent on:

- The level of stress (based on a low, medium, or high level of allocation) created by water takes in a primary surface water management zone when assessing allocation under the Proposed Natural Resources Plan (PNRP)
- The size of water take based on the maximum instantaneous rate of take in litres/second (for surface water takes from catchments) or average instantaneous rate of take in litres/second from total weekly allocation (for groundwater takes from 'Category A and B' groundwater management zones).

<b>Category 1 – LOW level of allocation (&lt;50% of PNRP allocation limit)</b>				
<u>Surface water management zones in PNRP</u>				
Kāpiti Streams	Wairarapa coast	All other catchments not specifically identified in Cat. 2 or 3		
Ōtaki	Waitohu			
Te Awarua o Porirua	Wellington City catchments			
<u>Connected 'Category A and B' groundwater management zones in PNRP</u>				
Ōtaki	Te Horo	Waitohu		
Raumati	Waikanae			
<i>Rate of take</i>	<i>Fixed charge 1 July 2021</i>	<i>Fixed charge 1 July 2022</i>	<i>Fixed charge 1 July 2023</i>	<i>Charge category</i>
0–9.99 litres/sec	\$95	\$105	\$120	2.3.1.1
10–19.99 litres/sec	\$155	\$175	\$200	2.3.2.1
20–29.99 litres/sec	\$320	\$350	\$400	2.3.3.1
30–39.99 litres/sec	\$490	\$530	\$600	2.3.4.1
40–59.99 litres/sec	\$650	\$710	\$800	2.3.5.1
60–99.99 litres/sec	\$1,200	\$1,350	\$1,550	2.3.6.1
100–299.99 litres/sec	\$1,950	\$2,150	\$2,400	2.3.7.1
300 + litres/sec	\$3,200	\$3,500	\$4,000	2.3.8.1

<b>Category 2 – MEDIUM level of allocation (50%-80% of PNRP allocation limit)</b>		
<u>Surface water management zones in PNRP</u>		
Mangaone	Ruamahānga (upper)	Waiohine
Tauherenikau		
<u>Connected 'Category A and B' groundwater management zones</u>		
Ōnoke	Te Horo	Upper Ruamahānga
Tauherenikau	Te Ore Ore	Waiohine

<i>Rate of take</i>	<i>Fixed charge 1 July 2021</i>	<i>Fixed charge 1 July 2022</i>	<i>Fixed charge 1 July 2023</i>	<i>Charge category</i>
0–9.99 litres/sec	\$155	\$175	\$200	2.3.1.2
10–19.99 litres/sec	\$320	\$350	\$400	2.3.2.2
20–29.99 litres/sec	\$650	\$710	\$800	2.3.3.2
30–39.99 litres/sec	\$980	\$1,050	\$1,200	2.3.4.2
40–59.99 litres/sec	\$1,200	\$1,350	\$1,550	2.3.5.2
60–99.99 litres/sec	\$1,950	\$2,150	\$2,400	2.3.6.2
100–299.99 litres/sec	\$2,400	\$2,600	\$3,000	2.3.7.2
300 + litres/sec	\$4,800	\$5,300	\$6,000	2.3.8.2

<b>Category 3 – HIGH level of allocation (&gt;80% of PNRP allocation limit)</b>				
<u>Surface water management zones in PNRP</u>				
Booths	Orongorongo		Waikanae	
Huangaaru	Otakura		Wainuiomata	(upper &
Hutt (upper & lower)	Papawai			lower)
Kopuaranga	Parkvale		Waingawa	
Lake Wairarapa	Ruamahānga (lower)		Waipoua	
Mangatarere	Ruamahānga (middle)		Whangaehu	
	Ruamahānga (other)			
<u>Connected 'Category A and B' groundwater management zones in PNRP</u>				
Dry River	Parkvale		Tauherenikau	
Huangaaru	Mangatarere		Upper Hutt	
Lake	Middle Ruamahanga		Upper Ruamahānga	
Lower Hutt	Moiki		Waikanae	
Lower Ruamahānga	Ōnoke		Waingawa	
	Taratahi		Waiohine	
<i>Rate of take</i>	<i>Fixed charge 1 July 2021</i>	<i>Fixed charge 1 July 2022</i>	<i>Fixed charge 1 July 2023</i>	<i>Charge category</i>
0–9.99 litres/sec	\$320	\$350	\$400	2.3.1.3
10–19.99 litres/sec	\$800	\$850	\$1,000	2.3.2.3
20–29.99 litres/sec	\$1,150	\$1,250	\$1,400	2.3.3.3
30–39.99 litres/sec	\$1,600	\$1,750	\$2,000	2.3.4.3
40–59.99 litres/sec	\$2,050	\$2,250	\$2,600	2.3.5.3
60–99.99 litres/sec	\$3,200	\$3,500	\$4,000	2.3.6.3
100–299.99 litres/sec	\$4,800	\$5,300	\$6,000	2.3.7.3
300 + litres/sec	\$13,000	\$14,000	\$16,500	2.3.8.3

Surface water takes from catchments – size of take based on maximum instantaneous rate in litres/second.

Groundwater takes from connected 'Category A and B' groundwater management zones – size of take based on average instantaneous rate in litres/second from total weekly allocation.

#### Reduction for water storage or frost protection

For surface water takes where consent holders take water from supplementary allocation for water storage or for frost protection purposes, the applicable SOE monitoring charge may be reduced at the discretion of GWRC. This is because these activities often abstract large volumes of water for only short periods during the year, often at times where water resources are less stressed (ie, at higher river/stream flows or during spring months when river/stream flows are on average greater).

#### Reduction for telemetered water takes

Any water take supplying telemetered water use data that meets National Environmental Monitoring Standards and is provided by an accredited service provider, will have a **10% discount** applied to the applicable SOE monitoring charge.

## B.2 Groundwater takes

The SOE monitoring charge for this consent type is levied on all groundwater take consents (excluding 'Category A and B' groundwater takes assessed under B.1). The charge is dependent on:

- The level of stress (based on a low, medium, or high level of allocation) created by water takes in a groundwater management zone when assessing allocation under the Proposed Natural Resources Plan (PNRP)
- The size of groundwater take which is based on the annual volume of water taken (in m<sup>3</sup>).

<b>Category 1 – LOW level of allocation (&lt;50% of PNRP allocation limit)</b>				
<u>Groundwater management zones in PNRP</u>				
Taratahi	Upper Ruamahānga	All other groundwater zones not specifically identified		
Te Horo	Waitohu			
Upper Hutt				
<i>Rate of take</i>	<i>Fixed charge 1 July 2021</i>	<i>Fixed charge 1 July 2022</i>	<i>Fixed charge 1 July 2023</i>	<i>Charge category</i>
0–99,999 m <sup>3</sup> /year	\$75	\$80	\$85	3.3.1.1
100,000–199,999 m <sup>3</sup> /year	\$150	\$160	\$170	3.3.2.1
200,000–299,999 m <sup>3</sup> /year	\$220	\$230	\$250	3.3.3.1
300,000–399,999 m <sup>3</sup> /year	\$300	\$320	\$345	3.3.4.1
400,000–599,999 m <sup>3</sup> /year	\$730	\$770	\$840	3.3.5.1
600,000–999,999 m <sup>3</sup> /year	\$970	\$1,020	\$1,100	3.3.6.1
1,000,000 + m <sup>3</sup> /year	\$1,450	\$1,520	\$1,650	3.3.7.1

<b>Category 2 – MEDIUM level of allocation (50% – 80% of PNRP allocation limit)</b>				
<u>Groundwater management zones in PNRP</u>				
Ruamahānga (other)	Waingawa			
<i>Rate of take</i>	<i>Fixed charge 1 July 2021</i>	<i>Fixed charge 1 July 2022</i>	<i>Fixed charge 1 July 2023</i>	<i>Charge category</i>
0–99,999 m <sup>3</sup> /year	\$150	\$160	\$170	3.3.1.2
100,000–199,999 m <sup>3</sup> /year	\$220	\$230	\$250	3.3.2.2
200,000–299,999 m <sup>3</sup> /year	\$300	\$320	\$345	3.3.3.2
300,000–399,999 m <sup>3</sup> /year	\$490	\$510	\$550	3.3.4.2
400,000–599,999 m <sup>3</sup> /year	\$970	\$1,020	\$1,100	3.3.5.2
600,000–999,999 m <sup>3</sup> /year	\$1,200	\$1,270	\$1,400	3.3.6.2
1,000,000 + m <sup>3</sup> /year	\$2,400	\$2,550	\$2,800	3.3.7.2



<b>Category 3 – HIGH level of allocation (&gt;80% of PNRP allocation limit)</b>				
<u>Groundwater management zones in PNRP</u>				
Dry River	Lower Ruamahānga	Parkvale (confined/ & unconfined)		
Fernill Tiffen	Mangatarere	Raumati		
Huangularua	Martinborough	Tauherenikau		
Lake	Ōnoke	Te Ore Ore		
Lower Hutt		Waikanae		
<i>Rate of take</i>	<i>Fixed charge 1 July 2021</i>	<i>Fixed charge 1 July 2022</i>	<i>Fixed charge 1 July 2023</i>	<i>Charge category</i>
0–99,999 m <sup>3</sup> /year	\$290	\$310	\$335	3.3.1.3
100,000–199,999 m <sup>3</sup> /year	\$370	\$390	\$420	3.3.2.3
200,000–299,999 m <sup>3</sup> /year	\$490	\$510	\$550	3.3.3.3
300,000–399,999 m <sup>3</sup> /year	\$730	\$770	\$840	3.3.4.3
400,000–599,999 m <sup>3</sup> /year	\$1,200	\$1,270	\$1,400	3.3.5.3
600,000–999,999 m <sup>3</sup> /year	\$3,650	\$3,850	\$4,200	3.3.6.3
1,000,000 + m <sup>3</sup> /year	\$6,000	\$6,350	\$7,000	3.3.7.3

Groundwater takes from Category A and B (where there is a stream depletion effect managed by a minimum flow) groundwater management zones are covered in section B.1 of this Policy.

#### Reduction for telemetered water takes

Any water take supplying telemetered water use data that meets National Environmental Monitoring Standards and is provided by an accredited service provider, will have a **10% discount** applied to the applicable SOE monitoring charge.

**B.3 Discharges to water**

The SOE monitoring charge for this consent type is levied on all discharge to water consents, as all discharges are considered to cause additional stress on waterways, whereby the consent holder should pay for a proportion of SOE monitoring costs.

The SOE monitoring charge is dependent on the type of discharge to water and the level of contaminants (both quality and quantity) discharged into the receiving environment. The level of contaminants discharged is split into three categories – high, medium, and low.

<b><i>Nature of contaminants discharged – HIGH</i></b>	<b><i>Fixed charge 1 July 2021</i></b>	<b><i>Fixed charge 1 July 2022</i></b>	<b><i>Fixed charge 1 July 2023</i></b>	<b><i>Charge category</i></b>
Human wastewater	\$10,000	\$10,700	\$12,000	4.3.1.1
Animal wastewater	\$5,000	\$5,400	\$6,000	4.3.2.1
Earthworks discharge	\$3,100	\$3,350	\$3,750	4.3.3.1
Other stormwater discharges	\$2,500	\$2,700	\$3,000	4.3.4.1
Landfill leachate discharges	\$1,850	\$2,000	\$2,250	4.3.5.1
Intermittent discharges	\$1,850	\$2,000	\$2,250	4.3.6.1
Other wastewater	\$1,850	\$2,000	\$2,250	4.3.7.1

<b><i>Nature of contaminants discharged – MEDIUM</i></b>	<b><i>Fixed charge 1 July 2021</i></b>	<b><i>Fixed charge 1 July 2022</i></b>	<b><i>Fixed charge 1 July 2023</i></b>	<b><i>Charge category</i></b>
Human wastewater	\$5,000	\$5,400	\$6,000	4.3.1.2
Animal wastewater	\$2,500	\$2,700	\$3,000	4.3.2.2
Earthworks discharges	\$1,850	\$2,000	\$2,250	4.3.3.2
Other stormwater discharges	\$1,450	\$1,600	\$1,800	4.3.4.2
Landfill leachate discharges	\$1,200	\$1,300	\$1,500	4.3.5.2
Intermittent discharges	\$1,200	\$1,300	\$1,500	4.3.6.2
Other wastewater	\$1,200	\$1,300	\$1,500	4.3.7.2

<b><i>Nature of contaminants discharged – LOW</i></b>	<b><i>Fixed charge 1 July 2021</i></b>	<b><i>Fixed charge 1 July 2022</i></b>	<b><i>Fixed charge 1 July 2023</i></b>	<b><i>Charge category</i></b>
Human wastewater	\$2,500	\$2,700	\$3,000	4.3.1.3
Animal wastewater	\$1,450	\$1,600	\$1,800	4.3.2.3
Earthworks discharges	\$1,200	\$1,300	\$1,500	4.3.3.3
Other stormwater discharges	\$500	\$540	\$600	4.3.4.3
Landfill leachate discharges	\$500	\$540	\$600	4.3.5.3
Intermittent discharges	\$380	\$410	\$450	4.3.6.3
Other wastewater	\$380	\$410	\$450	4.3.7.3

SOE monitoring charges for **stormwater discharges from bulk earthworks** are only applicable if works are undertaken during the year in which consent monitoring charges apply.

Where there are two or more discharge to water consents relating to the same activity, only one SOE monitoring charge applies.

**B.4 Discharges to land**

The SOE monitoring charge for this consent type is levied on all discharge to land consents. The charge is dependent on:

- The quality of groundwater in the area where your discharge to land activity occurs, and
- The nature of contaminants discharged to land.

The tables below lists three categories of areas in the region in terms of the level of groundwater quality based on GWRC’s SOE report, *Groundwater quality in the Wellington region (March 2012)* as follows:

- **Category 1 area:** Any land area not identified as a category 2 or 3 groundwater management zone
- **Category 2 area:** Any groundwater management zone (as defined in the Regional Freshwater Plan) where any bore(s) have been identified as having ‘fair’ water quality
- **Category 3 area:** Any groundwater management zone (as defined in the Regional Freshwater Plan) where any bore(s) have been identified as having ‘poor’ water quality.

<b>Category 1 – All other areas not identified in category 2 or 3 below.</b>				
<b>Nature of contaminants discharged</b>	<b>Fixed charge 1 July 2021</b>	<b>Fixed charge 1 July 2022</b>	<b>Fixed charge 1 July 2023</b>	<b>Charge category</b>
Human wastewater (municipal)	\$1,200	\$1,220	\$1,250	5.3.1.1
Human wastewater (domestic / small communal)	\$180	\$185	\$190	5.3.2.1
Animal wastewater	\$480	\$490	\$500	5.3.3.1
Landfill leachate discharges	\$480	\$490	\$500	5.3.4.1
Earthworks discharges	\$900	\$915	\$940	5.3.5.1
Other discharges	\$180	\$185	\$190	5.3.6.1

<b>Category 2 – FAIR water quality</b>		
<u>Groundwater management zones in RFP</u>		
Carterton	Ōtaki	Waikanae
Hodders	South Featherston	Wainuiomata
Mangaroa	Tawaha	Waitohu
Mangatarere	Upper Hutt	West Taratahi
Matarawa	Upper Ōpaki	Woodside
Moroa	Upper Plain	

<i><b>Nature of contaminants discharged</b></i>	<i><b>Fixed charge 1 July 2021</b></i>	<i><b>Fixed charge 1 July 2022</b></i>	<i><b>Fixed charge 1 July 2023</b></i>	<i><b>Charge category</b></i>
Human wastewater (municipal)	\$1,800	\$1,840	\$1,900	5.3.1.2
Human wastewater (domestic / small communal)	\$240	\$245	\$250	5.3.2.2
Animal wastewater	\$600	\$615	\$630	5.3.3.2
Landfill leachate discharges	\$600	\$615	\$630	5.3.4.2
Earthworks discharges	\$900	\$915	\$940	5.3.5.2
Other discharges	\$240	\$245	\$250	5.3.6.2

<b>Category 3 – POOR water quality</b>				
<u>Groundwater management zones in RFP</u>				
Coastal	Lower Hutt		Martinborough Western Terraces	
East Taratahi	Lower Valley			
Hautere	Martinborough Eastern Terraces		Te Ore Ore	
<i><b>Nature of contaminants discharged</b></i>	<i><b>Fixed charge 1 July 2021</b></i>	<i><b>Fixed charge 1 July 2022</b></i>	<i><b>Fixed charge 1 July 2023</b></i>	<i><b>Charge category</b></i>
Human wastewater (municipal)	\$2,400	\$2,440	\$2,500	5.3.1.3
Human wastewater (domestic / small communal)	\$300	\$310	\$320	5.3.2.3
Animal wastewater	\$720	\$735	\$760	5.3.3.3
Landfill leachate discharges	\$720	\$735	\$760	5.3.4.3
Earthworks discharges	\$900	\$915	\$940	5.3.5.3
Other discharges	\$300	\$310	\$320	5.3.6.3

SOE monitoring charges for **stormwater discharges from bulk earthworks** are only applicable in the following instances:

1. Works are undertaken during the year in which consent monitoring charges apply
2. There is no discharge to water consent associated with the same activity. In this instance the discharge to water consent for the same activity will receive the SOE monitoring charge.

Where there are two or more discharge to land consents relating to the same activity, only one SOE monitoring charge applies. For example a municipal wastewater discharge may have one consent to discharge contaminants from the base of oxidation ponds, and another consent to discharge contaminants to land via irrigation. In such circumstances only one SOE monitoring charge will be applied.

Where there is an associated discharge to water consent for exactly the same activity, no SOE monitoring charge applies. The SOE monitoring charge is applied to the discharge to water consent.

## B.5 Discharges to air

The SOE monitoring charge for this consent type is levied on all discharge to air consents. Air discharges are assigned one of the four categories as shown in the table below.

<i>Nature of contaminants discharged</i>	<i>Fixed charge 1 July 2021</i>	<i>Fixed charge 1 July 2022</i>	<i>Fixed charge 1 July 2023</i>	<i>Charge category</i>
Cleanfill, refuse transfer stations, and composting discharges in non-sensitive receiving environments; small community wastewater discharges; abrasive blasting; natural gas fired boiler/generator discharges	\$85	\$100	\$120	6.2.1
Cleanfill, refuse transfer stations, and composting discharges in sensitive receiving environments; medium/large community wastewater discharges; small scale industrial discharges; landfill discharges with minor environmental effects; crematoria discharges; odour discharges in non-sensitive receiving environments	\$250	\$290	\$360	6.2.2
Medium scale industrial discharges; all other landfill discharges; odour discharges in sensitive receiving environments	\$1,200	\$1,400	\$1,750	6.2.3
Large scale industrial discharges; significant odour discharges	\$3,300	\$3,900	\$4,800	6.2.4

Where there are two or more discharge to air consents relating to the same activity, only one SOE monitoring charge applies.

In instances where a discharge to air activity does not fit in any of the types of discharge listed above, GWRC will exercise its discretion as to which SOE category applies based on the nature and scale of contaminants discharged.

## B.6 Coastal discharges

The SOE monitoring charge for this consent type is levied on all consents that discharge contaminants to coastal water. All discharges are considered to cause additional stress on coastal waters, whereby the consent holder should pay for a proportion of SOE monitoring and investigations.

The SOE monitoring charge is dependent on the type of discharge to water and the level of contaminants (both quality and quantity) discharged into the receiving environment. The level of contaminants discharged is split into three categories – high, medium, and low.

<i><b>Nature of contaminants discharged – HIGH</b></i>	<i><b>Fixed charge 1 July 2021</b></i>	<i><b>Fixed charge 1 July 2022</b></i>	<i><b>Fixed charge 1 July 2023</b></i>	<i><b>Charge category</b></i>
Human wastewater	\$10,000	\$10,700	\$12,000	7.1.1.1
Stormwater discharges	\$2,500	\$2,700	\$3,000	7.1.2.1
Intermittent discharges	\$1,850	\$2,000	\$2,250	7.1.3.1
Other wastewater	\$1,850	\$2,000	\$2,250	7.1.4.1
Earthworks discharges	\$3,100	\$3,350	\$3,750	7.1.5.1

<i><b>Nature of contaminants discharged – MEDIUM</b></i>	<i><b>Fixed charge 1 July 2021</b></i>	<i><b>Fixed charge 1 July 2022</b></i>	<i><b>Fixed charge 1 July 2023</b></i>	<i><b>Charge category</b></i>
Human wastewater	\$5,000	\$5,400	\$6,000	7.1.1.2
Stormwater discharges	\$1,450	\$1,600	\$1,800	7.1.2.2
Intermittent discharges	\$1,200	\$1,300	\$1,500	7.1.3.2
Other wastewater	\$1,200	\$1,300	\$1,500	7.1.4.2
Earthworks discharges	\$1,850	\$2,000	\$2,250	7.1.5.2

<i><b>Nature of contaminants discharged – LOW</b></i>	<i><b>Fixed charge 1 July 2021</b></i>	<i><b>Fixed charge 1 July 2022</b></i>	<i><b>Fixed charge 1 July 2023</b></i>	<i><b>Charge category</b></i>
Human wastewater	\$2,500	\$2,700	\$3,000	7.1.1.3
Stormwater discharges	\$500	\$540	\$600	7.1.2.3
Intermittent discharges	\$380	\$410	\$450	7.1.3.3
Other wastewater	\$380	\$410	\$450	7.1.4.3
Earthworks discharges	\$1,200	\$1,300	\$1,500	7.1.5.3

SOE monitoring charges for **stormwater discharges from bulk earthworks** are only applicable if works are undertaken during the year in which consent monitoring charges apply.

Where there are two or more discharge to water consents relating to the same activity, only one SOE monitoring charge applies.



## Appendix 1 – SOE monitoring charges

**Table A: Environmental Science Department – Project codes and costs based on 15% cost recovery**

Project	Project Code	Total operating expenses	% Consent holder activity	Consent holder operating expenses
<b>Administration, Staff Costs, and Data Management/Databases</b>				
Administration & Staff Costs	336/1/1	\$4,602,311	15	\$690,347
Data Management/Databases	336/3/5	\$177,050	15	\$26,558
<b>Sub Total</b>				<b>\$716,905</b>
<b>Other</b>				
Science & Research	336/1/3	\$59,334	0	\$0
Science Research Strategy	336/1/6	\$80,223	0	\$0
Science Information Management	336/3/14	\$92,791	0	\$0
Citizen Science	336/11/5	\$15,732	0	\$0
Matauranga Maori	335/6/4/6	\$190,093	5	\$9,505
Special Projects***	336/4/8	\$60,069	15	\$9,010
Whaitua implementation monitoring	336/4/4/23	\$141,899	15	\$21,285
State of the Environment	336/4/3/1	\$46,453	5	\$2,323
<b>Sub Total</b>				<b>\$42,123</b>
<b>Air and Climate</b>				
Air Quality Monitoring	336/3/9	\$135,403	5	\$6,770
Climate	336/4/5/10	\$54,536	0	\$0
Ambient Air Quality	336/4/5/2	\$112,873	5	\$5,644
<b>Sub Total</b>				<b>\$12,414</b>
<b>Aquatic Ecosystems &amp; Quality</b>				
River Water Quality & Ecology	336/4/4/1	\$436,678	30	\$131,003
Ambient Coastal Monitoring & Investigations	336/4/4/3	\$241,840	30	\$72,552
Targeted Surface Water Quality Investigation	336/4/4/6	\$99,580	30	\$29,874
Recreational Water Quality	336/4/4/7	\$171,375	15	\$25,706
Lake Monitoring & Investigations	336/4/4/13	\$89,787	30	\$26,936
Didymo	336/4/4/14	\$15,370	0	\$0
Porirua Harbour turbidity monitoring	336/4/4/18	\$20,300	30	\$6,090
Porirua Harbour Strategy	336/4/4/17	\$53,208	15	\$7,981
<b>Sub Total</b>				<b>\$300,901</b>
<b>Hydrology</b>				
Surface Water Hydrological Monitoring	336/3/4	\$723,246	30	\$216,974
Groundwater Level Monitoring	336/3/6	\$214,900	30	\$64,470
Instream Flow Assessment	336/4/4/8	\$69,947	100	\$69,947
Groundwater Hydrology	336/4/1/1	\$172,155	30	\$51,647
Surface Water Hydrology	336/4/4/9	\$184,930	30	\$55,479
Telemetry of Surface Water Takes	336/4/4/15	\$7,437	100	\$7,437
<b>Sub Total</b>				<b>\$465,953</b>

<b>Terrestrial Ecosystems &amp; Quality</b>				
Land Monitoring	336/4/6/1	\$73,988	30	\$22,196
Contaminated Sites	336/4/7/1	\$91,682	30	\$27,504
Groundwater Quality Monitoring	336/3/7	\$176,123	30	\$52,837
Ambient Groundwater Quality	336/4/1/7	\$83,902	5	\$4,195
Research and Survey	336/10/1/2	\$129,384	5	\$6,469
Terrestrial SoE Monitoring	336/10/1/3	\$151,187	5	\$7,559
Performance Monitoring	336/10/1/4	\$130,691	5	\$6,535
SMap	336/11/1	\$80,000	15	\$12,000
Wetlands Tier 1 and 2	336/11/2	\$175,223	15	\$26,283
Tier 2 Monitoring	336/11/3	\$79,369	15	\$11,905
Wairarapa Moana biodiversity monitoring	336/10/3/2	\$40,998	30	\$12,300
Wainuiomata Mainland Island	336/10/3/3	\$16,780	0	\$0
<b>Sub Total</b>				<b>\$189,784</b>
<b>Services</b>				
All services	Various	\$1,731,936	0	\$0.00
<b>Sub Total</b>				<b>\$0.00</b>
		<b>Total operating expenses</b>	<b>Consent holder operating expenses</b>	
<b>Total cost</b>		<b>\$11,235,833</b>	<b>\$1,728,080</b>	

### Notes to Table A

0% – No costs could be assigned from the work undertaken to consent holder activity.

5% – Some benefit from the programme could be assigned to consent holder activity but predominantly of benefit to the public (typically would include terrestrial and aquatic monitoring that may be of natural state).

15% – Programme has medium benefit to the consent holder.

30% – The benefit that a standard SOE programme is considered to have for a consent holder, this recognises that ~30% of sites and work occasioned by Council in monitoring is a result of consent holder activity.

100% – The programme is occasioned by consent holder activity. An example is telemetering water takes whereby the work is undertaken purely to assist water take consent holders.

**Consent holder activity** – Included where work is known to be generated as a result of that activity.

The above assessment recovers 15.4% of total Environment Science costs. The Policy aims to recover up to 15% or \$1.69 million. The charges identified Part 2B of the Policy have been determined to ensure that based on current consent numbers (at the time of writing the Policy) that the amount recovered does not exceed the agreed recovery rate

**Table B: Costs assigned to consent types**

Project	Schedule 1 Land use consents		Schedule 2 Surface water takes		Schedule 3 Groundwater takes	
	%	Cost	%	Cost	%	Cost
<b>Administration, Staff Costs, and Data Management/Databases</b>	5%	\$35,845	35%	\$250,916	20%	\$143,381
<b>Other</b>						
Special Projects & Maturangi Maori	5%	\$923	35%	\$6480	20%	\$3703
State of the Environment	10%	\$232	25%	\$581	25%	\$581
Whaitua implementation monitoring	5%	\$1064	35%	\$7450	20%	\$4257
<b>Air and Climate</b>	0%	\$0	0%	\$0	0%	\$0
<b>Aquatic Ecosystems &amp; Quality</b>						
River Water Quality & Ecology, Lake Monitoring & Investigations, Targeted Surface Water Quality Investigation, Recreational Water Quality	10%	\$21,560	25%	\$53,899	5%	\$10,780
Porirua Harbour strategy & turbidity monitoring, Coastal Monitoring & Investigations	0%	\$0	0%	\$0	0%	\$0
<b>Hydrology</b>						
Surface Water Hydrological Monitoring, Surface Water Hydrology	5%	\$13,623	70%	\$190,717	10%	\$27,245
Groundwater Level Monitoring, Groundwater Hydrology	0%	\$0	20%	\$23,223	60%	\$69,670
Telemetry of Water Takes	0%	\$0	70%	\$5,206	30%	\$2,231
Instream Flow Assessment	0%	\$0	70%	\$48,963	10%	\$6,995
<b>Terrestrial Ecosystems &amp; Quality</b>						
Land Monitoring, Research & Survey, Terrestrial SOE Monitoring	0%	\$0	10%	\$3,622	10%	\$3,622
Groundwater Quality Monitoring, Ambient Groundwater Quality	0%	\$0	20%	\$11,406	20%	\$11,406
Contaminated Sites	0%	\$0	0%	\$0	0%	\$0
SMap	0%	\$0	15%	\$1,800	15%	\$1,800
Wetlands (Tier 1 & 2) Monitoring	0%	\$0	0%	\$0	30%	\$11,456
Performance Monitoring	0%	\$0	0%	\$0	0%	\$0
Wairarapa Moana biodiversity monitoring	0%	\$0	20%	\$2,460	0%	\$0
	<b>Total costs Schedule 1 Land use consents \$73,250</b>		<b>Total costs Schedule 2 Surface water takes \$606,724</b>		<b>Total costs Schedule 3 Groundwater takes \$297,128</b>	

Project	Schedule 4 Discharges to water		Schedule 5 Discharges to land		Schedule 6 Discharges to air	
	%	Cost	%	Cost	%	Cost
<b>Administration, Staff Costs, and Data Management/Databases</b>	15%	\$107,536	5%	\$107,536	10%	\$71,690
<b>Other</b>						
Special Projects & Mataurangi Maori	15%	\$2777	15%	\$2777	10%	\$1852
State of the Environment	10%	\$232	20%	\$465	10%	\$232
Whaitua implementation monitoring	20%	\$4257	20%	\$4257	0%	\$0
<b>Air and Climate</b>	0%	\$0.00	0%	\$0.00	100%	\$12,414
<b>Aquatic Ecosystems &amp; Quality</b>						
River Water Quality & Ecology, Lake Monitoring & Investigations, Targeted Surface Water Quality Investigation, Recreational Water Quality	40%	\$86,239	20%	\$43,120	0%	\$0
Porirua Harbour Strategy & Coastal Monitoring & Investigations	80%	\$68,242	20%	\$17,061	0%	\$0
<b>Hydrology</b>						
Surface Water Hydrological Monitoring, Surface Water Hydrology	10%	\$27,245	5%	\$13,623	0%	\$0
Groundwater Level Monitoring, Groundwater Hydrology	10%	\$11,612	10%	\$11,612	0%	\$0
Telemetry of Water Takes	0%	\$0	0%	\$0	0%	\$0
Instream Flow Assessment	20%	\$13,989	0%	\$0	0%	\$0
<b>Terrestrial Ecosystems &amp; Quality</b>						
Land Monitoring, Research & Survey, Terrestrial SOE Monitoring	10%	\$3,622	70%	\$25,357	0%	\$0
Groundwater Quality Monitoring, Ambient Groundwater Quality	10%	\$5,703	50%	\$28,516	0%	\$0
Contaminated Sites	10%	\$2,750	90%	\$24,754	0%	\$0
SMap	0%	\$0	70%	\$8,400	0%	\$0
Wetlands (Tier 1 & 2) Monitoring	0%	\$0	70%	\$26,732	0%	\$0
Performance Monitoring	0%	\$0	100%	\$6,535	0%	\$0
Wairarapa Moana biodiversity monitoring	70%	\$8,610	10%	\$1,230	0%	\$0
	<b>Total costs Schedule 4 Discharges to water \$342,816</b>		<b>Total costs Schedule 5 Discharges to land \$321,973</b>		<b>Total costs Schedule 6 Discharges to air \$86,188</b>	

**Table C: Phasing in of SOE monitoring charges**

The 2019 Policy recovered approximately 12.5% of the Environmental Science Department budget. This Policy targeted cost recovery based on 15%. Following deliberations of the proposed Policy in May 2021, the following adjustments were made:

1. SOE monitoring charges would be phased in over three years.
2. Telemetered water takes would be eligible for a 10% discount in their SOE monitoring charge

This resulted in the following adjustments to total cost recovery:

Total SOE cost recovery	2021-22	2022-23	2023-24
	\$1.4 million (12.5%)	\$1.46 million (13%)	\$1.62 million (14.4%)

Note : The above includes a reduction of \$60K - \$70K in Years 2 and 3 for a 10% reduction for telemetered water takes

All SOE monitoring charges determined in Part B of this Policy have been set based on the above cost recovery proportions based on consents held at the time of writing this Policy.

**Council**  
**29 June 2021**  
**Report 21.210**



**For Decision**

## **SETTING OF WELLINGTON REGIONAL COUNCIL RATES 2021/22**

### **Te take mō te pūrongo**

#### **Purpose**

1. To set Wellington Regional Council rates, due dates for the payment of rates, and authorise penalties for unpaid rates, for the 2021/22 financial year.

### **He tūtohu**

#### **Recommendations**

That Council:

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

### **Te tāhū kōrero**

#### **Background**

##### ***Setting of rates***

2. Under section 23 of the Local Government (Rating) Act 2002 (the Act), Council must set its rates for the 2021/22 financial year by resolution. Rates must be set in accordance with the relevant provisions of Greater Wellington's Long-Term Plan and the funding impact statement for the financial year.
3. Section 24 of the Act provides that in its rates resolution, Council must state the date on which the rates are to be paid or, if these are to be paid in instalments, the dates on which specified amounts must be paid.

**Defence land**

4. Section 22 of the Act requires that the general rate and targeted rates, set under section 16 of the Act, that are assessed for land owned or used by the Crown as an air force base, army camp, naval establishment, or other defence area, must not exceed the amount of rates that would otherwise have been assessed if the rates were calculated on land value.
5. The only facility in the Wellington Region that qualifies for this adjustment, Trentham Camp in Upper Hutt, is part residential, part commercial and part rural. The effect of section 22 is to reduce the overall rates for Trentham Camp and adjust the cents in the dollar paid by other properties in Upper Hutt.

**Differential rating categories**

6. Council's general rate is assessed on the basis of which district the land falls in using an "estimate of projected valuation" under section 131 of the Act. Equalisation is made to recognise the difference in valuation dates throughout the Wellington Region. The "cents in the dollar" calculation is made on the basis of the rateable capital values of properties as at 14 May 2021, as supplied by each of the constituent authorities.
7. Different differentials are applied on the general rate within Wellington City only. The general rate for the other districts within the Wellington Region is undifferentiated and rated at base category.
8. The differentials for the general rate within Wellington City are:

<b>Rating category</b>	<b>Differential rate</b>
Residential	1
Wellington CBD business	1.7
Business	1.3
Rural	1

9. Targeted rates are differentiated on a number of different matters:

<b>Funding mechanism</b>	<b>Matters for differentiation/categories of land</b>
Public transport	Where the land is situated and the use to which the land is put.
River management	Where the land is situated.
Wellington regional strategy	Where the land is situated and the use to which the land is put.
Warm Greater Wellington	Separate funding enabling direct recovery from those who benefit from the activity.
Pest management	Rural land 4 ha or more assessed on a land area basis
Wairarapa river management schemes	Where the land is situated (in some cases set under section 146 of the Act using approved classification and differential registers) and/or the benefits accruing through the provision of services and in some cases use.

<b>Funding mechanism</b>	<b>Matters for differentiation/categories of land</b>
Wairarapa catchment schemes	Where the land is situated (in some cases set under section 146 of the Act using approved classification and differential registers) and in some cases use and land value
Wairarapa drainage schemes	Where the land is situated (set under section 146 of the Act using approved classification and differential registers).

10. For the public transport, river management and Wellington regional strategy rates, Council bases its differential rating categories on those used by each of the territorial authorities in the Wellington Region. Differential rating categories for the Wairarapa river management schemes, Wairarapa catchment schemes and Wairarapa drainage schemes are based on areas identified on the approved classification registers held by Greater Wellington. The differential rating category for the Warm Greater Wellington rate is based on the service provided, calculated as a percentage of the service.

***Transition under the Revenue and Financing Policy - public transport rate***

11. In Greater Wellington's 2018-28 Long Term Plan, Council adopted a Revenue and Financing Policy which provides for a six year transition to the full impact of the new public transport rate. The transition for each rating category in each location is to be calculated as six differentials of approximately even size, applied annually using the equalised capital value for that year. The differentials are based on location and use to which the land is put. 2021/22 is the fourth year of this transition.

***Authorisation of penalties***

12. Under sections 57 and 58 of the Act, Council may (by resolution) authorise the imposition of penalties on unpaid rates. In addition to penalties applied to rates that remain unpaid after the instalment due date, Council can authorise additional penalties to rates unpaid from a previous year or years. The unpaid date for additional arrears penalties is required by the Act to be set based on the date that rates are set and will not necessarily be the same as the dates set by the territorial authorities. The penalties resolution is required to state the date the penalty will be applied.

***Implications of collection arrangements***

13. Because Council has continued with arrangements for the collection of its rates by territorial authorities (other than for properties within Tararua District), for practical purposes Council sets instalment dates and penalty provisions that are consistent with those set by the Wellington Region's territorial authorities. This approach means that different provisions apply throughout the Wellington Region, but that within a district there is consistency between the territorial authority and regional council provisions.

***Policies***

14. Council's Rates Remission and Postponement Policy contains a number of rating policies that specify the circumstances in which Council will remit or postpone rates.



## **Te tātaritanga**

### **Analysis**

#### ***Setting of rates***

15. The rates are set in accordance with sections 23 and 24 of the Local Government (Rating) Act 2002. Greater Wellington uses a rating model to determine the rates required by each rating category or territorial authority to cover funding requirements for the forthcoming year.
16. Officers recommend that Council sets the proposed rates for the 2021/22 financial year, as set out in **Attachment 1**.

#### ***Setting instalment dates and penalties on unpaid rates***

17. Officers recommend that in accordance with section 24 of the Local Government (Rating) Act 2002 Council sets the instalment due dates as set out in **Attachment 2**.
18. Officers recommend that in accordance with section 57 and 58 of the Local Government (Rating) Act 2002 Council resolves to add penalties to unpaid rates as outlined in **Attachment 2**.

## **Ngā hua ahumoni**

### **Financial implications**

19. Greater Wellington will deliver a work programme with the rates impact that is envisioned in the 2021-31 Long Term Plan - averaging a 12.95% increase across the Wellington Region. This equates to approximately an average increase per week across the whole Wellington Region of \$1.31 (incl. GST) for the residential ratepayer, \$5.01 (excl. GST) for the business ratepayer and \$1.65 (excl. GST) for the rural ratepayer. The financial implications have been further elaborated in the Council report - Adoption of the 2021-31 Long Term Plan (Report 21.169), also being considered at this meeting.

## **Ngā tikanga whakatau**

### **Decision-making process**

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

## **Te hiranga**

### **Significance**

21. 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 the matter of low significance because the setting of the rates is an administrative process, undertaken as an outcome of Greater Wellington's 2021-31 Long Term Plan, which was developed in accordance with the consultation requirements set out the Local Government Act 2002.

**Te whakatūtakitaki**

**Engagement**

22. The consultation and engagement on the development of the 2021-31 Long Term Plan has been designed taking into account Council’s *Significance and Engagement Policy*.

**Ngā tūāoma e whai ake nei**

**Next steps**

23. Assuming Council’s agreement with the matters for decision, Greater Wellington officers will then:
- a Notify the territorial authorities in the Wellington Region of these resolutions; and
  - b Place these resolutions on Greater Wellington's website — this meets the notification requirement in section 23(5) of the Act.
24. Individual property owners will be notified of their rating liability when rates assessment notices are sent out.

**Ngā āpitihanga**

**Attachments**

Number	Title
1	Setting of the Wellington Regional Council rates
2	Instalment due dates and penalties

**Ngā kaiwaitohu**

**Signatories**

Writer	Ashwin Pai - Financial Controller
Approver	Alison Trustrum-Rainey - Chief Financial Officer Samantha Gain - General Manager Corporate Services

<p style="text-align: center;"><b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or Committee's terms of reference</i></b></p> <p>Council is required to make the proposed decisions under the Local Government (Rating) Act 2002.</p>
<p><b><i>Implications for Māori</i></b></p> <p>There are no known implications for Māori.</p>
<p><b><i>Contribution to Annual Plan / long term Plan / Other key strategies and policies</i></b></p> <p>The setting of rates implements the funding impact statement in the Greater Wellington's 2021-31 Long Term Plan.</p>
<p><b><i>Internal consultation</i></b></p> <p>The Strategic and Corporate Planning department was consulted in preparing this report.</p>
<p><b><i>Risks and impacts: legal / health and safety etc.</i></b></p> <p>There are no known risks from the proposed decisions.</p>

## Attachment 1 to Report 21.210



## Setting of Wellington Regional Council Rates for 2021/22

## a. General rate

A general rate set under section 13(2)(b) of the Local Government (Rating) Act 2002 as an amount in the dollar of capital value on each rateable rating unit as follows:

General rate	2021/22 Cents per \$ of rateable capital value	2021/22 Revenue required \$
Wellington city - CDB	0.06097	6,033,821
Wellington city - Business	0.04662	2,146,948
Wellington city - Residential	0.03586	21,093,983
Wellington city - Rural	0.03586	293,637
Hutt city	0.03791	10,945,061
Upper Hutt city	0.03837	4,423,680
Porirua city	0.03675	5,310,919
Kāpiti Coast district	0.03368	6,610,567
Masterton district	0.03380	2,920,823
Carterton district	0.03379	1,238,632
South Wairarapa district	0.03342	2,089,539
Tararua district	0.03384	5,406
<b>Total general rate</b>		<b>63,113,016</b>

**Attachment 1 to Report 21.210***b. Targeted rate: Public transport*

*The following differential targeted rate is set under section 16(3)(b) and section 16(4)(b) of the Local Government (Rating) Act 2002 as an amount in the dollar of capital value on each rateable rating unit as follows:*

Targeted rate Public transport rate	2021/22 Cents per \$ of rateable capital value	2021/22 Revenue required \$
<b>Wellington city</b>		
Regional CBD	0.27521	27,237,588
Business	0.04592	2,114,618
Residential	0.03531	20,766,169
Rural	0.00889	72,760
<b>Hutt city</b>		
Business	0.05322	2,646,591
Residential	0.04313	10,127,400
Rural	0.01087	45,731
<b>Upper Hutt city</b>		
Business	0.05462	799,340
Residential	0.04588	4,110,599
Rural	0.01154	133,299
<b>Porirua city</b>		
Business	0.05438	780,098
Residential	0.04460	5,428,221
Rural	0.01125	95,038
<b>Kāpiti Coast district</b>		
Business	0.03926	692,153
Residential excl Otaki	0.03029	4,115,503
Residential Otaki rating area	0.01909	314,959
Rural	0.00764	201,057
<b>Masterton district</b>		
Business	0.02529	185,662
Residential	0.01405	558,286
Rural	0.00643	252,688
<b>Carterton district</b>		
Business	0.02750	34,826
Residential	0.01626	209,010
Rural	0.00697	157,005
<b>South Wairarapa district</b>		
Business	0.02880	80,379
Residential	0.01768	369,043
Rural	0.00727	282,307
<b>Total public transport rate</b>		<b>81,810,331</b>

## Attachment 1 to Report 21.210

## c. Targeted rate: River management

The following differential targeted rates are set under section 16(3)(b) and section 16(4)(b) of the Local Government (Rating) Act 2002 as an amount in the dollar of capital value or land value on each rateable rating unit as follows:

Targeted rate	2021/22	2021/22
River management rate	Cents per \$ of	Revenue
based on capital value	rateable capital	required
	value	\$
Wellington city	0.00008	56,888
Hutt city	0.01492	4,306,466
Upper Hutt city	0.00928	1,069,966
Porirua city	0.00039	56,371
Kāpiti Coast district	0.00653	1,281,539
Carterton district	0.00068	24,909
<b>Total district-wide river management rate</b>		<b>6,796,140</b>
Greytown ward	0.00872	97,251
<b>Total river management rates based upon capital value</b>		<b>6,893,391</b>
Targeted rate	2021/22	2021/22
River management	Cents per \$ of	Revenue
	rateable land	required
	value	\$
Featherston urban: Donalds Creek Stopbank	0.00098	2,748
<b>Total river management rates based upon land value</b>		<b>2,748</b>
<b>Total river management rates</b>		<b>6,896,138</b>

## Attachment 1 to Report 21.210

## d. Targeted rate: Wellington Regional Strategy

The following differential targeted rate is set under section 16(3)(a) and section 16(4)(b) of the Local Government (Rating) Act 2002 as an amount in the dollar of capital value or a fixed amount per rating unit on each rateable rating unit as follows:

Targeted rate Wellington regional strategy rate	\$ per rating unit	2021/22 Cents per \$ of rateable capital value	2021/22 Revenue required \$
<b>Wellington city</b>			
Regional CBD		0.00733	725,588
Business		0.00733	337,617
Residential – per rating unit	\$14.00		1,026,844
Rural – per rating unit	\$28.00		23,436
<b>Hutt city</b>			
Business		0.00697	346,527
Residential – per rating unit	\$14.00		520,604
Rural – per rating unit	\$28.00		13,580
<b>Upper Hutt city</b>			
Business		0.00704	100,460
Residential – per rating unit	\$14.00		212,814
Rural – per rating unit	\$28.00		35,616
<b>Porirua city</b>			
Business		0.00676	96,917
Residential – per rating unit	\$14.00		251,538
Rural – per rating unit	\$28.00		17,556
<b>Kāpiti Coast district</b>			
Business		0.00619	109,154
Residential – per rating unit	\$14.00		297,780
Rural – per rating unit	\$28.00		72,492
<b>Masterton district</b>			
Business		0.00621	45,618
Residential – per rating unit	\$14.00		115,570
Rural – per rating unit	\$28.00		99,540
<b>Carterton district</b>			
Business		0.00621	7,865
Residential – per rating unit	\$14.00		34,846
Rural – per rating unit	\$28.00		51,324
<b>South Wairarapa district</b>			
Business		0.00614	17,147
Residential – per rating unit	\$14.00		47,208
Rural – per rating unit	\$28.00		82,908
Tararua district – per rating unit	\$28.00		252
<b>Total Wellington regional strategy rate</b>			<b>4,690,802</b>

**Attachment 1 to Report 21.210***e. Targeted rate: Warm Greater Wellington*

The following targeted rate is set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 as a rate based on the extent of service provided (dollars), calculated as a percentage of the service. This is in respect of those properties who have been approved to take up the Warm Greater Wellington scheme. In the final year of payment, the rate may be the actual balance rather than a percentage of the service amount:

Targeted rate Warm Greater Wellington Based on extent of service	2021/22 Percentage of service provided	2021/22 Revenue required \$
For any ratepayer that utilises the service	15.000%	2,868,618

*f. Targeted rate: Pest Management*

The following differential targeted rates are set under section 16(3)(b) and section 16(4)(a) of the Local Government (Rating) Act 2002 as an amount in the dollar per hectare on each rateable rural rating unit with a land area of 4 or more hectares as follows:

Targeted rate Pest management	2021/22 \$ per hectare	2021/22 Revenue required \$
Rural land area		
Land area of 4 or more hectares in all rural classified areas	1.10668	666,800
<b>Total pest management rate</b>		<b>666,800</b>

*g. Targeted rate: River management schemes (1)*

The following targeted rates are set under sections 16(3)(b), 16(4)(b) and 146 of the Local Government (Rating) Act 2002 as an amount per hectare on each rateable rating unit in the classified scheme area as follows:



## Attachment 1 to Report 21.210

Targeted rate River management schemes 1		2021/22 \$ per hectare	2021/22 Revenue required \$
Waingawa	A	154.22135	5,231
	B	100.24382	13,063
	C	77.11068	8,806
	D	69.39963	162
	E	61.68848	10,352
	F	53.97743	1,401
	G	23.13324	1,085
	H	15.42209	2,600
			<b>42,700</b>
Upper Ruamahanga	A	151.95336	13,527
	B	126.62780	835
	C	101.30224	12,639
	D	75.97668	1,338
	E	50.65112	15,027
	F	25.32556	998
	S	1,426.85481	3,710
			<b>48,074</b>
Middle Ruamahanga	A	137.68324	5,554
	B	114.73605	6,257
	C	91.78886	469
	D	68.84157	7,789
	E	45.89438	1,384
	F	22.94719	6,778
	S	1,388.50933	2,916
			<b>31,148</b>
Lower Ruamahanga	A	70.24589	8,814
	B	60.21079	3,241
	C	50.17570	11,248
	D	40.14049	12,754
	E	30.10540	9,740
	F	20.07030	24,573
	SA	1,761.39562	4,403
	SB	880.69792	1,585
			<b>76,358</b>

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Targeted rate		2021/22	2021/22
River management schemes 1		\$ per hectare	Revenue required \$
Waiohine Rural	A	48.15011	5,416
	B	40.12505	15,359
	C	32.10010	41,021
	D	24.07505	8,928
	E	16.05000	12,804
	S	802.50190	13,723
			<b>97,251</b>
Mangatarere	A	36.37214	780
	B	34.79068	7,290
	C	29.48175	465
	D	26.09301	1,875
			<b>10,410</b>
Waipoua	A	117.14194	10,250
	B	93.71355	28,145
	C	70.28517	1,578
	D	46.85678	13,927
	SA	3,959.39769	396
	SC	2,366.26726	237
			<b>54,533</b>

## Attachment 1 to Report 21.210

Targeted rate River management schemes 1		2021/22 \$ per hectare	2021/22 Revenue required \$
Kopuaranga	A2	126.46612	3,295
	A3	113.82050	7,843
	A4	63.23306	714
	A5	44.26316	2,555
	A6	25.29326	2,052
	B2	25.29326	1,550
	B3	22.77412	1,673
	B4	12.64663	117
	B5	8.85261	275
	B6	5.05869	608
	SA	158.20781	791
	SB	79.10906	1,108
Lower Taueru	A	5.16418	2,043
	B	1.03281	292
	C	0.51641	99
	S	258.21063	392
Lower Whangaehu	A	22.70458	758
	B	18.16366	1,179
	C	13.62275	741
	D	9.08183	695
	E	4.54092	797
	S	113.52289	151
<b>Total river management scheme rates 1</b>			<b>390,202</b>

**Attachment 1 to Report 21.210***h. Targeted rate: River management schemes (2)*

*The following targeted rate is set under sections 16(3)(b) and 16(4)(b) of the Local Government (Rating) Act 2002 as a dollar amount per point on each rateable rating unit and in some cases a fixed charge per separately used or inhabited part of a rateable rating unit (dwelling) on any unit that has any residential use within the classified scheme area as follows:*

Targeted rate		2021/22	2021/22	2021/22
River management schemes 2		\$ per dwelling	\$ per point	Revenue required \$
Lower Wairarapa valley Development Scheme	A		0.26326	760,510
	Sa	21.11490		8,805
	Sb	42.25976		95,592
<b>Total river management scheme rates 2</b>				<b>864,907</b>
<b>Total river management scheme rates</b>				<b>1,255,109</b>

*i. Targeted rate: Catchment schemes (1)*

*The following targeted rates are set under sections 16(3)(b), 16(4)(b) and 146 of the Local Government (Rating) Act 2002 as an amount per hectare on each rateable rating unit in the classified scheme area as follows:*

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Targeted rate Catchment schemes 1		2021/22 \$ per hectare	2021/22 Revenue required \$
Whareama	A	4.63988	3,319
	B	1.78826	1,703
	C	0.31304	14,267
	D	0.00000	0
	E	0.22287	3
	F	0.17799	491
			<b>19,784</b>
Homewood	A	1.97915	4,542
	B	1.88489	1,041
	C	1.64924	6,040
	D	0.23565	410
			<b>12,033</b>
Maungaraki	A	1.03020	3,405
	B	0.51000	1,515
			<b>4,921</b>
Upper Kaiwhata	A	10.63112	347
	B	4.65111	245
	C	0.66440	637
	D	0.39868	818
	E	0.26582	436
	F	0.13286	60
			<b>2,543</b>
Lower Kaiwhata	A	17.27730	794
	B	7.55882	336
	C	1.07983	1,251
	D	0.64786	1,917
	E	0.00000	0
	F	0.21599	75
			<b>4,373</b>
<b>Catchment management scheme 1 rates</b>			<b>43,654</b>

**Attachment 1 to Report 21.210***j. Targeted rate: Catchment schemes (2)*

The following targeted rates are set under sections 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 as an amount in the dollar of land value on each rateable rating unit in the classified scheme area as follows:

Targeted rate		2021/22	2021/22
Catchment schemes 2		Cents per \$ of rateable land value	Revenue required \$
Awheia-Opouawe	Land value	0.01273	10,734
Mataikona-Whakataki	Land value within scheme area	0.00288	4,013
<b>Catchment management scheme 2 rates</b>			<b>14,747</b>

*k. Targeted rate: Catchment schemes (3)*

The following targeted rates are set under sections 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 as a fixed charge per separately used or inhabited part of a rateable rating unit {dwelling} on any unit that has any residential use within the classified scheme area as follows:

Targeted rate		2021/22	2021/22
Catchment schemes 3		\$ per dwelling	Revenue required \$
Awheia-Opouawe	Charge per dwelling	\$140.02 / \$70.09	12,057
Maungaraki	Charge per dwelling	\$23.08	439
Mataikona-Whakataki	Charge per dwelling	\$23.45	2,805
<b>Catchment management scheme 3 rates</b>			<b>15,301</b>

The above table shows that if a landowner has more than one dwelling on the property, the first dwelling is charged at the higher rate of \$140.02 and the subsequent dwellings will be charged at a lower rate.

*l. Targeted rate: Catchment schemes (4)*

The following targeted rate is set under sections 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act on any rateable rating unit in the classified scheme area as based on the area of land within the rating unit that is protected by the Council's river management activity, calculated as cents per metre of the rating unit's river frontage.

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Targeted rate		2021/22	2021/22
Catchment schemes 4		Cents per metre of river frontage	Revenue required \$
Maungaraki	River frontage	0.03680	1,752
<b>Catchment management scheme 4 rates</b>			<b>1,752</b>
<b>Total catchment management scheme rates</b>			<b>75,453</b>

*m. Targeted rate: Pump drainage schemes*

The following targeted rates are set under sections 16(3)(b), 16(4)(a) and 146 of the Local Government (Rating) Act 2002 as an amount per hectare on each rateable rating unit in the classified scheme area as follows:

Targeted rate		2021/22	2021/22
Pump drainage schemes		\$ per hectare	Revenue required \$
Te Hopai	A	43.63662	54,398
Moonmoot pump	A	122.37450	27,867
Onoke pump	A	71.19090	50,790
Pouawha pump	A	107.39682	101,544
<b>Total pump drainage scheme rates</b>			<b>234,599</b>

*n. Targeted rate: Gravity drainage schemes*

The following targeted rates are set under sections 16(3)(b), 16(4)(a), 16(4)(b) and 146 of the Local Government (Rating) Act 2002 as an amount per hectare on each rateable rating unit in the classified scheme area as follows:

**Attachment 1 to Report 21.210**

Targeted rate		2021/22	2021/22
Gravity drainage schemes		\$ per hectare	Revenue required
			\$
Okawa	A	7.36480	2,077
Taumata	A	6.63366	1,927
East Pukio	A	29.16208	3,310
Longbush	A	16.55943	3,612
Longbush	B	8.27972	1,040
Otahoua	A	34.00134	3,152
Te Whiti	A	10.02683	1,417
Ahikouka	A	28.54437	3,203
Battersea	A	15.87250	2,677
Battersea	B	13.14175	2,567
Battersea	C	10.24029	3,240
Battersea	D	6.14422	938
Battersea	E	5.29080	1,073
Battersea	F	5.12020	361
Manaia	A	23.89889	4,170
Whakawiriviri	A	12.05880	8,693
<b>Total gravity drainage scheme rates</b>			<b>43,459</b>



## Attachment 2 to Report 21.210



### Setting the rates instalment due dates and penalties for 2021/22 as per parts two and three of the rates resolution

*All instalments are for an equal amount of the annual rates*

a. *All rating units within Wellington City*

**Instalment penalty**

*A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:*

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
1	1 September 2021	8 September 2021
2	1 December 2021	8 December 2021
3	1 March 2022	8 March 2022
4	1 June 2022	8 June 2022

**Additional arrears penalty**

*An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 7 July 2021. The penalty will be added to rates on 7 July 2021. A further additional 10% penalty will be imposed on 10 January 2022 to rates from previous years to which a penalty has been added on 7 July 2021 that remain unpaid.*

b. *All rating units within Lower Hutt City*

**Instalment penalty**

*A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below.*

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
1	20 August 2021	20 August 2021
2	20 October 2021	20 October 2021
3	20 December 2021	20 December 2021
4	21 February 2022	21 February 2022
5	20 April 2022	20 April 2022
6	20 June 2022	20 June 2022

**Attachment 2 to Report 21.210****Additional arrears penalty**

A penalty of 10% will be added to the amount of any rates assessed in previous years remaining unpaid at 20th August 2021. A further additional 10% penalty will be imposed on 21 February 2022 to rates from previous years to which a penalty has been added on 20 August 2021 that remain unpaid.

- c. All rating units within Upper Hutt City

**Instalment penalty**

A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
1	31 August 2021	1 September 2021
2	31 October 2021	2 November 2021
3	15 January 2022	18 January 2022
4	28 February 2022	1 March 2022
5	30 April 2022	3 May 2022

**Additional arrears penalty**

An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 6 July 2021. The penalty will be added to rates on 6 July 2021. A further additional 10% penalty will be imposed on 6 January 2022 to rates from previous years to which a penalty has been added on 7 July 2021 that remain unpaid.

- d. All rating units within Porirua City

**Instalment penalty**

A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
1	20 August 2021	23 August 2021
2	22 November 2021	23 November 2021
3	21 February 2022	22 February 2022
4	20 May 2022	23 May 2022

**Additional arrears penalty**

An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 6 July 2021. The penalty will be added to rates on 19 August 2021.

**Attachment 2 to Report 21.210**

- e. *All rating units within Kapiti Coast District*

**Instalment penalty**

A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
1	9 September 2021	10 September 2021
2	9 December 2021	10 December 2021
3	9 March 2022	10 March 2022
4	9 June 2022	10 June 2022

**Additional arrears penalty**

An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 1 July 2021. The penalty will be added to rates on 7 July 2021.

- f. *All rating units within Masterton District*

**Instalment penalty**

A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty date</i>
1	1 August 2021	20 August 2021
2	1 November 2021	22 November 2021
3	1 February 2022	21 February 2022
4	1 May 2022	20 May 2022

An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 2 July 2021. The penalty will be imposed on 7 July 2021.

- g. *All rating units within Carterton District*

**Instalment penalty**

A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
1	20 August 2021	23 August 2021
2	22 November 2021	23 November 2021
3	21 February 2022	22 February 2022

**Attachment 2 to Report 21.210**

4	20 May 2022	23 May 2022
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**Additional arrears penalty**

*An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 30 June 2021. The penalty will be added to rates on 2 July 2021.*

- h. All rating units within South Wairarapa District

**Instalment penalty**

*A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:*

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
1	20 August 2021	23 August 2021
2	22 November 2021	23 November 2021
3	21 February 2022	23 February 2022
4	20 May 2022	23 May 2022

**Additional arrears penalty**

*An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 1 July 2021. The penalty will be added to rates on 7 July 2021. A further additional 10% penalty will be imposed on 6 January 2022 to rates from previous years to which a penalty was added on 2 July 2021 that remain unpaid.*

- i. All rating units within that part of Tararua District falling within the Wellington Region.

**Instalment penalty**

*A 10% penalty will be added to any portion of the current instalment that remains unpaid after the due date as shown in the table below:*

<i>Instalment</i>	<i>Due Date</i>	<i>Penalty Date</i>
Current instalment	3 September 2021	6 September 2021

**Additional arrears penalty**

*An additional 10% penalty will be imposed on any amount of rates assessed in previous years and remaining unpaid at 6 July 2021. The penalty will be added to rates on 6 July 2021. A further additional 10% penalty will be imposed on 2 January 2022 to rates from previous years to which a penalty was added on 6 July 2021 that remain unpaid.*

Council  
29 June 2021  
Report 21.282



For Decision

## WHOLESALE WATER LEVY 2021/22 AND END OF YEAR ADJUSTMENT FOR LEVY 2020/21

Te take mō te pūrongo  
Purpose

- To set the wholesale water levy for 2021/22 year and adjust the 2020/21 year levy apportionment.

He tūtohu  
Recommendations

That the Council:

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

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

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

	<b>2020/21 Adjustments</b>	
	<b>\$ (GST exclusive)</b>	
Hutt City Council	25,893	Debit
Porirua City Council	8,036	Debit
Upper Hutt City Council	109,606	Debit
Wellington City Council	(143,535)	Credit

## **Te tāhū kōrero/Te horopaki Background/Context**

2. Greater Wellington Regional Council’s bulk water supply activity is funded by the bulk water levy, a levy on the metropolitan city councils supplied with water that is set and collected in accordance with the Wellington Region Water Board Act 1972. Each of the four metropolitan city councils is charged based on the previous year’s proportionate consumption of bulk water supplied by Greater Wellington.
3. Greater Wellington has discussed with its water supply customers (the four metropolitan city councils) the water supply levy for 2021/22, for inclusion in their respective long term plans.
4. The 2021-31 Long Term Plan (Report 21.169) outlines that the levy for the 2021/22 financial year will increase by 9.65 percent from that set for the 2020/21 financial year.

## **Te tātaritanga Analysis**

### ***Proposed 2021/22 wholesale water levies***

5. The proposed levy for 2021/22, as included in the 2021-31 Long Term Plan (Report 21.169), provides for a 9.65 percent increase to the current year’s levy. The levy for the 2021/22 financial year will be \$39,319,128 (GST exclusive).

The Levy applicable to each city council would be as follows in Table 1:

**Table 1**

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

### ***Proposed end of year adjustment levies for 2020/21***

6. At the beginning of each year an estimate of each city’s water consumption is calculated, and charges are raised based on the amount of water supplied in the previous year. Once the amounts of water actually supplied during the 2020/21 year is known an adjustment is made at year end. The metering year ends on the last Wednesday of March and the volumes recorded are used to determine an end of year adjustment. Table 2 shows the end of year adjustments. Consumption figures are reported to all metropolitan councils weekly.

**Table 2**

<b>Council</b>	<b>Adjustment for 2020/21 \$ (GST exclusive)</b>	<b>Charge or refund</b>
Hutt City Council	25,893	To pay
Porirua City Council	8,036	To pay
Upper Hutt City Council	109,606	To pay
Wellington City Council	(143,535)	Refund
<b>Total</b>	<b>-</b>	

**Ngā hua ahumoni  
Financial implications**

7. Each of the four city councils is aware of the requirement for the contributions set out in this report.
8. Although Greater Wellington’s overall financial position does not change, some accounting adjustments are needed at the end of each financial year to reflect the amount of water actually consumed by each city. Accordingly, charges raised to the cities previously are revised. On 20 July 2021 a refund will be sent to Wellington City Council. On the same day an invoice raised for each of Hutt, Porirua and Upper Hutt City Councils will be due for payment.

**Ngā tikanga whakatau  
Decision-making process**

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

**Te hiranga  
Significance**

10. Part 6 requires Greater Wellington to consider the significance of the decision. The term ‘significance’ has a statutory definition set out in the Act. Officers have considered the significance of the matter, taking the Council's significance and engagement policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

## **Te whakatūtakitaki**

### **Engagement**

11. The consultation and engagement on the development of the proposed 2021/22 Annual Plan was designed taking into account Greater Wellington's Significance and Engagement Policy and legislative requirements.
12. There has been communication with each of the four city councils regarding the increase in the bulk water levy for 2021/22, and the end of year adjustment for 2020/21.

### **Ngā tūāoma e whai ake nei**

#### **Next steps**

13. Council's decision in relation to the 2021/22 levies and adjustments to the levies charged for 2020/21 will be promptly communicated to the metropolitan city councils.
14. Settlement of the year end adjustment levies for 2020/21 takes place on 20 July 2021.

### **Ngā kaiwaitohu**

#### **Signatories**

Writers	Brady Corkill – Management Accountant Stephen Hill – Strategic Business Partner
Approvers	Ali Trustrum-Rainey – Chief Financial Officer Samantha Gain – GM Corporate Services



<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or Committee's terms of reference</i></b> Council is responsible for approving the apportionment of wholesale water costs.
<b><i>Implications for Māori</i></b> While water holds a significance importance for Māori, there is no known significant implications arising from application of the wholesale cost apportionment formula.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> Apportionment of water levies is an essential part of the annual planning process.
<b><i>Internal consultation</i></b> As the apportionment is a largely recurring technical matter, there has not been wide internal consultation in preparing this report.
<b><i>Risks and impacts: legal / health and safety etc.</i></b> There are no significant risks or impacts in relation to the matters being decided other than those relating to the accuracy of the calculations, which have been subject to internal review.

**Council**  
**29 June 2021**  
**Report 21.257**



**For Decision**

## **APPROVAL OF THE WELLINGTON REGIONAL LAND TRANSPORT PLAN 2021**

### **Te take mō te pūrongo**

#### **Purpose**

1. To present Council with the Wellington Regional Land Transport Plan 2021 for approval.

### **He tūtohu**

#### **Recommendations**

That Council:

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

#### **Consideration by Committee**

2. Approval of the Wellington Regional Land Transport Plan 2021 was recommended to Council by the Regional Transport Committee at its meeting on 8 June 2021 (Approval of the Wellington Regional Land Transport Plan 2021 – Report 21.203).

### **Te tāhū kōrero**

#### **Background**

3. The Land Transport Management Act 2003 (LTMA) requires development of a Regional Land Transport Plan (RLTP) every six years, with a review after three years. The Regional Transport Committee (Committee) must prepare and consult on the RLTP. The Council has responsibility for approving the RLTP and forwarding it to Waka Kotahi NZ Transport Agency (Waka Kotahi). The Wellington RLTP 2021 must be submitted to Waka Kotahi by 30 June 2021.
4. The Wellington RLTP 2021 contains the required objectives, policies and measures under the LTMA and forms the strategic case for investment in the regional land transport network. It also sets out all the land transport activities proposed in the Wellington Region in the next six years, including significant activities in priority order and a 10-year financial forecast. This forms the Wellington Region's bid for funding

assistance from the National Land Transport Fund (NLTF). Waka Kotahi must take the Wellington RLTP 2021 into account when preparing its National Land Transport Programme (NLTP).

5. The Wellington RLTP 2021 was developed collaboratively with a technical advisory group comprising officers from all Wellington Region territorial authorities, Greater Wellington, Waka Kotahi and KiwiRail.
6. The Committee approved the draft Wellington RLTP 2021 for consultation on 9 February 2021 (Draft Wellington Regional Land Transport Plan 2021 for consultation – Report 21.7). Six weeks of consultation was conducted, in conjunction with the consultation on the draft Regional Public Transport Plan.
7. The Regional Land Transport Plan 2021 Hearing Subcommittee (the Subcommittee) met to consider all submissions received on the draft RLTP on 13 and 15 April 2021. The Subcommittee reported back to the Committee on 8 June 2021 (Report of the Regional Land Transport Plan 2021 hearing subcommittee – Report 21.175), recommending changes to the draft Wellington RLTP 2021. At the same meeting, the Committee resolved to recommend the final Wellington RLTP 2021 for approval (Approval of the Wellington Regional Land Transport Plan 2021 – Report 21.203).

## **Te tātaritanga Analysis**

### ***Process for approval of the Wellington RLTP 2021***

8. Under section 18B of the LTMA, after preparing the RLTP, the Committee must lodge the plan with the Council. Section 18B(3) specifies that Council may either: approve the RLTP without modification; or refer the RLTP back to the Committee with a request to reconsider aspects of the RLTP.
9. Should Council decide to refer the Wellington RLTP 2021 back to the Committee for reconsideration, the only practicable option to meet the 30 June 2021 deadline would be to forward to Waka Kotahi the unapproved RLTP with a statement of reasons why it is not approved. This is provided for by section 18(6)(b).

## **Ngā hua ahumoni Financial implications**

10. There are no financial implications from the matters for decision. Funding to implement the Wellington RLTP 2021 will be considered by each of the plan's partners and in the development of the NLTP 2021-24.

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

11. The process for deciding this matter is prescribed by sections 13, 18 and 18B of the LTMA. These sections provide that every six years, Council must ensure that the Committee prepares, on Council's behalf, an RLTP. The Committee has prepared the RLTP, completed public consultation in accordance with the consultation principles in section 82 of the Local Government Act 2002 (LGA), and recommended approval of the

final RLTP to Council. Under s18B of the LTMA Council may either approve the RLTP without modification or refer it back to the Committee for reconsideration.

### **Te hiranga Significance**

12. Officers considered the significance (as defined by Part 6 of the LGA) of this matter, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. The approving of the Wellington RLTP 2021 is a decision of high significance, as inclusion of activities in the Wellington RLTP 2021 is a statutory requirement for transport activities to be considered for inclusion in the NLTP 2021-24 and to receive funding from the NLTF.

### **Te whakatūtakitaki Engagement**

13. The Committee conducted public consultation on the draft Wellington RLTP 2021 in accordance with the consultation principles in section 82 of the LGA. In this case, the Committee decided to use the special consultative procedure specified in section 83 of the LGA.

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

14. On approval, the Wellington RLTP 2021 will be forwarded to Waka Kotahi, along with other statutory recipients. The Wellington RLTP 2021 will be published on the Greater Wellington website. Communication will be sent to submitters and interested parties after the Council meeting on 29 June 2021 outlining the decisions made and directing them to where they can access a copy of the final Wellington RLTP 2021.
15. We expect to receive notice from Waka Kotahi regarding the National Land Transport Programme in early September 2021.

**Ngā āpitihanga**  
**Attachment**

<b>Number</b>	<b>Title</b>
1	Wellington Regional Land Transport 2021

**Ngā kaiwaitohu**  
**Signatories**

Writer	Amy Helm – Senior Strategic Advisor, Regional Transport
Approvers	Grant Fletcher – Manager, Regional Transport Luke Troy – General Manager, Strategy Cr Adrienne Staples – Chair, Regional Transport Committee

<p style="text-align: center;"><b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>Approval of the RLTP is a responsibility of Council under section 13 of the LTMA.</p>
<p><b><i>Implications for Māori</i></b></p> <p>Greater Wellington has worked through the Long Term Plan process to engage with mana whenua to build direct enduring relationships that will allow co-development of responses to transport issues of specific interest to individual mana whenua.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The Wellington RLTP 2021 is a key regional strategy.</p>
<p><b><i>Internal consultation</i></b></p> <p>In the preparation of this report, consultation was undertaken with Greater Wellington's strategy and corporate planning department</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>The Wellington RLTP 2021 must be submitted to Waka Kotahi by 30 June 2021. If the Council decides to refer any aspect of the RLTP back to the Committee for reconsideration, then to meet the 30 June 2021 deadline the Wellington RLTP 2021 would need to be forwarded to Waka Kotahi unapproved.</p>

**Council**  
**29 June 2021**  
**Report 21.167**



**For Decision**

## **REPORT ON THE REGIONAL PUBLIC TRANSPORT PLAN HEARING**

### **Te take mō te pūrongo**

#### **Purpose**

1. To provide Council with a report from the Transport Committee Chair on the hearing by the Transport Committee of submissions on the Wellington Regional Public Transport Plan.

### **He tūtohu**

#### **Recommendations**

That Council:

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

### **Te tāhū kōrero**

#### **Background**

2. The Wellington Regional Public Transport Plan (RPTP) is the primary planning and policy document for public transport in the Wellington Region and describes how we will deliver the high level strategic direction for public transport outlined in both the Regional Land Transport Plan (RLTP) and the Long Term Plan. The RPTP has been under active review since April 2020.
3. The Transport Committee approved the draft RPTP for public consultation on 11 February 2021 (Report 21.39), with consultation running from 15 February to 19 March 2021. Consultation activities included inviting submissions and four online workshops.

These were held online due to being under Covid-19 Alert Level 2 for some of the consultation period. Consultation was publicised by a mix of print and online media, emails to stakeholders and interested groups, and flyer distribution at Wellington Railway Station and community events (e.g. Round the Bays). 2758 individual submissions were received through the consultation process (Report 21.151).

4. At the 11 February 2021 meeting, the Committee agreed to convene as a hearing committee to consider the submissions on the Final Draft RPTP and to make its recommendations to Council.

## **Te tātaritanga**

### **Analysis**

5. Public hearings on the draft RPTP were held from 20 to 22 April 2021, with the Transport Committee convening as a hearings committee. 50 speakers presented to the Committee on their submissions including speakers for 24 individual business, community or civic organisations. Confirmed minutes of the hearing, which includes details of the deliberations and recommendations, are in [Attachment 1](#).
6. Following deliberations on 22 April 2021, the Transport Committee made a series of recommendations to officers for final drafting of the RPTP. The Committee delegated to the Committee Chair authority to approve minor editorial changes to the RPTP prior to submission to Council.
7. Officers have worked with the Committee Chair to finalise the RPTP in line with Transport Committee's recommendations. The adoption report (Report 21.168) for the final RPTP addresses this work.
8. All submitters who supplied a contact email address have been sent a letter from Greater Wellington Chair and Transport Committee Chair on the outcomes of the consultation process.

## **Ngā hua ahumoni**

### **Financial implications**

9. There are no financial implications from the matters for consideration. Funding to implement the initiatives outlined in the Wellington RPTP 2021 are covered by the Greater Wellington Long Term Plan and the RLTP process and its influence on the National Land Transport Plan 2021-24.

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

### **Consideration of climate change**

10. The RPTP's policies contribute to Council and Greater Wellington's policies and commitments relating to climate change. The policies advance the commitment to provide a low emissions public transport network.
11. The policies have no significant implications for greenhouse gas emissions over their lifetime and therefore do not require an approach to reduce them. Climate change impacts will not have any direct effect upon the RPTP's policies over its lifetime.



## **Ngā tikanga whakatau**

### **Decision-making process**

12. The process for deciding this matter is prescribed by Part 5 of the LTMA. The Committee has prepared the draft RPTP, completed public consultation in accordance with the requirements of the LTMA and Local Government Act 2002, and recommended approval of the final RPTP to Council (Report 21.168).

## **Te hiranga**

### **Significance**

13. Officers considered the significance (as defined by Part 6 of the LGA) of this matter, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. The adoption of the RPTP is a decision of high significance, as the Wellington RPTP 2021 is a statutory document that gives effect to the RLTP.

## **Te whakatūtakitaki**

### **Engagement**

#### ***Iwi engagement***

14. Greater Wellington has worked through the Long Term Plan process to engage with mana whenua to build direct enduring relationships that will allow co-development of responses to transport issues of specific interest to individual mana whenua.

#### ***Public engagement***

15. Public engagement activities were conducted concurrently with those on the draft RLTP. Promotion centred on engagement with the regional transport story webpage, through which people could find about the two draft plans and make a submission on either or both. Promotional activities included advertisements in local and community newspapers, promotion on social media, digital advertising and distribution of flyers at community events. Four public workshops were held digitally to accommodate social distancing requirements from Covid-19 Alert Level 2.

## **Ngā tūāoma e whai ake nei**

### **Next steps**

16. Adoption of the final RPTP is addressed in Report 21.168 to this meeting of Council.

**Ngā āpitihanga  
Attachment**

<b>Number</b>	<b>Title</b>
1	Report 21.154: Confirmed Public minutes of the Transport Committee – Wellington Regional Public Transport Plan 2021 Hearing on 20 April 2021

**Ngā kaiwaitohu  
Signatory**

Writer	Cr Roger Blakeley, Chair, Transport Committee
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<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Preparation of the RPTP is a function of the Regional Council under section 119 of the Land Transport Management Act 2003. Preparation of the RPTP is a specific responsibility of the Transport Committee in its Terms of Reference
<b><i>Implications for Māori</i></b> Greater Wellington has worked through the Long-Term Plan process to engage with mana whenua to build direct enduring relationships that will allow co-development of responses to transport issues of specific interest to individual mana whenua.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The Wellington RPTP 2021 is a key regional strategy.
<b><i>Internal consultation</i></b> In preparing this report, consultation was undertaken with relevant officers including across the Metlink group, and Greater Wellington Strategy, Customer Engagement and Te Hunga Whiriwhiri.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> The RPTP was concurrently consulted with the draft Regional Land Transport Plan. To mitigate the risk of inconsistency between the two plans, advice and recommendations to the respective hearing committees has been developed jointly.



Please note these minutes remain unconfirmed until the Transport Committee meeting on 6 May 2021

Report 21.154

## Confirmed Public minutes of the Transport Committee – Wellington Regional Public Transport Plan 2021 Hearing on 20 April 2021

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington at 9.30am

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### Members Present

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

### Karakia timatanga

The Committee Chair invited Cr Lee to open the meeting with a karakia timatanga – Whakataka te hau

### Public Business

#### 1 Apologies

Moved: Cr Gaylor / Cr Ponter

That the Committee accepts the apology for absence from Councillors Hughes and van Lier.

**Attachment 1 to Report 20.167**

The motion was **carried**.

**2 Declarations of conflicts of interest**

There were no declarations of conflicts of interest.

**3 Process for considering submissions and feedback on the draft Wellington Regional Public Transport Plan – Report 21.128**

New recommendations were tabled.

Moved: Cr Blakeley / Cr Staples

That the Committee accepts the late submissions received on the draft Wellington Regional Public Transport Plan 2021.

The motion was **carried**.

**4 Hearing of oral submissions**

A timetable of oral submissions was circulated.

Submitters were scheduled in half hour blocks, and ran ahead of schedule. Submitters were heard in the following order:

Hearing order	Submission number	Name and organisation
1	Vol.5140	Alexander Cade
2	RPTP007	Felicity Wong, Wellington's Character – tabled a hand out.
3	HYS055	Peter Gent – tabled a presentation

The hearing adjourned at 9.50am and resumed at 10.14am. Councillor Ponter left the meeting when the meeting adjourned at 9.50am to attend to Council business.

Hearing order	Submission number	Name and organisation
4	HYS067	Alan Smith

The hearing adjourned at 10.21 and resumed at 10.49. Councillor Ponter returned to the meeting when the meeting resumed.

Hearing order	Submission number	Name and organisation
5	RPTP025	Mayor Campbell Barry
6	RPTP034	Demetrius Christoforou – Trams-action

**Attachment 1 to Report 20.167**

The hearing adjourned at 11.01am and resumed at 11.41am.

Hearing order	Submission number	Name and organisation
7	HYS024	Daryl DC Cockburn
8	HYS065	Andrew MacBeth - tabled a presentation
9	RPTP002	Norman Wilkins
10	Vol.5008	Ron Beernick Councillor Laban, Councillor for Te Awa Kairangi/Lower Hutt, presented on behalf of the submitter
11	HYS050	James Sullivan
12	RPTP033	Mark Luker, Jarrod Thompson, and Bianca Tree, Stride Investment Management Limited
13	HYS077	Charlotte Haddon – tabled handout
14	HYS212	Bill Guest – Karori Residents' Association

The hearing adjourned at 12.36pm and resumed at 1.50pm.

Hearing order	Submission number	Name and organisation
15	Vol.7279	Robert Ashe – tabled presentation
16	Vol.8178	Grant Rutherford
17	RPTP057	Chris Bishop M.P.
18	RPTP031	Geoff Norman – Bus and Coach Association
19	RPTP040	Greg Pollock – Transdev
20	Vol.9219	Andrew Blochley
21	RPTP056	Alex Dyer – Cycle Wellington

The Chair advised that the hearing would adjourn and reconvene at 9.30am on Wednesday 21 April 2021. The hearing adjourned at 2.41pm.

## Wednesday 21 April 2021

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington at 9.30am.

### Members Present

Councillor Blakeley (Chair)  
Councillor Lee (Deputy Chair)  
Councillor Brash  
Councillor Connelly  
Councillor Gaylor  
Councillor Kirk-Burnnand  
Councillor Laban  
Councillor Lamason  
Councillor Nash  
Councillor Ponter (from 9.31am)  
Councillor Staples

### 5 Hearing of oral submitters

An updated timetable of oral submissions was circulated.

Submitters were scheduled in half hour blocks. Submitters were heard in the following order:

Hearing order	Submission number	Name and organisation
22	RPTP008	Jeremy Ward – East by West ferries, tabled a presentation
23	RPTP004	Lily Chalmers – Team Naenae, Free Ride, PTAG
24	HYS070	Jessica Hammond, via Teams
25	HYS253	Sophia Honey – Greens at Vic
26	RPTP041	Tess Guest and Phoebe Bertelsen – MAWSA
27	HYS095	Mike Mellor

Councillor Ponter arrived at the meeting at 9.31am, during the presentation of speaker 22.

**Noted:** In response to an invitation from Lily Chalmers (speaker 23), the Committee requested that officers organise a field trip to Naenae train station, and invite the appropriate councillors from Hutt City Council, officers from KiwiRail, and Lily Chalmers.

**Attachment 1 to Report 20.167**

The hearing adjourned at 10.32am and resumed at 11.10am. Councillors Brash, Gaylor and Ponter returned to the meeting at 11.11am.

Hearing order	Submission number	Name and organisation
28	RPTP042	Chris Horne – Living Street Aotearoa
29	HYS010	Sue Emirali – KCDC Disability Advisory Group
30	RPTP013	Susan Williams
31	RPTP028	Tony Shaw – Paremata Residents Association  Councillor Brash, as councillor for the Porirua-Tawa constituency, presented on behalf of the submitter
32	Vol.8240	Sarah Crawford
33	Vol.7408	Julie Baga
34	RPTP043	Grace Carr - VUWSA
35	RPTP035	Arron Whiteford and Genevieve Davidson – Generation Zero
36	Vol.8174	Brendon Hornell
37	RPTP020	Roland Sapsford

Councillor Lamason left the hearing at 11.53am, at the beginning of speaker 34 and did not return.

Councillor Lee left the hearing at 12pm midday, at the beginning of speaker 35 and did not return.

Councillor Staples left the hearing at 12.12pm, between speakers 35 and 36 and did not return.

The Chair advised that the hearing would adjourn and reconvene at 10am on Thursday 22 April 2021. The hearing adjourned at 12.29pm.



## Thursday 22 April 2021

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council  
100 Cuba Street, Te Aro, Wellington at 10am.

### Members Present

Councillor Blakeley (Chair)  
Councillor Lee (Deputy Chair)  
Councillor Brash (from 10.01am)  
Councillor Connelly  
Councillor Gaylor  
Councillor Kirk-Burnnand  
Councillor Laban  
Councillor Lamason  
Councillor Nash  
Councillor Ponter  
Councillor Staples

### 6 Hearing of oral submitters

An updated timetable of oral submissions was circulated.

Submitters were scheduled in half hour blocks. Submitters were heard in the following order:

Hearing order	Submission number	Name and organisation
38	HYS032	Paul Bruce – Wellington Civic Trust
39	RPTP006	Alex Voutratzis – Petone Community Board
40	HYS306	Tracey Buick – Parents, Teachers, and Friends Association of Raphael House Rudolph Steiner School

The hearing adjourned at 11.27am and resumed at 11.10am.

Hearing order	Submission number	Name and organisation
41	Vol.5123	Jane Wooton
42	Vol7.438	Peter Roberts
43	RPTP037	Lawrence Collingbourne – Onslow Residents and Community Association (ORCA)

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Hearing order	Submission number	Name and organisation
44	HYS0287	Janet Davies (via Teams)
45	RPTP030	Chris Ford – Disabled Peoples Assembly (via Teams)
46	RPTP045	Tony Randle – Johnsonville Community Association

The hearing adjourned at 12pm midday and resumed at 12.46pm.

The Committee discussed the approach to deliberations.

Councillor Lee returned to the meeting at 12.51pm.

**7 Analysis of submissions to the draft Wellington Regional Land Transport Plan 2021 – Report 21.104**

Emmet McElhatton, Principal Advisor Policy, spoke to the report.

The Subcommittee then completed its deliberations and addressed the recommendations below.

Moved: Cr Lamason / Cr Kirk-Burnnand

That the Committee:

- 1 Considers the submissions on the draft Wellington Regional Public Transport Plan 2021 including the summary of submissions received on the draft Wellington Regional Public Transport Plan - Summary and analysis of submissions on Wellington Regional Public Transport Plan 2021 – Global Research (Attachment 1) - together with the officer comments (set out in this report) in determining its findings and recommendations to Council.
- 2 Recommends to Council that it adopts the draft Wellington Regional Public Transport Plan 2021 subject to the following changes being made, as agreed by this Committee, summarised as:
  - a Amend the Plan to tell a clearer ‘Park and Ride story’ including how electronic ticketing and the integrated ticketing solution can include all means of access to the public transport network, including feeder services and parking
  - b Amend the graphics on the rail network map on page 28 of the draft Wellington Regional Pubic Transport Plan 2021 so that it depicts the Kāpiti Rail Line as extending to Ōtaki
  - c Revise the current wording on integrated ticketing to better reflect progress to date and the indicative direction of travel

**Attachment 1 to Report 20.167**

- d Revise the current wording in the Plan on the rapid transit network (RTN) to clarify that the RTN descriptors derive from Waka Kotahi's One Network Framework and are also reflected in the Regional Land Transport Plan 2021
  - e Revise the current wording on accessibility in the Plan to highlight the intention to develop an Accessibility Strategy "Accessible Journeys", its objectives and any indicative initiatives, processes and timeframes
  - f Include gender considerations in section 5.5 in the Plan.
- 3 Notes, that the airport service unit as described in the draft Plan, remains unchanged for financial reasons, and to ensure the new service provides a punctual, reliable and frequent service to Wellington Airport, as well as equitable access to the Airport for residents across the wider Wellington Region, Metlink to continue to establish a new unit based on a direct route between Wellington Station and Wellington Airport.
- Moved as an amendment: Cr Connelly / Cr Nash
- Agrees to extend the airport unit to Lower Hutt from Wellington Airport
- The amendment was **lost**.
- 4 Notes that Metlink will review current services in the Wellington Region to explore improving connectivity to the new Airport service from other parts of the region.
  - 5 Notes that officers will investigate amending timetables to facilitate services outside of peak commute times for different customer demographics.
  - 6 Requests that officers to present Council options to provide additional means of funding Total Mobility in the Wellington Region.
  - 7 Requests that the final Wellington Regional Public Transport Plan 2021 is published in accessible formats.
  - 8 Notes current engagement with mana whenua.
  - 9 Notes that officers undertake a final revision of the draft Plan prior to submitting to Council, to ensure all information about current or proposed routes and services is correct.
  - 10 Delegates to the Committee Chair the authority to approve minor editorial changes prior to submission to Council.

The motion was **carried**.

The meeting adjourned at 2.34pm during deliberations, and resumed at 2.49pm.

Councillor Ponter left the hearing at 3.23pm and returned at 3.47pm, during deliberations.

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The meeting closed at 4pm.



Councillor R Blakeley

**Chair**

Date:

**Council**  
**29 June 2021**  
**Report 21.168**



**For Decision**

## **ADOPTION OF TE MAHERE WAKA WHENUA TŪMATANUI O TE ROHE O PŌNEKE WELLINGTON REGIONAL PUBLIC TRANSPORT PLAN 2021-2031**

**Te take mō te pūrongo**

**Purpose**

1. To present Council with the Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan 2021-2031 for adoption.

**He tūtohu**

**Recommendations**

That Council:

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

## **Te horopaki**

### **Context**

2. As stated in the Land Transport Management Act 2003 (LTMA) s.117, the purpose of a Regional Public Transport Plan (RPTP) is to provide a means for encouraging regional councils and public transport operators to work together in developing public transport services and infrastructure, and an instrument for engaging with the public in the region on the design and operation of the public transport network. An RPTP is a statement of:
  - a The public transport services that are integral to the public transport network; and
  - b The policies and procedures that apply to those services; and
  - c The information and infrastructure that supports those services.
3. Under s. 119(1) of the LTMA, a regional council which enters into contract for the supply of any public transport service and provides financial assistance to any operator or user of any other passenger service in a small passenger service vehicle, must adopt an RPTP. A regional council may, by resolution at any time, vary or renew a regional public transport plan previously adopted by it (LTMA s.119(2)). The existing Wellington RPTP was adopted in 2014 and has been varied three times, in February and September 2016 and in October 2017.
4. The Wellington RPTP is primarily a policy document that sets out our approach to achieving the objectives for public transport set out in the Wellington Regional Land Transport Plan, the Government Policy Statement on Land Transport, and the Greater Wellington Regional Council (Greater Wellington) Long Term Plan. High level objectives, targets and performance measures for public transport are set in these documents rather than in the RPTP.

### **Legal requirements**

5. The statutory requirements for preparing the RPTP are set out in Part 5 of the Land Transport Management Act 2003, (LTMA). The Plan's statutory purpose is to provide:
  - a "A means for encouraging regional councils and public transport operators to work together in developing public transport services and infrastructure; and
  - b An instrument for engaging with the public in the region on the design and operation of the public transport network; and
  - c A statement of the public transport services that are integral to the public transport network; the policies and procedures that apply to those services; and the information and infrastructure that support those services".
6. The RPTP is based on five principles from the LTMA:
  - a Greater Wellington and public transport operators should work in partnership to deliver the public transport services and infrastructure necessary to meet the needs of passengers
  - b The provision of services should be coordinated with the aim of achieving the levels of integration, reliability, frequency and coverage necessary to encourage passenger growth

- c Competitors should have access to regional public transport markets to increase confidence that services are priced efficiently
  - d Incentives should exist to reduce reliance on public subsidies to cover the cost of providing services
  - e The planning and procurement of services should be transparent.
7. Section 124 of the LTMA requires Greater Wellington before it adopts the RPTP, to be satisfied that the Plan:
- a Contributes to the purpose of the LTMA
  - b Has been prepared in accordance with any relevant guidelines issued by the Waka Kotahi NZ Transport Agency
  - c Is consistent with the Regional Land Transport Plan
  - d Has applied the five principles specified above.
8. Section 124 of the LTMA also requires Greater Wellington to take account of the following matters when preparing the RPTP:
- a Any national energy efficiency and conservation strategy
  - b Any relevant regional policy statement, regional plan, district plan or proposed regional or district plan under the Resource Management Act 1991
  - c The public transport funding likely to be available within the region
  - d The need to obtain best value for money, having regard to the desirability of encouraging a competitive and efficient market for public transport services
  - e The views of public transport operators in the region.
9. Greater Wellington is also required to consider the guidelines issued by Waka Kotahi NZ Transport Agency for the purposes of developing Regional Public Transport Plans and the needs of people who are transport disadvantaged. In compliance with section 125 of the LTMA, Greater Wellington has consulted with local government and our public transport operators, and with central government agencies including Waka Kotahi NZ Transport Agency and the Ministry of Education.

## **Te tātāritanga Analysis**

10. At its meeting on 11 February 2021, the Transport Committee approved the draft Wellington RPTP 2021 for public consultation (Report 21.39). At this meeting, the Committee agreed to convene as a hearing committee to consider the submissions on the Final Draft RPTP and to make its recommendations to Council. The public consultation period ran from 15 February to 19 March 2021 and was concurrent with public consultation on the draft Regional Land Transport Plan (RLTP). Report on the public hearings process is addressed in Report 21.167.
11. Following deliberations, the Transport Committee made a series of recommendations to officers for action prior to the RPTP being brought to Council for adoption. These have been actioned, specifically:

- a The Plan has been amended to tell a clearer 'Park and Ride story' including how electronic ticketing and the integrated ticketing solution can include all means of access to the public transport network, including feeder services and parking
  - b The graphics on the rail network maps have been amended so that it depicts the Kāpiti Rail Line as extending to Ōtaki
  - c The current wording on integrated ticketing has been revised to better reflect progress to date and the indicative direction of travel
  - d The wording on rapid transit network (RTN) has been revised to clarify that the RTN descriptors derive from Waka Kotahi's One Network Framework and are also reflected in the RLTP 2021
  - e The wording on accessibility in the Plan has been revised to highlight the intention to develop an Accessibility Strategy "Accessible Journeys", its objectives and any indicative initiatives, processes and timeframes
  - f Gender considerations have been included in section 5.5 of the Plan
  - g The RPTP establishes a new unit based on a direct route between Wellington Station and Wellington Airport
  - h The RPTP will be published in accessible formats following formal adoption of the Plan
  - i Officers have undertaken a final revision of the RPTP to ensure all information about current or proposed routes and services is correct.
12. Officers were also asked to undertake four additional activities following Transport Committee deliberations. These were that:
- a Metlink reviews current services in the Wellington Region to explore improving connectivity to the new Airport service from other parts of the region
  - b That officers will investigate amending timetables to facilitate services outside of peak commute times for different customer demographics
  - c That officers present to Council options to provide additional means of funding Total Mobility in the Wellington Region.
13. Work to establish the new Airport Service includes a review of connections to Wellington Station from other parts of the region.
14. Work to amend timetables to facilitate services outside of peak commute times for different customer demographics is part of the Bus Network Review process currently underway.
15. Officers workshopped an intervention for Total Mobility customers in Porirua and Wakanae/Ōtaki with Council on 3 June 2021 and have established a project team to undertake this work through the 2021/22 financial year.
16. For the final RPTP, Greater Wellington Creative Studio has given the Plan a design refresh to make it more readable and accessible, and to align with Metlink's branding refresh. The Chair of the Transport Committee has reviewed and approved the final design with Creative Studio.



## **Ngā hua ahumoni**

### **Financial implications**

17. There are no financial implications from the matters for consideration. Funding to implement the initiatives outlined in the Wellington RPTP 2021 are covered by the Greater Wellington Long Term Plan and the RLTP process and its influence on the National Land Transport Plan 2021-24.

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

### **Consideration of climate change**

18. The RPTP's policies contribute to Council and Greater Wellington's policies and commitments relating to climate change. The policies advance the commitment to provide a low emissions public transport network.
19. The policies have no significant implications for greenhouse gas emissions over their lifetime and therefore do not require an approach to reduce them. Climate change impacts will not have any direct effect upon the RPTP's policies over its lifetime.

## **Ngā tikanga whakatau**

### **Decision-making process**

20. The process for deciding this matter is prescribed by Sections 119, 120, 121, 122 and 125 of the LTMA. Section 119(2) states that "a regional council may, by resolution at any time, vary or renew a regional public transport plan previously adopted by it". Section 119(3) states that "the production in proceedings of a copy of a regional public transport plan purporting to have been adopted, varied, or renewed by a regional council under this section is, in the absence of evidence to the contrary, sufficient evidence of the plan and of the fact that it has been adopted, varied, or renewed in accordance with this section". Section 122 states that "a regional public transport plan takes effect on the day that is 20 working days after the date on which the regional council adopts the plan".
21. Under section 119(4) a regional council may not delegate the responsibility for adopting, varying, or renewing a regional public transport plan to a committee or other subordinate decision-making body.
22. Consultation for the draft RPTP has been in accordance with the consultation principles in section 82 of the Local Government Act (LGA). Greater Wellington used the special consultative procedure specified in section 83 of the LGA for consultation for this plan.

## **Te hiranga**

### **Significance**

23. Officers considered the significance (as defined by Part 6 of the LGA) of this matter, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. The adoption of this Plan is a decision of high significance, as the Wellington RPTP 2021 is a statutory document that gives effect to the RLTP.

## **Te whakatūtakitaki Engagement**

### ***Iwi engagement***

24. Greater Wellington has worked through the Long-Term Plan process to engage with mana whenua to build direct enduring relationships that will allow co-development of responses to transport issues of specific interest to individual mana whenua.

### ***Public engagement***

25. Public engagement activities were conducted concurrently with those on the draft Regional Land Transport Plan. Promotion centred on engagement with the regional transport story webpage, through which people could find about the two draft plans and make a submission on either or both. Promotional activities included advertisements in local and community newspapers, promotion on social media, digital advertising and distribution of flyers at community events. Four community engagement workshops were held, and three days of public hearings were held from 20 to 22 April 2021.

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

26. Section 121 of the LTMA requires Council to provide notification of adoption of the plan to specific stakeholders and the public and to make available copies of the Plan for public inspection. As per s.121, officers will notify Waka Kotahi, the Secretary of Transport, the Minister of Education, KiwiRail, territorial authorities, Kāinga Ora, and the Regional Transport Committee within 20 working days of Council's adoption of the RPTP.
27. Public notification of adoption will be made through media channels specified in s.121 of the LTMA and through standard Greater Wellington communications channels.
28. The transition towards, and implementation of the National Ticketing Solution (NTS), and potential amendments to central government public transport policy from the Ministry of Transport review of the Public Transport Operating Model (PTOM) will likely require variation or renewal of the RPTP earlier than the standard triennium review cycle. Officers will consider this through annual business planning processes with the Transport Committee.

**Ngā āpitihanga**  
**Attachment**

<b>Number</b>	<b>Title</b>
1	<a href="#">Te Mahere Waka Whenua Tūmatanui o te Rohe o Pōneke Wellington Regional Public Transport Plan</a>

**Ngā kaiwaitohu**  
**Signatories**

Writer	Emmet McElhatton, Principal Advisor Policy
Approvers	Tim Shackleton, Manager, Metlink Strategy and Investment Scott Gallacher, General Manager Metlink

<p><b>He whakarāpopoto i ngā huritaonga</b>  <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>Preparation and adoption of the RPTP is a function of the Regional Council under section 119 of the LTMA.</p>
<p><b><i>Implications for Māori</i></b></p> <p>Greater Wellington has worked through the Long-Term Plan process to engage with mana whenua to build direct enduring relationships that will allow co-development of responses to transport issues of specific interest to individual mana whenua.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The Wellington RPTP 2021 is a key regional strategy.</p>
<p><b><i>Internal consultation</i></b></p> <p>In preparing the attachment to this report, consultation was undertaken with relevant officers including across the Metlink group, and Greater Wellington Strategy, Customer Engagement and Te Hunga Whiriwhiri.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>The RPTP was concurrently developed and consulted with the Regional Land Transport Plan. To mitigate the risk of inconsistency between the two plans, advice and recommendations to the respective committees has been developed jointly.</p>



**Council**  
**29 June 2021**  
**Report 21.245**

**For Decision**

**REPORT OF THE ENVIRONMENT COMMITTEE ON HEARING SUBMISSIONS  
AND FEEDBACK – PROPOSED WELLINGTON REGIONAL NAVIGATION AND  
SAFETY BYLAWS 2021**

**Te take mō te pūrongo**  
**Purpose**

1. To advise Council on the deliberations and recommendations of the Environment Committee's meeting of 25 May 2021 to hear submissions on proposed amendments to the Wellington Regional Navigation and Safety Bylaws 2009 (the 2009 Bylaws).

**He tūtohu**  
**Recommendation**

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

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

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

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

- d Clause 3 be amended by adding:  
Swimmers more than 200 metres from shore must tow a float or other means of increasing visibility, unless accompanied by a support craft.
- e Clauses 2.3.1 and 2.8.1 be amended by adding 'Designated launching area'
- f The following be added to the definitions:  
**Dive flag** – see Flag A  
**Free diving** – breath hold diving that relies on breath holding until resurfacing  
**Shore SCUBA diver** – a diver using breather apparatus that enters and exits the water from shore and not a vessel  
**Diver's marker float** – any float that can be deployed on or before surfacing by a SCUBA diver, can include a safety sausage or Surface Marker Buoy  
**Underway** – as defined in Maritime Rules Part 22
- g Clause 3.4.5 be modified to read:  
Any shore SCUBA diver that intends to surface, or is likely to surface more than 200 metres from shore must display a diver's marker float similar that marks their position when surfacing.
- h The following be added to the definitions:  
**Restricted visibility** – as defined in the Maritime Rules Part 22
- i New clause 5.5.4 be added as follows:  
A commercial operation that displays a MNZ or MSA number satisfies the identification requirements in clauses 5.3 or 5.4.
- j Clause 5.4.1 be replaced with the following:  
Every personal water craft being used on the waters of the Wellington Region must display a distinctive individual numbers; this may be the trailer's registration or a PWC registration number.
- k New clause 5.4.2 be added as follows:  
If not using the trailer registration number then the personal water craft must be registered with:
- The Council; or
  - An authorised agent of the Council; or
  - Another regional council.
- l New clause 5.4.3 be added as follows:  
If using a PWC registration number, this must be displayed on the trailer drawbar.

- m Clause 5.5.4 be replaced with the following “The vessel name or identifying letters and number must be displayed prominently on the trailer”
- n Clause 2.8.1 be amended by replacing “by waters” with “from seaward”
- o The definition of ‘Explosive’ be amended to have the same meaning as in the Hazardous Substances and New Organisms Act 1996
- p Subclause 4.1.1(c) be amended by inserting the following words “This declaration must include Net Explosive Quantity and gross weight”
- q New clauses 5.4.3 (the second reference) and 5.5.1 be amended by inserting the words “In a contrasting colour”
- r Schedule 2 be amended by including “bunker barges”
- s The definition of ‘Paddle craft’ be amended by inserting the words “includes waka ama”
- t The following be added to the definitions:
  - In writing** – includes ‘communication by email’
- u The definitions of the lakes be revised to:
  - Lake Wairarapa** – the more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in south Wairarapa and extends as far downstream as the barrage gates.
  - Lake Onoke (Lake Ferry)** – the more or less continuous area of water commonly known as Lake Onoke or Lake Ferry located in the south Wairarapa and extending through to Palliser Bay (when the entrance is open).
- v In clause 2.15 the word “one” be replaced with the word “two”
- w The following new paragraph be added to clause 2.15:
  - (d) a non-motorised vessel within a harbour or less than 1000 metres of the coast only requires one waterproof form of communication.
- x In clause 3.2.7 “Director of Maritime Safety” be replaced with ‘Harbourmaster’
- y New clause 6.2.2 be added to include:
  - Before any vessel on a commercial berth that clause 6.2.1 applies to starts an engine that may result in their propulsion system operating that vessel must contact Wellington Harbour Radio to ensure it is safe to start their engine,’ and:
- z Subsequent subclauses and any cross-references are renumbered
- aa Clause 6.1.2 be replaced with:
  - Pleasure craft are exempt from clause 6.1.1 except during the hours of darkness and in restricted visibility.

- bb New clause 6.2.4 be amended by replacing the words 'This does not apply to Pleasure Craft during daylight and good visibility' with 'Pleasure craft are exempt from clause 6.2.4 except during the hours of darkness and in restricted visibility'
- cc Each clause that refers to knots is amended to incorporate references to speed in both knots and kilometres per hour.

### **Consideration by Committee**

2. At its meeting on 25 May 2021, the Environment Committee considered the submissions and recommended that Council agrees to adopt the proposed amendments to the 2009 Bylaws, subject to the additional changes outlined in paragraph 7 being included in the finalised Wellington Regional Navigation and Safety Bylaws.

### **Te horopaki**

#### **Context**

3. Following a September 2020 call for submissions on the proposed amendments to the 2009 Bylaws (Review of the Wellington Region Navigation and Safety Bylaws 2009 - Report 20.312), Greater Wellington received twelve written submissions.
4. On 25 May 2021, the Environment Committee held a Wellington Regional Navigation Safety Bylaws hearing meeting to consider these written submissions, together with officers' related comments and recommendations, and heard one oral submission.
5. In its deliberations the Environment Committee observed that:
  - a Generally, the submissions supported the proposed changes. Where submissions suggested changes to terminology and definitions, the Environment Committee agreed to make those changes
  - b Maritime NZ's concerns about the scope of several clauses were addressed by Greater Wellington taking legal advice and suggesting redrafted wording for some of those clauses. These redrafts retain the intention of these clauses and better reflects the legislative requirements
  - c Some issues were outside the scope of the proposed amendments to the 2009 Bylaws and may be considered elsewhere
  - d One issue was unable to be addressed and will be discussed at an Environment Committee workshop
  - e Some submissions addressed the management of shipping in the main harbour channel. This area is subject to a current external risk assessment, which has now been updated to include the issues raised in these submissions. When that risk assessment is completed and discussed with harbour users, the related clauses of the bylaws may need to be revised.
6. The Environment Committee also asked that expert maritime lawyers review the proposed amendments to the 2009 Bylaws, and the Environment Committee's proposed changes. The outcome of this review is addressed in the next report being considered at this meeting (Making the Wellington Regional Navigation Safety Bylaws 2021 – Report 21.243).



## Findings and recommendations

7. The Environment Committee recommends that Council agrees to adopt the proposed changes to the Wellington Regional Navigation and Safety Bylaws 2009, subject to the following additional changes that:
  - a 'Wing' is added to the definition of 'Sailboard'
  - b The following stand-alone provision be included:

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

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

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

**Dive flag** – see Flag A

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

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

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

**Underway** – as defined in Maritime Rules Part 22
  - g Clause 3.4.5 be modified to read:

Any shore SCUBA diver that intends to surface, or is likely to surface more than 200 metres from shore must display a diver's marker float similar that marks their position when surfacing.
  - h The following be added to the definitions:

**Restricted visibility** – as defined in the Maritime Rules Part 22
  - i New clause 5.5.4 be added as follows:

A commercial operation that displays a MNZ or MSA number satisfies the identification requirements in clauses 5.3 or 5.4.

- j Clause 5.4.1 be replaced with the following:  
Every personal water craft being used on the waters of the Wellington Region must display a distinctive individual numbers; this may be the trailer’s registration or a PWC registration number.
- k New clause 5.4.2 be added as follows:  
If not using the trailer registration number then the personal water craft must be registered with:
- The Council; or
  - An authorised agent of the Council; or
  - Another regional council.
- l New clause 5.4.3 be added as follows:  
If using a PWC registration number, this must be displayed on the trailer drawbar.
- m Clause 5.5.4 be replaced with the following “The vessel name or identifying letters and number must be displayed prominently on the trailer”
- n Clause 2.8.1 be amended by replacing “by waters” with “from seaward”
- o The definition of ‘Explosive’ be amended to have the same meaning as in the Hazardous Substances and New Organisms Act 1996
- p Subclause 4.1.1(c) be amended by inserting the following words “This declaration must include Net Explosive Quantity and gross weight”
- q New clauses 5.4.3 (the second reference) and 5.5.1 be amended by inserting the words “In a contrasting colour”
- r Schedule 2 be amended by including “bunker barges”
- s The definition of ‘Paddle craft’ be amended by inserting the words “includes waka ama”
- t The following be added to the definitions:  
**In writing** – includes ‘communication by email’
- u The definitions of the lakes be revised to:  
**Lake Wairarapa** – the more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in south Wairarapa and extends as far downstream as the barrage gates.  
**Lake Onoke (Lake Ferry)** – the more or less continuous area of water commonly known as Lake Onoke or Lake Ferry located in the south Wairarapa and extending through to Palliser Bay (when the entrance is open).
- v In clause 2.15 the word “one” be replaced with the word “two”

- w The following new paragraph be added to clause 2.15:
    - (d) a non-motorised vessel within a harbour or less than 1000 metres of the coast only requires one waterproof form of communication.
  - x In clause 3.2.7 “Director of Maritime Safety” be replaced with ‘Harbourmaster’
  - y New clause 6.2.2 be added to include:
    - Before any vessel on a commercial berth that clause 6.2.1 applies to starts an engine that may result in their propulsion system operating that vessel must contact Wellington Harbour Radio to ensure it is safe to start their engine,’ and:
  - z Subsequent subclauses and any cross-references are renumbered
  - aa Clause 6.1.2 be replaced with:
    - Pleasure craft are exempt from clause 6.1.1 except during the hours of darkness and in restricted visibility.
  - bb New clause 6.2.4 be amended by replacing the words ‘This does not apply to Pleasure Craft during daylight and good visibility’ with ‘Pleasure craft are exempt from clause 6.2.4 except during the hours of darkness and in restricted visibility’
  - cc Each clause that refers to knots is amended to incorporate references to speed in both knots and kilometres per hour.
8. The Environment Committee rejected the proposal from submitter number 5 to remove the water ski access lane in Days Bay.
9. In addition to these proposed changes to the proposed amendments to the 2009 Bylaws, the Environment Committee requested that officers investigate and report back to it regarding possible changes to improve safety for swimmers at Oriental Bay.
10. Submitter 9 raised the issue of noise from the coastal area and specifically the port. Whilst this issue is outside of the scope of the proposed amendments to the 2009 Bylaws, it does fall within Greater Wellington’s resource management functions. Officers in the Environment Management group are considering this issue.
11. The Environment Committee also agreed that the proposed 2021 Bylaws, including its proposed changes, are forwarded to expert maritime lawyers for a final review and confirmation of wording prior to the proposed 2021 Bylaws being submitted to Council.

### **Ngā tikanga whakatau**

#### **Decision-making process**

12. The making of the proposed 2021 Bylaws follows specific legislative requirements under the LGA, including use of the special consultative procedure (Review of the Wellington Region Navigation and Safety Bylaws 2009 – Report 20.312).

**Te hiranga  
Significance**

13. On 10 September 2020, the Environment Committee determined that consideration of proposed amendments to the 2009 Bylaws is of medium significance and that this requires Greater Wellington to use the special consultative procedure set out in the LGA when consulting on these proposals (Review of the Wellington Region Navigation and Safety Bylaws 2009 – Report 20.312).

**Te whakatūtakitaki  
Engagement**

14. Greater Wellington’s engagement under the LGA’s special consultative procedure is outlined in the next report (Making the proposed Wellington Regional Navigation Safety Bylaws 2021 – Report 21.243).

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

15. Following consideration of this report, Council will next consider the requirements for making the proposed 2021 Bylaws (Making the proposed Wellington Regional Navigation Safety Bylaws 2021 – Report 21.243).

**Ngā kaiwaitohu  
Signatories**

Writer	Grant Nalder – Manager Harbours
Approver	Al Cross - General Manager Environment Management

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>Under clause 32(1)(b) of Schedule 7 to the LGA Council cannot delegate to a committee “the power to make a bylaw” unless this is expressly provided for in an Act, which is not the case here. However, under clause 32(2) of Schedule 7 to the LGA Council can delegate “the power to do anything precedent to the exercise of ... [this power]” and has done so in the Environment Committee’s terms of reference.</p>
<p><b><i>Implications for Māori</i></b></p> <p>There are no specific implications for Māori.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The proposed amendments to the 2009 Bylaws are a primary control to meet the aims of the Port and Harbour Marine Safety Code.</p>
<p><b><i>Internal consultation</i></b></p> <p>The Legal, Asset Management and Procurement and Democratic Services departments provided advice on content and process.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>There are no specific risks identified in making the decisions identified in this report.</p>

Council  
29 June 2021  
Report 21.243



For Decision

## MAKING THE WELLINGTON REGIONAL NAVIGATION SAFETY BYLAWS 2021

### Te take mō te pūrongo

#### Purpose

1. To advise the Council on the making of the proposed Wellington Regional Navigation Safety Bylaws 2021 (the proposed 2021 Bylaws).

### He tūtohu

#### Recommendations

That Council:

#### *Refinements to the Council's agreed changes*

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

#### *Identification of additional issues*

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

### **Legislative determinations and making the 2021 Bylaws**

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

### **Te tāhū kōrero**

#### **Background**

2. On 20 June 2019, the Environment Committee initiated, under section 159 of the Local Government Act 2002 (the LGA), the 10-year review of the Wellington Regional Navigation and Safety Bylaws 2009 (the 2009 Bylaws) (Review of Navigation and Safety Bylaws - Report 19.237). This review, including the commencement of any new bylaws, needs to be completed by 30 June 2021 as the 2009 Bylaws expire on 1 July 2021.
3. The Greater Wellington Regional Council (Greater Wellington) first completed an internal review to identify proposed amendments to the 2009 Bylaws. Then, on 10 September 2020, the Environment Committee (Review of the Wellington Region Navigation and Safety Bylaws 2009 – Report 20.312):
  - a Determined, under section 155(1) of the LGA, that making a bylaw is the most appropriate way to address the proposals
  - b Agreed that, in accordance with Council's *Significance and Engagement Policy*, these proposals are of medium significance
  - c Noted that this agreement requires Greater Wellington to use the special consultative process set out in the LGA when consulting on these proposals
  - d Approved a timetable and process, including the establishment of a Bylaws hearing subcommittee, with new bylaws scheduled to commence from 1 June 2021.
4. The Environment Committee also agreed that, following the consideration of public submissions on the proposed amended bylaws, it would consider a revised set of amended bylaws and recommend that Council make the new bylaws.

5. Before making new bylaws, section 155(2) of the LGA requires Council to determine whether the proposed bylaw:
  - a Is the most appropriate form of bylaw
  - b Gives rise to any implications under the New Zealand Bill of Rights Act 1990.
6. Section 155(3) of the LGA provides that “No bylaw may be made that is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act”.
7. The Environment Committee’s report on the hearing of submissions, and its deliberations on proposed changes to the proposed amendments to the 2009 Bylaws, is the previous report for consideration at this meeting (Report of the Environment Committee on hearing submissions and feedback – proposed Wellington Region Navigation Safety Bylaws 2021 – Report 21.245). That report also notes the Environment Committee’s request that expert maritime lawyers review the proposed amendments to the 2009 Bylaws, and the Environment Committee’s proposed changes.

### **Te tātaritanga Analysis**

8. Greater Wellington met the LGA’s special consultative procedure requirements by:
  - a Providing and advertising a statement of proposal, including a draft of the proposed amended bylaw, to enable the public to understand the proposal and how and when they could present their views to Greater Wellington
  - b Receiving and hearing submissions on the proposed amended bylaws through the Navigation Bylaws hearing committee (the hearing committee)
  - c Advising Council of the hearing committee’s deliberations and recommendations (see Report of the Environment Committee on hearing submissions and feedback – proposed Wellington Regional Navigation Safety Bylaws 2021 – Report 21.245, also being considered at this meeting).
9. Due to other work priorities and scheduling requirements, the hearing process was delayed slightly from the agreed process (Review of the Wellington Region Navigation and Safety Bylaws 2009 – Report 20.312). Consequently, the proposed 2021 Bylaws are now scheduled to commence on 1 July 2021, rather than 1 June 2021.
10. As consideration of the range of proposed changes to the 2009 Bylaws is complex, the proposed 2021 Bylaws (**Attachment 2**) incorporate the:
  - a Proposed amendments to the 2009 Bylaws (as consulted on)
  - b Environment Committee’s proposed changes (Report of the Environment Committee on hearing submissions and feedback – proposed Wellington Regional Navigation Safety Bylaws 2021 – Report 21.245), which we assume Council has already adopted
  - c Further proposed refinements and changes to the 2009 Bylaws, after consideration of expert legal advice (**Attachment 1**).



***Proposed further refinements and changes***

11. The expert maritime lawyers' review (see paragraph 7) identified a range of further refinements or change to both the proposed amendments to the 2009 Bylaws and the Environment Committee's proposed changes. These refinements and changes cover:
  - a Correcting minor typographical and numbering errors
  - b Rewording some subclauses for clarification, simplification or consistency
  - c Providing time limits for certain actions
  - d Specifying the size of a vessel to which a particular subclause applies.
12. Having considered this legal advice, officers propose a range of refinements and changes (see **Attachment 1**).

***Additional issues***

13. The expert maritime lawyers identified a range of additional issues with clauses in the 2009 Bylaws that are unchanged in the proposed 2021 Bylaws. These issues require further consideration and officers note that there is insufficient time to address them before the 2009 Bylaws expire on 1 July 2021.
14. Greater Wellington suggests addressing these additional issues once the current external risk assessment of the management of shipping in the main harbour channel is completed. We expect this assessment to be completed by August 2021.

***Legislative determinations***

*Most appropriate form of bylaw*

15. Officers recommend that Council determines, under section 155(2)(a) of the LGA, that the proposed 2021 Bylaws (**Attachment 2**) are currently the most appropriate form of bylaw. This advice assumes Council's approval of the Environment Committee's proposed changes ( Report of the Environment Committee on hearing submissions and feedback – proposed Wellington Regional Navigation Safety Bylaws 2021 – Report 21.245), and acknowledges the need for further work to address the additional issues mentioned in paragraph 13.

*Implications under the New Zealand Bill of Rights Act 1990*

16. In keeping with the requirements for this determination (see paragraphs 5 and 6), external lawyers assessed the proposed amendments to the 2009 bylaws, and the Environment Committee's proposed changes, as follows:
  - a Is a right or freedom in the New Zealand Bill of Rights Act 1990 (the NZBORA) implicated by the proposed 2021 Bylaws?
  - b If so, is it possible to obtain these bylaws' goals without limiting the right or freedom?
  - c If a proposed bylaw is limiting and the only option (i.e. the answer to b above is no), is the limitation 'reasonable' and 'demonstrably justified in a free and democratic society' in that the limiting bylaw:
    - i Serves a purpose sufficiently important to justify limiting the right

- ii is rationally connected to its purpose
  - iii Impairs the right no more than is reasonably necessary for sufficient achievement of its purpose
  - iv Is proportional to the importance of the objective?
- d If the limit on the right cannot be justified, but remains the only possible way of achieving the policy objective of the bylaw, is the limit drawn as narrowly as possible to achieve that objective?
17. The external lawyers assessed the purpose of proposed 2021 Bylaws as 'safety orientated', which promotes the right not to be deprived of life under section 8 of the NZBORA.
18. The external lawyers' advice is that:
- a To achieve this purpose, specific proposed bylaws do restrict freedom of movement, including providing for significant restrictions of freedom of navigation for certain vessels
  - b The safety purpose of these proposed bylaws cannot be met without making these restrictions
  - c The restrictions are only minor in terms of freedom of movement; serve, and are rationally connected to, an important purpose; impair the right to freedom of movement no more than reasonably necessary; and are all proportionate and justifiable in terms of the NZBORA.
19. Therefore, the external lawyers advise that whilst the proposed 2021 Bylaws do give rise to implications under the NZBORA, these bylaws are not inconsistent with that Act. Greater Wellington accepts this advice and recommends that Council determines accordingly.

### **Conclusion**

20. As Greater Wellington has met the requirements of the LGA's special consultative procedure, and assuming Council's determinations under sections 155(2) and 155(3) of the LGA, officers recommend that Council makes the Wellington Regional Navigation Safety Bylaws 2021.
21. We anticipate the need for minor layout and presentational changes when preparing the new bylaws for publication. Accordingly, Greater Wellington suggests that Council delegates to the Chief Executive the ability to make minor editorial layout and graphical changes prior to publication to correct errors and improve the presentation of the new bylaws.

### **Ngā hua ahumoni**

#### **Financial implications**

22. There are no significant financial implications for Greater Wellington arising from making the proposed 2021 Bylaws.

23. Related costs will include printing and distribution of the 2021 Bylaws and related educational material and information. These costs will be met from existing operating budgets.

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

24. The making of the proposed 2021 Bylaws follows specific legislative requirements under the LGA. These requirements are set out in the 'Background' section above.

**Te hiranga**  
**Significance**

25. As indicated in the paragraph 3 above, the Environment Committee determined that consideration of proposed amendments to the 2009 Bylaws is of medium significance. This decision required Greater Wellington to use the special consultative process set out in the LGA when consulting on these proposals.

**Te whakatūtakitaki**  
**Engagement**

26. Greater Wellington's engagement under the LGA's special consultative procedure is outlined in paragraph 8.

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

27. Assuming Council's making of the proposed 2021 Bylaws, these new bylaws, and related interpretation and educational material, will be prepared for publication in print and electronic form, with copies distributed to the boating public and commercial operators.
28. An education programme for some key changes in the new bylaws will be developed and implemented over the upcoming summer months. Depending upon the response and compliance after this summer we will consider our education/enforcement approach for the following summer.

**Ngā āpitihanga**  
**Attachments**

Number	Title
1	Further proposed changes and refinements to the Wellington Regional Navigation and Safety Bylaws 2009 (after consideration of expert legal advice)
2	Proposed Wellington Regional Navigation Safety Bylaws 2021

**Ngā kaiwaitohu**  
**Signatories**

Writer	Grant Nalder – Manager, Harbours
Approver	Al Cross – General Manager, Environment Management

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Council has the power, under the LGA and the Maritime Transport Act 1994, to make bylaws for the purpose of ensuring maritime safety in the Wellington Region.
<b><i>Implications for Māori</i></b> There are no specific implications for Māori.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The proposed 2021 Bylaws are a primary control to meet the aims of the Port and Harbour Marine Safety Code.
<b><i>Internal consultation</i></b> The Legal, Asset Management and Procurement and Democratic Services departments provided advice on content and process.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> The two key risks are the need to: <ul style="list-style-type: none"><li>• Make new bylaws at this meeting, as the 2009 Bylaws expire on 1 July 2021. The proposed 2021 Bylaws (<b>Attachment 2</b>) and recommendation 10 address this risk</li><li>• Address the range of additional issues identified by the expert maritime lawyers. An approach to managing this risk is discussed in paragraph 14 and outlined in recommendation 6.</li></ul>

## Attachment 1 to Report 21.243

## Further proposed changes and refinements to the Wellington Regional Navigation and Safety Bylaws 2009 (after consideration of expert legal advice)

Clause	Current wording <sup>1</sup>	Reason for proposed change or refinement	Officers' recommendation after considering legal advice	Revised wording
1.3 – <b>Definition of terms</b>	Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule and used in this Bylaw, but not defined, has the meaning given by the Act or Maritime Rule.	Bylaws are not made under Maritime Rules	Remove the words “a Maritime Rule”	Unless the context requires another meaning, a term or expression that is defined in the Act and used in this Bylaw, but not defined, has the meaning given by the Act.
	-	Ensure references to ‘the Act’ mean the Maritime Transport Act 1994	Add the definition “ <b>Act</b> means the Maritime Transport Act 1994.”	<b>Act</b> means the Maritime Transport Act 1994.”
	<b>Free Diving</b> means breath hold diving that relies on breath holding until resurfacing	Clarify the meaning.	Remove the words “breath hold diving”	<b>Free Diving</b> means diving that relies on breath holding until resurfacing.
	<b>Paddle craft</b> means a vessel powered only by the vessel’s occupant(s) only by use of a single or double bladed paddle as a lever without the	Correct drafting error.	Remove the second “only”	<b>Paddle craft</b> means a vessel powered only by the vessel’s occupant(s) by use of a single or double bladed paddle as a lever without

<sup>1</sup> Including any amendments approved by Council when considering the Report of the Environment Committee on hearing submissions and feedback – proposed Wellington Regional Navigation Safety Bylaws 2021 – Report 21.245.

## Attachment 1 to Report 21.243

## Further proposed changes and refinements to the Wellington Regional Navigation and Safety Bylaws 2009 (after consideration of expert legal advice)

	aid ... This includes waka ama.			the aid ... This includes waka ama.
	<b>Restricted visibility</b> means the same as in Maritime Rules Part 22.	Clarifying meaning.	Replace the words “means the same as in Maritime Rules” with the words “has the meaning given to this term in Maritime Rule”	<b>Restricted visibility</b> has the meaning given to this term in Maritime Rule Part 22.
	<b>Sailboard</b> means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board. This includes windsurfers, wing and kite surfers. This includes any hydro foiling variations of the above.	Clarify meaning	Add the word “sailors” after the word “wing”,	<b>Sailboard</b> means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board. This includes windsurfers, wing sailors and kite surfers. This includes any hydro foiling variations of the above.
	<b>Underway</b> means the same as in Maritime Rules Part 22.	Clarify meaning.	Replace the words “means the same as in Maritime Rules” with the words “has the meaning given to this term in Maritime Rule”	<b>Underway</b> has the meaning given to this term in Maritime Rule Part 22.
2.6.8	No vessel may use a mooring without the mooring owner’s permission. If they do so, the Harbourmaster may direct the owner of the	Redundancy. The powers described in the last part of the clause already exist and may be given effect under the	Remove all the words after “No vessel may use a mooring without the mooring owner’s permission”.	No vessel may use a mooring without the mooring owner’s permission.

**Attachment 1 to Report 21.243**

**Further proposed changes and refinements to the Wellington Regional Navigation and Safety Bylaws 2009 (after consideration of expert legal advice)**

	vessel to remove it from that mooring. If they do not comply or the owner cannot be located then the vessel may be removed by the Harbourmaster (or agent) at the vessel owner's expense.	Maritime Transport Act 1994.		
2.10.5	The Harbourmaster may request further information; the timeframe and level of details required will be stipulated subsequent to the notification.	Improve certainty and flexibility. We need to provide clear timeframes for a response from the master or owner of the vessel in question and discretion to extend that deadline.	Amend to refer to the subclause under which the notification is provided by the Harbourmaster and provide a response time.	The Harbourmaster may require further information from the master or owner of a vessel following a notification under subclause 2.10.1, which must be provided within 48 hours (or such longer timeframe as the Harbourmaster may permit).
2.15(d)	A non-motorised vessel within a harbour or less than 1000 metres of the coast only requires one waterproof form of communication. one waterproof form of communication.	Environment Committee change. Correcting numbering error and clarifying it is an exception to another clause.	Replace subclause 2.15(d) with a new subclause 2.15.2 with the following words:  Despite subclause 2.15.1, a person in charge of a non-powered vessel being operated within a harbour, or within 1000 metres of the coast, must ensure that one	Despite subclause 2.15.1, a person in charge of a non-powered vessel being operated within a harbour, or within 1000 metres of the coast, must ensure that one waterproof means of communication is carried on board the vessel.



**Attachment 1 to Report 21.243**

**Further proposed changes and refinements to the Wellington Regional Navigation and Safety Bylaws 2009 (after consideration of expert legal advice)**

			waterproof means of communication is carried on board the vessel.	
3.2.5	No person who is permitted by any provision of this bylaw or any Maritime Rule to navigate a vessel at a speed exceeding 5 knots shall do in any manner that is likely to endanger or unduly interfere with the reasonable enjoyment of any person who is in, on, or using the waters, or fishing, or undertaking any activity in the vicinity of the vessel.	Simplifying, clarifying, and increasing scope (i.e. can be used for more than just speed control and increased effect is within the scope of section 33M(1)(c) of the Maritime Transport Act 1994).  The term “reasonable enjoyment” is too vague and prevents the bylaw from being used as an enforcement tool.	Replace this clause with “No person in charge of a vessel shall navigate that vessel in a manner that causes a nuisance to others.”	No person in charge of a vessel shall navigate that vessel in a manner that causes a nuisance to others
3.4	Swimmers more than 200 metres from shore must tow a float or other means of increasing visibility, unless accompanied by a support craft.	Update in light of the coroners’ recommendation in relation to the 2017 Auckland pilot boat fatality.  Two options provided:  1. Mandate the bright swim float and bright swim caps.	Officers recommend Option 1 as this provides the best option for making the swimmer visible.  Remove the words “float or other means of increased visibility” and replace with te words “and bright-coloured safety float or swim buoy and brightly coloured swim cap (if worn)”.	Swimmers more than 200 metres from shore must tow a bright-coloured safety float or swim buoy and brightly coloured swim cap (if worn), unless accompanied by a support craft.

**Attachment 1 to Report 21.243**

**Further proposed changes and refinements to the Wellington Regional Navigation and Safety Bylaws 2009 (after consideration of expert legal advice)**

		2. Mandate the bright swim float and recommend on Harbourmaster's website that bright coloured clothing is also worn.		
3.5.1	Every person diving from a vessel must ensure that flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.	Ensure consistency with Maritime Rule Part 91.	Delete the definition of Dive Flag in clause 1.3.  Replace "dive flag" in new clause 3.5.1 with "flag A (dive flag)".	Every person diving from a vessel must ensure that flag A (dive flag) is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.
3.5.4	Any free-diver from shore intending to dive more than 200 metres from shore must either tow a distinctive float or use a raft displaying a dive flag.	Ensure consistency with Maritime Rule Part 91, and consistency of language across the clauses.	Replace the words "dive flag" with the words "flag A (dive flag)".  Remove the words "distinctive float" and replace with the words "bright-coloured safety float"	Any free-diver from shore intending to dive more than 200 metres from shore must either tow a bright-coloured safety float or use a raft displaying flag A (dive flag).
3.11	The use of powered vessels within the waters of the Pauatahanui Wildlife Reserve is prohibited, except	Clarify intention.	Replace this subclause with the following words:  The reserved area as shown in Part D of Schedule 3 is for	The reserved area as shown in Part D of Schedule 3 is for the use of non-powered vessels only except with the

**Attachment 1 to Report 21.243**

**Further proposed changes and refinements to the Wellington Regional Navigation and Safety Bylaws 2009 (after consideration of expert legal advice)**

	with the written permission of the Harbourmaster. The area is shown in Part D of Schedule 3.		the use of non-powered vessels only except with the written permission of the Harbourmaster.	written permission of the Harbourmaster.
3.14.3	No person may anchor any vessel so as to obstruct any licensed mooring unless they are the license holder of, or contractor to that mooring.	Clarify the effect.	Remove the words “licensed mooring unless they are the license holder of, or contractor to that mooring” and replace with the words “licence holder for that mooring, or a contractor carrying out maintenance work on the mooring on behalf of that licence holder”	No person may anchor any vessel so as to obstruct any licence holder for that mooring, or a contractor carrying out maintenance work on the mooring on behalf of that licence holder.
4.8.1	Any vessel over 500 gross tonnage intending to enter the Bylaws area, except for the purposes of entering Wellington Harbour, must submit a passage plan for prior approval.	Provide certainty and flexibility. We need to provide clear timeframes for the submission of a passage plan.	Replace the words “for prior approval” with the words “to the Harbourmaster for prior approval at least 20 working days before the vessel’s intended arrival in the Region. In exceptional circumstances a passage plan may be approved under this subclause within a shorter period of time.”	Any vessel over 500 gross tonnage intending to enter the Bylaws area, except for the purposes of entering Wellington Harbour, must submit a passage plan to the Harbourmaster for prior approval at least 20 working days before the vessel’s intended arrival in the Region. In exceptional circumstances a passage

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				plan may be approved under this subclause within a shorter period of time.
4.8.2	The Harbourmaster may grant permission for 4.8.1, subject to a satisfactory passage plan and any additional conditions as required.	Ensure consistency with amended clause 4.8.1 and provide clarity.	Replace the clause with the words “Upon receipt of a satisfactory passage plan the Harbourmaster may grant permission under clause 4.8.1, subject to any additional conditions the Harbourmaster may require for the purposes of ensuring navigation safety.”	Upon receipt of a satisfactory passage plan the Harbourmaster may grant permission under clause 4.8.1, subject to any additional conditions the Harbourmaster may require for the purposes of ensuring navigation safety
5.1	<b>5.1 Appointment of officers</b> The Council, when appointing Enforcement officers, Honorary Enforcement officers or other authorised persons, may impose conditions which may include but not limited to restrictions specified powers and area of jurisdiction and specifying bylaws that may be enforced	Remove this section as the issue is better managed outside of the Bylaws	Remove section 5.1	-

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5.1.3	-	Clarify intention by providing support for clauses that place a requirement on “a vessel”.	Add new clause 5.1.3 as follows:  Where any clause of these Bylaws imposes an obligation or duty on any vessel without reference to its master or owner, it shall be the responsibility of the master to ensure the vessel complies with that duty or obligation.	Where any clause of these Bylaws imposes an obligation or duty on any vessel without reference to its master or owner, it shall be the responsibility of the master to ensure the vessel complies with that duty or obligation.
5.3.1	Any person intending to operate vessels for hire or reward must notify the Harbourmaster before commencing the activity and gain approval for operating locations and any other specific conditions.	Clarify intention	Replace with the following words:  Any person intending to operate a vessel for hire or reward must notify the Harbourmaster before commencing the activity, and provide details of the proposed activities and operating locations.	Any person intending to operate a vessel for hire or reward must notify the Harbourmaster before commencing the activity, and provide details of the proposed activities and operating locations.
5.3.2	Any operation for hire and reward that is not subject to licensing by Maritime New Zealand, Worksafe New Zealand or a Worksafe accredited certification	Increase the effectiveness and longevity of the Bylaws to adapt to similar legislation or changes to legislation.	Replace the subclause with the following words:  Any vessel operated for hire or reward that is not subject to a licencing regime under Maritime Rules (including	Any vessel operated for hire or reward that is not subject to a licencing regime under Maritime Rules (including but not limited to a Maritime Transport

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	organisation, must obtain a Commercial Vessel Licence.		but not limited to a Maritime Transport Operator Certificate), the Amusement Devices Regulations 1978, or any similar legislation must obtain a Commercial Vessel Safety Licence from the Harbourmaster.	Operator Certificate), the Amusement Devices Regulations 1978, or any similar legislation must obtain a Commercial Vessel Safety Licence from the Harbourmaster.
5.3.3	The Harbourmaster may issue a Commercial Vessel Licence subject to provision of a suitable safe operating plan.	Clarify meaning.	Replace the subclause with the following words:  The Harbourmaster may issue a Commercial Vessel Safety Licence subject to any conditions he or she considers are necessary in the interests of safety (including but not limited to the provision of a suitable safe operating plan).	The Harbourmaster may issue a Commercial Vessel Safety Licence subject to any conditions he or she considers are necessary in the interests of safety (including but not limited to the provision of a suitable safe operating plan).
5.3.4	-	Clarify the timeframe requirements.	Add the following words as a new subclause:  Each Commercial Vessel Safety Licence shall be valid for a period of 12 months from the date of issue, or for such shorter period of time	Each Commercial Vessel Safety Licence shall be valid for a period of 12 months from the date of issue, or for such shorter period of time as the Harbourmaster may decide.

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			as the Harbourmaster may decide.	
5.3.5	-	Adding additional protections.	Add the following words as a new subclause:  For the purpose of ensuring maritime safety the Harbourmaster may prohibit or impose conditions on the use or operation of any vessel for hire or reward, regardless of whether or not a Commercial Vessel Safety Licence has been issued in respect of that vessel.	For the purpose of ensuring maritime safety the Harbourmaster may prohibit or impose conditions on the use or operation of any vessel for hire or reward, regardless of whether or not a Commercial Vessel Safety Licence has been issued in respect of that vessel.
5.4		Clarify meaning.	Insert new title for clause “ <b>5.4 Registration of personal water craft, (PWC, commonly known as a jetskis)</b> ”	<b>5.4 Registration of personal water craft, (PWC, commonly known as a jetskis)</b>
Renumbered subclause in clause 5.4	Every personal water craft being used on the waters of the Wellington Region must display a distinctive number	Clarify meaning.	Replace clause 5.4.1 with the words:	The owner and person in charge of every personal water craft being used on the waters of the Region

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	individual number; this may be the trailer's registration number or a PWC registration number.		The owner and every personal water craft being used on the waters of the Region must display a distinctive individual number, which must be either the registration number of the personal water craft's the trailer or a PWC registration number.	must display a distinctive individual number, which must be either the registration number of the personal water craft's trailer, or a PWC registration number.
Renumbered subclause in clause 5.4	If not using the trailer registration number then the personal water craft must be registered with: <ul style="list-style-type: none"> <li>• The Council; or</li> <li>• An authorised agent of the Council; or</li> <li>• Another regional council.</li> </ul>	Clarify meaning.	Replace clause 5.4.2 with the words:  If not using the trailer registration number then a PWC registration number must be obtained from the Council (or another regional council that undertakes an equivalent registration process for personal water craft.)	If not using the trailer registration number then a PWC registration number must be obtained from the Council (or another regional council that undertakes an equivalent registration process for personal water craft).
Renumbered subclause in clause 5.4	If using a PWC registration number, this must be displayed prominently on the trailer.	Clarify meaning.	Replace clause 5.4.3 with the following words:	The PWC registration number or trailer registration number must be clearly displayed above the water line on both sides of



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			<p>The PWC registration number or trailer registration number must be clearly displayed above the water line on both sides of the craft at all times. Each number used shall be a minimum height of 90 millimetres, in a contrasting colour and the numbers must be legible from 50 metres away.</p>	<p>the craft at all times. Each number used shall be a minimum height of 90 millimetres, in a contrasting colour and the numbers must be legible from 50 metres away.</p>
<p>Renumbered subclause in clause 5.4</p>	<p>The registration with the Council shall be completed to the satisfaction of the Council, and include the name and address of the owner and details of the personal water craft.</p>	<p>Clarify meaning</p>	<p>Replace proposed clause with the following words:</p> <p>If a PWC registration is sought from the Council, then the application for registration must be completed to the satisfaction of the Council, and include the name and address of the owner and details of the personal water craft. The Council will then issue a unique PWC registration number for that personal water craft.</p>	<p>If a PWC registration number is sought from the Council, then the application form for registration must be completed to the satisfaction of the Council, and include the name and address of the owner and details of the personal water craft. The Council will then issue a unique PWC registration number for that personal water craft.</p>

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Renumbered subclause in clause 5.4	If using a PWC registration number, this must be displayed prominently on the trailer drawbar.	Clarify meaning.	Replace the words “must be displayed prominently on the trailer drawbar” with the words “must also be displayed prominently on the personal water craft’s trailer”.	If using a PWC registration number, this must also be displayed prominently on the personal water craft’s trailer.
Renumbered subclause in clause 5.4	The owner selling or otherwise disposing of a personal water craft must complete in writing to the Council a change of ownership or de-registration form, (which includes the name and contact information of the new owner), within 30 days of selling or disposing of the craft.	Clarify meaning.	Replace this subclause with the following words:  Any owner selling or otherwise disposing of a personal water craft must complete in writing to the Council a change of ownership or de-registration form, (which includes the name and contact information of the new owner where relevant), within 30 days of selling or disposing of the craft.	Any owner selling or otherwise disposing of a personal water craft must complete in writing to the Council a change of ownership or de-registration form (which includes the name and contact information of the new owner where relevant) within 30 days of selling or disposing of the craft.
Renumbered subclause in clause 5.4	-	Clarify meaning.	Add new subclause with the following words:  The Council may authorise an agent to undertake the PWC registration process on its behalf.	The Council may authorise an agent to undertake the PWC registration process on its behalf.

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5.5.1	The skipper of a vessel not covered by clause 5.4 shall ensure the vessel is clearly marked with a minimum of two letters or numbers which must not be a vessel's brand, make or model, and must not have the potential to be misrepresented as a harbourmaster, coastguard, police, customs, fishery officer or similar response vessel. The marking shall be clearly displayed in a position that it is above the water line on both sides of the vessel at all times.	Clarify meaning.	<p>Replace the words "skipper of" with the words "person in charge of"</p> <p>Replace the words "misrepresented as a harbourmaster, coastguard, police, customs, fishery officer or similar response vessel" with the words "mistaken for a vessel operated by the Harbourmaster, coastguard, police, customs, fisheries officers, or other enforcement agency".</p>	The person in charge of a vessel not covered by clause 5.4 shall ensure the vessel is clearly marked with a minimum of two letters or numbers which must not be a vessel's brand, make or model, and must not have the potential to be mistaken for a vessel operated by the Harbourmaster, coastguard, police, customs, fisheries officers, or other enforcement agency. The marking shall be clearly displayed in a position that it is above the water line on both sides of the vessel at all times.
5.5.3	The vessel name or identifying letters and numbers must be displayed prominently on the trailer.	Clarify meaning	<p>Replace this clause with the following words:</p> <p>If the vessel is normally carried to the water on a trailer, the vessel name or identifying letters and numbers must also be</p>	If the vessel is normally carried to the water on a trailer, the vessel name or identifying letters and numbers must also be prominently displayed on that trailer.

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			prominently displayed on that trailer.	
5.5.6	A commercial operation that displays a MNZ or MSA number satisfies the identification requirements in clauses 5.3 or 5.4.	Clarify meaning.	Replace the word “operation” with the word “operator”	A commercial operator that displays a MNZ or MSA number satisfies the requirements of subclauses 5.5.4 or 5.5.5.
5.6.1	Council may from time to time, by resolution, publicly notified, set fees and charges for any activity undertaken in these bylaw. These fees will be in the annual plan.	Clarify meaning.	Replace this clause with the following words:  Council may from time to time, by resolution, , set fees and charges for any activity undertaken in these Bylaws. These fees will be publicly notified in the Council’s annual plan	Council may from time to time, by resolution, set fees and charges for any activity undertaken in these Bylaws. These fees will be publicly notified in the Council’s annual plan.
5.6.3	The cost of any Public Notices required by this Bylaws or required in an approval or permission, will be passed on at actual cost.	Duplicates the requirements of subclause 3.13.5.	Remove subclause 5.6.3	-
6.1.4	All vessels of 18 metres or more, on passage, shall follow the recommended tracks as detailed in Part A of Schedule 5. This does not	Clarify meaning	Replace the words “18 metres or more...” with the words “18 metres or more in length”.	All vessels of 18 metres or more in length, on passage, shall follow the recommended tracks as detailed in Part A of

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	exempt a vessel to which this Bylaw applies that is less than 500 gross tonnage from their obligations under 6.3.1.		Add the word “subclause” after the words “obligations under”.	Schedule 5. This does not exempt a vessel to which this Bylaw applies that is less than 500 gross tonnage from their obligations under subclause 6.3.1.
6.2.2	Before any vessel on a commercial berth that clause 6.2.1 applies to starts and engine that may result in their propulsion systems operating that vessel must contact Wellington harbour Radio to ensure it is safe to start their engine.	Adjust to refocus the emphasis and to indicate more clearly the liability for any incident arising out of non-compliance.	Replace the subclause with the words:  The master of any vessel on a commercial berth that clause 6.2.1 applies to must check that it is safe to start any engine that may result in the vessel’s propulsion systems operating. The master must notify Wellington Harbour Radio of their intentions, prior to starting engines, as part of this safety check and take notice of any advice given	The master of any vessel on a commercial berth that clause 6.2.1 applies to must check that it is safe to start any engine that may result in the vessel’s propulsion systems operating. The master must notify Wellington Harbour Radio of their intentions, prior to starting engines, as part of this safety check and take notice of any advice given.
Renumbered subclause in clause 6.2	After leaving a berth, mooring or anchorage, the master of either any vessel 18 metres or more or any commercial vessel carrying passengers shall, as soon as	Clarify meaning	Replace the words “18 metres or more” with the words “18 metres or more in length”.	After leaving a berth, mooring or anchorage, the master of either any vessel 18 metres or more in length or any commercial vessel carrying passengers shall, as

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	practicable, call Wellington Harbour Radio on VHF Ch 14 and report that the vessel has cleared the berth, mooring or anchorage, and their intentions. The master of any commercial vessel carrying passengers shall advise of the total number of persons on board.			soon as practicable, call Wellington Harbour Radio on VHF Ch 14 and report that the vessel has cleared the berth, mooring or anchorage, and their intentions. The master of any commercial vessel carrying passengers shall advise of the total number of persons on board.
6.2.5	Any vessels that are crossing the Wellington Harbour Entrance, south of Barrett Reef, must report their intention to Wellington Harbour Radio. Pleasure craft are exempt from clause 6.2.4 except during the hours of darkness and in restricted visibility	Clarify the intention.	Replace the words “exempt from clause 6.2.4” with the words “excluded from this”.	Any vessels that are crossing the Wellington Harbour Entrance, south of Barrett Reef, must report their intention to Wellington Harbour Radio. Pleasure Craft are excluded from this except during the hours of darkness and in restricted visibility.
6.3.3	The master shall ensure that while within Wellington Harbour:  (a)...	Clarify the size of the vessel to which the bylaw relates.	After the words “The master” add the words “of any vessel over 18 metres in length”.	The master of any vessel over 18 metres in length shall ensure that while within Wellington Harbour:  (a)...

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6.3.8	No vessel over 18 metres on passage, shall pass less than 3 cables (556 metres) off a line from Point Halswell to Kau Point, and not less than 2.8 cables (519 metres) off a line from Kau Point to Point Gordon.	Clarify meaning.	Replace the words "18 metres" with the words "18 metres in length".	No vessel over 18 metres in length on passage, shall pass less than 3 cables (556 metres) off a line from Point Halswell to Kau Point, and not less than 2.8 cables (519 metres) off a line from Kau Point to Point Gordon.
6.3.10	All vessels over 18 metres or any passenger vessel licenced to carry more than 12 passengers or any passenger vessel operating during the hours of darkness or in restricted visibility, shall transmit an AIS signal when in Wellington Harbour limits.	Clarify meaning.	Replace the words "18 metres" with the words "18 metres in length."	All vessels over 18 metres in length or any passenger vessel licenced to carry more than 12 passengers or any passenger vessel operating during the hours of darkness or in restricted visibility, shall transmit an AIS signal when in Wellington Harbour limits.

# Wellington Regional Navigation Safety Bylaws 2021

## Wellington Region

Purpose: These Bylaws are made for the purpose of ensuring maritime safety in the Wellington Region.

*The maps in the schedules are mostly from the existing 2009 Bylaws and are only for the consultation copy. In the final printed version these maps will be updated to provide better clarity both in print and on-line.*

### FOR FURTHER INFORMATION

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GW/H-G-XXXX



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### 1. Preliminary provisions

#### 1.1 Title and commencement

These Bylaws are the Wellington Regional Navigation Safety Bylaws 2021.

These Bylaws come into force 1 July 2021.

(Explanation: These Bylaws replace the Wellington Regional Navigation and Safety Bylaws 2009.)

#### 1.2 Areas within which these Bylaws apply

These Bylaws apply to the waters within the Region.

#### 1.3 Definition of terms

Unless the context requires another meaning, a term or expression that is defined in the Act and used in this Bylaw, but not defined, has the meaning given by the Act.

In these Bylaws, unless the context otherwise requires:

<b>Access lane</b>	means those areas defined by words and maps in part A of Schedule 3 to these Bylaws.
<b>Act</b>	means the Maritime Transport Act 1994.
<b>AIS</b>	Automatic Identification Systems (AIS) means an operational transceiver of class A or class B that complies with the requirements of the International Maritime Organisation.
<b>Anchorage</b>	in relation to vessels, means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purposes by the Council or not.
<b>Anchoring</b>	means the securing of a vessel to the bed of waters by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the anchorage.
<b>Beacon</b>	means a light or mark set up as a navigation mark or a warning to vessels.
<b>Body board</b>	also known as a boogie board. Means a short foam board usually ridden in a prone or kneeling position and not designed to be ridden standing up.
<b>Buoy</b>	means an anchored float serving as a navigation or locational mark, or to indicate a mooring, reef or other hazard.
<b>Buoyancy aid</b>	means anything that complies with NZ Standard 5823:2005 or a buoyancy aid that the Director of Maritime Safety is satisfied substantially complies with the Standard and that provides a minimum of 53 newtons of buoyancy.

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<b>Class 3 packing Group I oil products</b>	means oil having an initial boiling point less than or equal to 35 degrees centigrade.
<b>Class 3 packing Group II oil products</b>	means oil having a flashpoint of less than 23 degrees centigrade and an initial boiling point greater than 35 degrees centigrade.
<b>Class 3 packing group III oil products</b>	means oil having a flashpoint equal to or greater than 23 degrees centigrade up to and including 61 degrees centigrade and an initial boiling point greater than 35 degrees centigrade.
<b>Commercial vessel</b>	has the same meaning as commercial ship in section 2 of the Maritime Transport Act 1994.
<b>Council</b>	means the Wellington Regional Council as constituted under the Local Government (Wellington Region) Reorganisation Order 1989.
<b>Crew</b>	means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in a harbour.
<b>Dangerous Goods</b>	has the same meaning as in the International Maritime Dangerous Goods (IMDG) Code.
<b>Distress signal</b>	means a distress signal as prescribed in Maritime Rule 23 Appendix 3.
<b>Diver's marker float</b>	means any float that can be deployed on or before surfacing by a SCUBA diver, and can include a safety sausage or surface marker buoy.
<b>Double banking</b>	means mooring one (or more) vessels moored alongside another vessel with mooring lines going between the vessels. This applies to vessels alongside at a berth or at anchor.
<b>Explosive</b>	has the same meaning as in the Hazardous Substances and New Organisms Act 1996.
<b>Flag A</b>	means flag A of the International Code of Signals, a burgee (swallow-tailed) flag coloured in white and blue with white to the mast, or a rigid equivalent.
<b>Flag B</b>	means flag B of the International Code of Signals, a burgee (swallow-tailed) flag coloured in red, or a rigid equivalent.
<b>Free diving</b>	means diving that relies on breath holding until resurfacing.

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<b>Harbour</b>	means:  (a) Wellington Harbour; and  (b) Porirua Harbour as defined by Order in Council, dated 24 March 1969, New Zealand Gazette, 2 April 1969, page 609 (Schedule 1 to these Bylaws).
<b>Hours of darkness</b>	Means the time between sunset and sunrise as published in the NZ Nautical Almanac, NZ 204.
<b>In writing</b>	includes communication by email
<b>Kite surfer</b>	has the same meaning as sailboard.
<b>Length</b>	in relation to a vessel, means overall length.
<b>Lifejacket</b>	means a serviceable personal floatation device that meets NZ Standard 5823:2005 or a national or international standard that the Director of Maritime Safety is satisfied substantially complies with that Standard.
<b>Master</b>	means any person having command or charge of a vessel, but does not include a pilot.
<b>Mean high water spring</b>	means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately 14 days), when the range of tides is the greatest.
<b>Mooring</b>	means any weight or article placed in or on the sea bed or lake bed for the purpose of securing a vessel or floating structure; and  (a) includes any wire, chain, rope, buoy or other device attached or connected to the weight; but  (b) does not include an anchor that is removed with the vessel or floating structure when it leaves an anchorage.
<b>Mooring area</b>	means any area described as a mooring area in the NRP maps 36-41.
<b>Natural Resources Plan (NRP)</b>	means the - Council's Natural Resources Plan made under the Resource Management Act 1991 and includes the current version as at 2021 that is the Proposed Natural Resources Plan with some sections currently under appeal.
<b>Navigate</b>	means the act or process of managing or directing the course of a vessel on, through, over or under the water.

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<b>Owner</b>	includes:  (a) in relation to a vessel, the agent of the owner and also a charterer; and  (b) in relation to any dock, wharf quay or slipway, includes a lessee of the dock, wharf, quay or slipway.
<b>Paddle craft</b>	means a vessel powered only by the vessel's occupant(s) by use of a single or double bladed paddle as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements. This includes Stand up paddleboards and also includes any hydro foiling variation of the above. This includes waka ama.
<b>Person in charge of a vessel</b>	means the master.
<b>Pilot</b>	In relation to any vessel means any person not being the master or a member of the crew of the vessel who has the conduct of the vessel.
<b>Porirua Harbour</b>	as defined in Schedule 1 to these Bylaws.
<b>Powered vessel</b>	means any vessel that is not solely powered manually or by sail.
<b>Proper speed</b>	means speed through the water.
<b>Public notice</b>	means published on the Council website and a notice published in a newspaper circulating generally in the area adjacent to the waters to which the subject matter of the notice relates.
<b>Region</b>	means the Wellington Region as constituted under the Local Government (Wellington Region) Reorganisation Order 1989.
<b>Restricted visibility</b>	has the meaning given to this term in Maritime Rule Part 22.
<b>Reserved area</b>	means those areas defined by words and maps in part B of Schedule 3 to these Bylaws.
<b>Reward</b>	means the payment to, or for the benefit of, the owner or master of a vessel, of a contribution towards the expenses of a voyage by, or on behalf of, persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.
<b>Sailboard</b>	means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board. This includes windsurfers, wing sailors and kite surfers. This includes any hydro foiling variations of the above.
<b>Seaplane</b>	means a flying boat or any other aircraft designed to manoeuvre on the water.

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<b>Shore</b>	when referring to distance from shore, means distance from the water's edge.
<b>Shore SCUBA diver</b>	means a diver using breathing apparatus that enters and exits the water from shore and not a vessel.
<b>Structure</b>	means any building, equipment, device or other facility which is fixed to land; and  (a) includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms and other objects whether or not these are above or below the waterline; but  (b) does not include buoys, beacons or anchored floats.
<b>Surfboard</b>	means any type of board that is designed to be used for surf riding and includes hydro foiling variations.
<b>Tanker</b>	means any vessel which:  (a) is constructed, or has a compartment constructed, for the carriage in bulk of any Class 3 oil products; and  (b) either:  (i) has on board, or is about to take on board, a cargo the whole or any part of which consists of any Class 3 oil products in bulk; or  (ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks and compartments of which have not been rendered and certified gas-free; and  (iii) includes any tanker designed for carriage of bulk liquid harmful substances.
<b>Underway</b>	has the meaning given to this term in Maritime Rule Part 22.
<b>Unseaworthy</b>	means, in the opinion of the harbourmaster not being in a fit condition or readiness to navigate safely on the water.
<b>Vessel</b>	has the same meaning as ship in Section 2 of the Maritime Transport Act 1994, and shall include a seaplane when operating on waters
<b>Waters</b>	means all that area of:  (a) seawater in estuaries, fiords, inlets or harbours, the outer boundary being three nautical miles from the shore of the Region and the inner boundary being the water's edge, except where that line crosses a river, in which case the boundary is a straight line representing the continuation of the line of mean high water spring on each side of the river at the outlet ; and

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- (b) Lake Wairarapa, the more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in South Wairarapa and extending as far downstream as the barrage gates; and
- (c) Lake Onoke, (Lake Ferry The more or less continuous area of water commonly known as Lake Onoke or Lake Ferry, locate in south Wairarapa and extending between the mouth of the Ruamahanga river as the landward boundary through to Palliser Bay (when the entrance is open).

**Wellington Harbour** means Wellington Harbour as defined by Order in Council, dated 17 January 1985 and amended 1 April 1985, New Zealand Gazette 14 February 1985, page 524 (Schedule 1 to these Bylaws).

**Wellington Harbour Radio** Also known as 'Beacon Hill,' this is the Council's Harbour communication station, and is staffed 24 hours a day 365 days a year. The station can be contacted by marine VHF on channels 04 (East Coast approach to Wellington) 14, (Wellington Harbour) 16, International Distress and calling channel) and 62 (Western side of Cook Strait and Porirua, Mana and Kapiti areas). Telephone numbers include 04 388 1911, 04 388 5470, Fax 04 388 4319, e-mail: beaconhill@gw.govt.nz. The station is located at 41<sup>o</sup>19.8S, 174<sup>o</sup>49.7E.



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### 2. General matters

#### 2.1 Lifejackets

- 2.1.1 No person in charge of a pleasure craft may use it or allow it to be used unless it carries, at the time of use, in a readily accessible location, lifejackets of an appropriate size for each person on board.
- 2.1.2 The person in charge of any recreational craft that is 6 metres or less in length overall must ensure that every person on board is wearing a properly secured lifejacket of an appropriate size for that person while the craft is underway.
- 2.1.3 When not underway, the person in charge of any recreational craft that is 6 metres or less in length overall shall ensure that every person shall wear a properly secured lifejacket unless:
- (a) the person in charge of that craft has expressly given permission for lifejackets not to be worn; and
  - (b) the person in charge of that craft considers that conditions are such that there is no significant reduction in safety if they allow any person to remove their lifejacket.
- 2.1.4 Subclauses 2.1.1 and 2.1.2 and 2.1.3 shall not apply to:
- (a) any surfboard or similar unpowered craft being used to ride breaking waves; and
  - (b) any sailboarder if a wetsuit is worn at all times; and
  - (c) a diver on a boat of six metres or less in length overall that is used for recreational diving within five nautical miles (approximately 9.2km) of shore, if a full body dive suit is worn at all times; and
  - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director of Maritime Safety under Maritime Rule 91.4(3); and
- 2.1.5 Subclause 2.1.2 shall not apply to any paddle craft, body board or surfboard, not covered by 2.1.4 (a), provided:
- (a) a leash is used as appropriate for the conditions, and
  - (b) it is being used within 200 metres of the shore.

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- 2.1.6 In respect of any sporting event, training activity, ceremonial event or other organised recreational activity, subclauses 2.1.1 and 2.1.2 shall not apply if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the pleasure craft and the support vessel carries lifejackets or buoyancy aids of an appropriate size for each person on board the support vessel and the pleasure craft.
- 2.1.7 In respect of any sporting event, training activity or other organised recreational activity, the organising body may, where it is not practical to meet the requirements of subclause 2.1.6, apply for a written exemption to subclauses 2.1.1. and 2.1.2 the Harbourmaster may grant an exemption for a specified time period, provided that the Harbourmaster is satisfied that adequate safety precautions are made for rescuing any persons participating in the event or activity.
- 2.1.8 No person in charge of a vessel may use it to tow any person and no person may cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured lifejacket of an appropriate size for that person.
- 2.1.9 Subclause 2.1.8 does not apply to a person:
- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under Maritime Rule 91.4(3); or
  - (b) participating in a sporting event that is administered by a national sporting organisation approved under Maritime Rule 91.4(3).
- 2.1.10 No person in charge of a pleasure craft may use that craft or allow it to be used in circumstances where:
- (a) tides, river flows, rough seas; or
  - (b) adverse weather, adverse visibility or emergencies
- cause a danger or a reduction in safety for the persons on board, unless each person on board is wearing a lifejacket of an appropriate size.

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### **2.2 Persons to avoid swimming or diving around wharves**

2.2.1 Without the permission of the Harbourmaster no person may dive (using breathing apparatus) or swim within 50 metres of:

- (a) any structure in the commercial port area as defined in the NRP; or
- (b) any other wharf, boat ramp or designated boat launching area when a vessel is manoeuvring within 50 metres of the wharf, boat ramp or designated launching area.

2.2.2 Any person given permission to dive under subclause 2.2.1 must display flag A and meet any other conditions as required by the Harbourmaster

### **2.3 Use of vessel engine around wharves, ramps**

No person may operate the propulsion system of a vessel while it is lying at any wharf, or while it is loaded to or from a boat trailer at any ramp or designated launching area, in such a way that it may damage any property, scour the bed of the waters, or injure any person. However, this subclause does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.

### **2.4 Vessels to be serviceable or removed**

2.4.1 The master and the owner of any vessel anchored or moored in any waters must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in an unseaworthy condition and subject to such conditions that the Harbourmaster may determine appropriate to ensure navigation safety.

2.4.2 If any vessel is a hazard to navigation by reason of it being unseaworthy:

- (a) the Harbourmaster may give a written direction to the owner and/or the master of the vessel to move the vessel to an alternative location or to remove it from the waters within a reasonable time as specified in the direction; and
- (b) the owner and master are jointly and severally responsible for ensuring the direction is complied with.

2.4.3 If the owner or master of the vessel fails to move the vessel in accordance with a direction given under subclause 2.4.2, the Harbourmaster may move that vessel to a position where it is no longer a hazard to navigation, or remove it from the water. The costs incurred may be recovered from the

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owner, master or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.

- 2.4.4 No person may operate any unseaworthy vessel except to comply with the directions, under these Bylaws, of the Harbourmaster or an Enforcement Officer to move the vessel to an alternative location.

### **2.5 Seaplanes**

No person navigating a vessel may impede a seaplane in the process of landing or taking off.

### **2.6 Anchoring and mooring**

2.6.1 No person may anchor a vessel so as to:

- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
- (b) create a hazard to other vessels at anchor, or
- (c) leave the vessel unattended for more than 24 hours without prior permission of the Harbourmaster.

2.6.2 Except in an emergency involving danger to life or property, no person may cut, break, destroy or unlawfully detach:

- (a) the mooring of any vessel; or
- (b) the fastening securing any vessel lying in, at or near a wharf, dock or at or near any wharf or landing place.

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- 2.6.3 When a vessel is moored in, at or alongside a wharf or dock or other landing place, the owner or master must ensure that adequate and safe means of access to the vessel is provided, properly installed, secured and adjusted to suit all tidal conditions.
- 2.6.4 The owner or master of a vessel berthed at a wharf must ensure that it is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.
- 2.6.5 No person may moor to a public wharf for more than 8 hours without permission of the wharf owner. This does not preclude the wharf owner from restricting berthage to a shorter time.
- 2.6.6 A vessel must not be anchored within the same or proximate location for longer than 14 consecutive days without the prior permission of the Harbourmaster.
- 2.6.7 Any person intending to live on board a vessel at anchor or on a mooring for more than five consecutive nights shall inform the Harbourmaster of where the vessel will be anchored or moored and the expected duration of their living on board.
- 2.6.8 No vessel may use a mooring without the mooring owner's permission.

### **2.7 Prohibited anchorages**

No person may anchor or moor any vessel within any prohibited anchorage as defined by words in Schedule 2 to these Bylaws.

### **2.8 Obstructions**

- 2.8.1 No person may obstruct the access from seaward to any wharf, landing place, boat ramp, designated launching area, slipway or mooring.
- 2.8.2 No person may place any obstruction, including any fishing apparatus, in any waters that is liable to:
  - (a) restrict navigation; or
  - (b) cause loss of life or injury to any person; or
  - (c) cause damage to any vessel or any property.

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**2.9 Collision prevention**

No person shall operate any vessel in breach of Part 22 of the Maritime Rules (Collision Prevention), made under the Maritime Transport Act 1994

**2.10 Notification of collisions or accidents**

2.10.1 The master of any vessel that:

- (a) has been involved in a collision with any vessel, person or property, or has been sunk or grounded or become stranded in any waters; or
- (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to any person, other vessels or property; or
- (c) in any manner gives rise to an obstruction; or
- (d) causes any damage to any navigation aid or structure, or to anything on the structure;

must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994, as soon as is practicable or at least within 48 hours notify the occurrence to the Harbourmaster.

2.10.2 A notification under subclause 2.10.1 must include:

- (a) a full description of any injury to persons, and their names and their addresses; and
- (b) a full description of any damage to vessels, navigation aids or structures; and
- (c) the names and addresses of persons in charge of the vessel; and
- (d) the time and date of the occurrence; and
- (e) an outline of events relating to the occurrence.

2.10.3 If an incident described in subclause 2.10.1 involves damage to a vessel that affects, or is likely to affect, its seaworthiness, the master may not move the vessel except:

- (a) to prevent the vessel from creating a hazard to navigation; or
- (b) in accordance with the directions of the Harbourmaster or an Enforcement Officer.

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2.10.4 Nothing in subclause 2.10.1(a) shall apply to any pleasure craft involved in organised racing if there are no serious injuries sustained.

2.10.5 The Harbourmaster may require further information from the master or owner of a vessel following a notification under subclause 2.10.1, which must be provided within 48 hours (or such longer timeframe as the Harbourmaster may permit).

### **2.11 Damage to buoys**

2.11.1 No person may tie a vessel to any buoy, beacon or other device or structure erected as a navigation aid, warning marker or sign without the prior written permission of the Harbourmaster.

2.11.2 No person may damage, remove, deface or otherwise interfere with any buoy, beacon or other device or structure erected as a navigation aid, warning marker or sign.

2.11.3 No person may erect, maintain or display any beacon, buoy or other device, which may be used as, or mistaken for, a recognised navigation aid, without the written permission of the Harbourmaster and the Director of Maritime Safety.

### **2.12 Flashing lights and sound signals**

2.12.1 No person shall use any flashing lights, sirens or other sound or light signals not prescribed in a Maritime Rule for that vessel, without the permission of the Harbourmaster.

2.12.2 The use of blue flashing lights and/or sirens is restricted to Police, Customs, Harbourmaster or other enforcement vessels authorised by the Harbourmaster.

2.12.3 A vessel authorised to use purple flashing lights by the Harbourmaster shall only display them when:

- (a) The use is required to assist the location of a vessel or person in need of assistance.
- (b) The use is required to assist the identification of the vessel to an aircraft involved in an incident.
- (c) Is otherwise directed to do so by the Police or Harbourmaster.

The lights imply no status or privilege to that vessel.

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### 2.13 Vessels making sound signals

No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any harbour, except as a navigation safety signal or with permission of the Harbourmaster. However, nothing in these Bylaws precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf or use of the same as part of a vessel safety exercise.

### 2.14 Use of distress signals

2.14.1 A person must not make a distress signal, or cause or permit a distress signal to be made, unless that person is satisfied that:

- (a) the vessel that is on the water (or any person from that vessel) to which the person belongs is in serious and imminent danger and requires immediate assistance; or
- (b) another vessel (or any person from that vessel) is in serious and imminent danger and cannot itself make the signal and requires immediate assistance.

2.14.2 A person must not use signals which may be confused with the distress signals unless in distress.

2.14.3 The Director of Maritime Safety may, for the purpose of allowing instruction in the use of distress signals, authorise in writing the making of distress signals at such times and places, and subject to such other conditions, as the Director thinks fit.

### 2.15 Means of communication

2.15.1 Every person in charge of a vessel must ensure that at least two appropriate means of communication is carried on board the vessel that:

- (a) provides the ability to communicate with land based and/or seaborne parties from any point within the area the vessel will be operated; and
- (b) in the case of vessels under 6 metres in length, is able to be operated following submersion in sea water; and
- (c) is adequate to provide communications for the duration of the voyage.

2.15.2 Despite subclause 2.15.1, a person in charge of a non-powered vessel being operated within a harbour, or within 1000 metres of the coast, must ensure that one waterproof means of communication is carried on board the vessel.



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**3. Operating requirements**

**3.1 Minimum age for operating powered vessels**

- 3.1.1 No person under the age of 15 years shall be in charge of, or propel or navigate, a power-driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 3.1.2 The owner of a powered vessel that is capable of a proper speed exceeding 10 knots (about 18km/hr) must not allow any person who is under the age of 15 years to propel or navigate that vessel in contravention of subclause 3.1.1.
- 3.1.3 Subclause 3.1.1 does not apply to any person who has a written exemption from the Harbourmaster. Written exemptions may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an exemption, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

**3.2 Speed of vessels**

- 3.2.1 No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots (about 9km/hr):
  - (a) within 50 metres of any other vessel, floating structure or person in the water; or
  - (b) either within 200 metres of the shore or of any structure, or on the inshore side of any buoy(s) demarcating that distance from the shore or structure; or
  - (c) within 200 metres of any vessel or floating structure that is flying flag A; or
  - (d) when knowingly or deliberately approaching within 200 metres of a marine mammal.
- 3.2.2 No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow or side of that vessel.

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- 3.2.3 No person may cause or allow himself or herself to be towed by a vessel or any other means (whether or not on a water ski, aquaplane or other towed object) at a proper speed exceeding 5 knots in any circumstances specified in any of paragraphs (a) to (c) of subclause 3.2.1.
- 3.2.4 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski which may cause danger to any other person or vessel, without taking appropriate action to recover that water ski or take measures to ensure that the water ski is visible to other water users.
- 3.2.5 No person in charge of a vessel shall navigate that vessel in a manner that causes a nuisance to others.
- 3.2.6 Subclause 3.2.1(a) shall not apply to:
- (a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with subclause 3.2.1(a); or
  - (b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
    - (i) a club affiliated to Yachting New Zealand; or
    - (ii) a non-profit organisation involved in sail training or racing; or
  - (c) a craft training for or participating in competitive rowing or paddling; or
  - (d) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with subclause 3.2.1(a).
- 3.2.7 Subclause 3.2.1(b) shall not apply to:
- (a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, a navigation bylaw provides otherwise; or
  - (b) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with subclause 3.2.1(b); or
  - (c) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:

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- (i) a club affiliated to Yachting New Zealand; or
- (ii) a non-profit organisation involved in sail training or racing; or
- (d) a sailboard; or
- (e) a craft training for or participating in competitive rowing or paddling; or
- (f) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with subclause 3.2.1(b).

3.2.8 Subclauses 3.2.1(b) and 3.2.2 shall not apply to a craft operated by a Surf Lifesaving Club affiliated to Surf Lifesaving New Zealand, that is being operated in accordance with the appropriate operating procedure that has been approved by the Harbourmaster.

3.2.9 Subject to subclause 3.2.1, every person who propels or navigates a pleasure craft must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels or structures, or of harm to other persons.

### **3.3 Lights for sailing vessels underway and vessels under oars (including paddles)**

3.3.1 Subject to the requirements of Part 22 of the Maritime Rules that stipulate when lights must be exhibited, a sailing vessel of less than seven metres in length must, if practicable, exhibit sidelights and sternlight, but if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.

3.3.2 A vessel under oars may exhibit the lights prescribed in this subclause for sailing vessels, but if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.

3.3.3 In Wellington and Porirua Harbours any of the vessels in paragraphs 3.3.1 and 3.3.2 above who are not able to exhibit sidelights and a sternlight must exhibit an all-round white light where it can best be seen.

### **3.4 Swimming more than 200 metres from shore**

Swimmers more than 200 metres from shore must tow a bright-coloured safety float or swim buoy and brightly coloured swim cap (if worn), unless accompanied by a support craft.

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### **3.5 Diving**

- 3.5.1 Every person diving from a vessel must ensure that flag A (dive flag) is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.
- 3.5.2 The master of every vessel from which dive operations are in progress must ensure that flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.
- 3.5.3 The minimum size for a flag that is required under 3.5.1 or 3.5.2 is 60cm by 60cm.
- 3.5.4 Any free-diver from shore intending to dive more than 200 metres from shore must either tow a bright-coloured safety float or use a raft displaying flag A (dive flag).
- 3.5.5 Any shore SCUBA diver that intends to surface, or is likely to surface more than 200 metres from shore must display a diver's marker float that marks their position when surfacing.

### **3.6 Lookouts on vessels used for water skiing and towing any person**

- 3.6.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots (about 9 km/hr) unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 3.6.2 No person may cause or allow himself or herself to be towed at a speed exceeding 5 knots by or from any vessel unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 3.6.3 No person who is under the age of 10 years is permitted to act as the additional person required by subclauses 3.6.1 and 3.6.2.

### **3.7 Water skiing or towing during the hours of darkness**

- 3.7.1 No person may operate, during the hours of darkness or in restricted visibility, a vessel that is towing any person, whether or not that person is on a water ski, aquaplane, paraglider or other similar object.
- 3.7.2 No person may allow himself or herself to be towed by a vessel or any other means, during the hours of darkness or in restricted visibility.

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### 3.8 Conduct in access lanes

- 3.8.1 No person may, in any access lane, propel, navigate or manoeuvre a vessel except by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right-hand side of the vessel.
- 3.8.2 No person may:
- (a) while being towed by a vessel in any access lane, cause himself or herself or any water ski, aquaplane or other towed object, on or by which he or she is being towed; or
  - (b) cause any object that is being towed by a vessel in any access lane to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right-hand side of the vessel.
- 3.8.3 No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.
- 3.8.4 No person may obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
- 3.8.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.
- 3.8.6 The access lanes to which these Bylaws apply are those prescribed in Schedule 3 to these Bylaws.

### 3.9 Marking of access lanes

- 3.9.1 Every access lane must be marked on shore, by pairs of posts in transit. These posts will be orange with black horizontal bands.
- 3.9.2 An access lane may also be marked with orange buoys with vertical black stripes.
- 3.9.3 Each access lane shall have an adequate sign or signs in the vicinity of the access lane that declares the purpose of that lane.

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### 3.10 Reserved areas

- 3.10.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it has been reserved under these Bylaws.
- 3.10.2 If any person is using a reserved area for the purpose for which it is reserved, no other person may enter, remain in or use the area for any other purpose.
- 3.10.3 A permanent reserved area must be marked on shore, by pairs of posts in transit. These posts will be white with black horizontal bands.
- 3.10.4 If the reserved area is marked at sea it is marked by black buoys with white vertical stripes.
- 3.10.5 Each permanent reserved area shall have an adequate sign or signs in the vicinity of the reserved area that declares the purpose of that area.

### 3.11 Areas for non-powered vessels only

The reserved area as shown in Part D of Schedule 3 is for the use of non-powered vessels only except with the written permission of the Harbourmaster.

### 3.12 Flagged areas on beaches

- 3.12.1 A Surf Life Saving New Zealand Patrol Captain, may, from time to time, subject to 3.12.4, set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only.
- 3.12.2 No person may carry out any activity other than the activities for which the area has been flagged. This shall not prevent Surf Lifesaving or other rescue services operating in this area in case of an emergency.
- 3.12.3 The areas on which flagged areas signify swimming only areas are detailed in Part C of Schedule 3.
- 3.12.4 Flagged swimming areas on beaches shall consist of two red/yellow flags forming the area boundary. These flags shall meet NZ Standard NZS8690:2003 – 5.1 Design of flags and 5.2 Use of flags.

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**3.13 Special events**

- 3.13.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which these Bylaws apply should apply to the Harbourmaster to:
- (a) temporarily suspend the application of subclauses 3.2.1(a) and (b) and subclause 6.8 of these Bylaws in that area during the conduct of the race, speed trial, competition or other organised water activity; and/or
  - (b) temporarily reserve the area for the purpose of that activity; and/or
  - (c) temporarily suspend the designation of permanent access lanes or reserved areas.
- 3.13.2 Where the Harbourmaster is satisfied, on considering an application under these Bylaws, that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as he or she may specify.
- 3.13.3 Every grant of an application under these Bylaws shall, subject to subclause 3.13.4, have effect according to its tenor.
- 3.13.4 No grant of an application under these Bylaws shall have effect unless, not less than seven days or more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
- 3.13.5 The Harbourmaster may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice under subclause 3.13.4.

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**3.14 Moorings**

- 3.14.1 No person may place a mooring in any waters, whether in a mooring area or not, unless a licence in terms of subclause 3.14.4 has been obtained.
- 3.14.2 The Harbourmaster may remove or authorise the removal of any unauthorised mooring and all costs of so doing are a debt by the owner of the mooring to the Council.
- 3.14.3 No person may anchor any vessel so as to obstruct any licence holder for that mooring, or a contractor carrying out maintenance work on the mooring on behalf of that licence holder.
- 3.14.4 The Harbourmaster may, subject to the conditions specified in subclause 3.14.6, grant a mooring licence to which subclause 3.14.1 applies.
- 3.14.5 Every mooring licence issued by the Harbourmaster shall apply only to the vessel and owner(s) named in the licence.
- 3.14.6 The conditions of any mooring licence issued by the Harbourmaster may include, but are not limited to:
- (a) the precise location of the mooring; and
  - (b) the size and type of any vessel which may be attached to the mooring;
  - (c) the design and specifications of the mooring; and
  - (d) a requirement for maintenance and inspections of the mooring; and
  - (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a vessel; and
  - (f) a requirement that the owner of the mooring shall be liable in any event for the position, insufficiency or insecurity of their licensed mooring.
- 3.14.7 The Harbourmaster shall not grant any licence for a mooring unless satisfied that:
- (a) there is adequate space in the mooring area for the proposed mooring; and
  - (b) the mooring is of adequate specifications to accommodate the proposed vessel to be moored.
- 3.14.8 No owner of a licensed mooring may leave a mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster.



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3.14.9 Where the owner of a mooring has left it vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster, the Harbourmaster may cancel the licence and direct that the mooring be removed.

3.14.10 No owner of a licensed mooring may, except with the written permission of the Harbourmaster:

- (a) part with the possession of the mooring; or
- (b) assign the mooring to any other person; or
- (c) suffer any such other person to have the use of the mooring; or
- (d) use the mooring for a vessel other than the vessel named in the licence.

### 3.15 Buoys

3.15.1 No person may place a marker buoy in any waters of Wellington or Porirua Harbour unless that buoy is clearly and indelibly marked, or fitted with a permanent tag, showing at least one of the following—

- (a) the owner's initials and surname, and contact telephone number or address; or
- (b) in the case of a mooring, the mooring licence number.

3.15.2 No person may place a marker buoy in any waters of Wellington or Porirua Harbour unless that buoy is sufficiently buoyant to remain at least 50% afloat or otherwise clearly visible.

3.15.3 No buoy should be placed so that it becomes a hazard to navigation.

## 4. Commercial operations including hazardous works and cargoes

### 4.1 Vessels carrying explosives

4.1.1 The master of a vessel having on board, or intending to load, explosives must ensure that:

- (a) the ship remains within the explosives anchorage specified in Schedule 2 to these Bylaws when not underway, except with the written permission of the Harbourmaster; and
- (b) no person loads or unloads explosives outside the explosives anchorage, except with the written permission of the Harbourmaster; and
- (c) the Harbourmaster is provided with the Dangerous Goods declaration for the explosives at least 48 hours prior to loading or discharging. This declaration must include Net Explosive Quantity and gross weight. For

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weekend loading or discharging documentation shall be provided no later than 12 noon on Friday.

- (d) Harbourmaster's written permission is required to load or discharge class 1 explosives

4.1.2 Nothing in clauses 4.1.1 applies to any vessel which:

- (a) is carrying not more than 27 kilograms of explosives; or
- (b) is carrying or is intending to load, with only explosives of Safety Ammunition Class 1.4S as defined under the Hazardous Substances (Classes 1 to 5 controls) Regulations 2001 or Fireworks of Classes 1.3G; 1.4G and 1.4S as defined under the Hazardous Substances (Fireworks) Regulations 2001 in quantities that do not require an Hazardous Substance and New Organisms Approved Handler.

### **4.2 Signals to be displayed by any vessel taking in, or discharging or carrying Dangerous Goods.**

On or immediately before the arrival in harbour of any vessel carrying dangerous goods, and for as long as that vessel remains in harbour, the master must display by day flag B and by night a red light at the masthead or where it can best be seen from all directions.

### **4.3 Distance from vessels showing flag B**

Where possible, the master of a vessel underway must not allow that vessel to approach within 200 metres of an oil tanker or any other vessel, while it is at a berth, anchored or underway, that is showing flag B by day or a red all-round light by night. This shall not apply to a vessel acting in accordance with subclause 4.5.1.

### **4.4 Duties of master of a tanker**

4.4.1 While in harbour, the master of an oil tanker must operate in accordance with the International Safety Guide for Oil Tankers and Terminals (ISGOTT).

4.4.2 The master of a tanker must:

- (a) berth or moor the tanker only at such wharf or place as specified for bulk oil discharges in Schedule 2 to these Bylaws, or as otherwise permitted in writing by the Harbourmaster; and
- (b) keep the tanks containing Class 3 packing groups I and II oil cargo securely closed, except when opened for loading or discharging; and
- (c) unless exempted by the Harbourmaster, ensure that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency; and
- (d) submit to the Harbourmaster a plan showing the layout of the vessel's tanks and contents, giving the products and approximate quantities

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that will be on board when arriving at Wellington Harbour, at least 12 hours prior to arrival.

### **4.5 Berthage requirements for tankers and vessels carrying Class 1 explosives**

- 4.5.1 The master of a tanker or gas carrier must ensure that, the tanker does not lie within 30 metres of another vessel without prior written approval of the Harbourmaster.
- 4.5.2 The master of a vessel carrying Class 1 explosives in excess of the quantities that require a test certificate shall berth only at a berth which complies with the Designated Transfer Zone provision of a Dangerous Goods Handling Plan. Such a plan will illustrate the limits of the Designated Transfer Zones on a case by case basis.

### **4.6 Hot work operations**

- 4.6.1 Within Wellington Harbour or commercial areas, the person carrying out the hot work and the master or ship's engineer if available, of every vessel on board which, or on the hull of which, it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the vessel or not, must request from the Harbourmaster a Hot Work Permit, no less than three hours before commencing the work. A copy of the permit is shown in Schedule 4 to these Bylaws.
- 4.6.2 The person carrying out the hot work or the master or ship's engineer, if available, of the vessel must ensure that before any welding operations are commenced, precautions are taken for the detection, prevention and extinguishing of fire on board the vessel or elsewhere during the welding operations, and that the requirements of the Hot Work Permit are met.

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Provision must be made for the continuance of the precautions until the operations are completed.

- 4.6.3 No person may commence hot work without having seen and understood a current Hot Work Permit for the work to be undertaken.
- 4.6.4 The Harbourmaster may grant a written exemption from compliance with subclauses 4.6.1 and 4.6.2 to the master or owner of a vessel lying at any ship-repairing establishment.
- 4.6.5 The Harbourmaster may issue a Hot Work Permit if they are satisfied that the requirements of the Permit, as shown in Schedule 4 to these Bylaws, have been met in full.

### **4.7 Loading or Discharge of Cargo**

- 4.7.1 No person shall discharge, drop, cause or allow to be discharged into the region's waters any cargo or anything from any vessel, wharf or from land that would or may constitute a danger to navigation safety.
- 4.7.2 The person who is loading or discharging or drops the cargo, or any other material discharged, into navigable waters shall be liable for the costs of removal.
- 4.7.3 Any person that intends to load logs shall ensure that a plan has been submitted to the Harbourmaster that relates to the loading and recovery of lost logs. The loading needs to be monitored so as to immediately identify any logs that have been lost in the harbour and track them until they can be removed.
- 4.7.4 Wellington Harbour Radio shall be informed of any logs lost into the harbour as soon as they are observed missing and again once they have been recovered.

### **4.8 Vessels over 500 Gross Tonnage within the Wellington Bylaw area.**

- 4.8.1 Any vessel over 500 gross tonnage intending to enter the Bylaws area, except for the purposes of entering Wellington Harbour, must submit a passage plan to the Harbourmaster for prior approval at least 20 working days before the vessel's intended arrival in the Region. In exceptional circumstances a

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passage plan may be approved under this subclause within a shorter period of time.

- 4.8.2 Upon receipt of a satisfactory passage plan the Harbourmaster may grant permission under subclause 4.8.1, subject to any additional conditions the Harbourmaster may require for the purposes of ensuring navigation safety.
- 4.8.3 No vessels over 500 gross tonnage may double bank without prior permission of the Harbourmaster.
- 4.8.4 The master of any commercial vessel over 500 gross tonnage that wishes to immobilise and/or test engines must seek permission from the Harbourmaster and comply with any conditions provided. This includes maintenance on one or more of the main propulsion units and /or steering systems.
- 4.8.5 The master of any commercial vessel over 500 gross tonnage that wishes to conduct safety drills or exercises, including, but not limited to, lowering of lifeboats, shall, prior to commencing the drill or exercise inform Wellington Harbour Radio of their intention and take heed of any advice given relating to the safe conclusion of the drill or exercise.

### **5. Administrative matters**

#### **5.1 Application to master/owner**

- 5.1.1 Where any clause in these Bylaws imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.
- 5.1.2 Where any clause of these Bylaws imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are deemed severally to have committed an offence against these Bylaws. If any such clause is complied with by either the master or the owner, then, for the purposes of these Bylaws, compliance by one is deemed to be compliance by the other.
- 5.1.3 Where any clause of these Bylaws imposes an obligation or duty on any vessel without reference to its master or owner, it shall be the responsibility of the master to ensure the vessel complies with that duty or obligation.

#### **5.2 Notifications to Harbourmaster**

Any notifications required to be made to the Harbourmaster, that occur outside of normal office hours (Monday to Friday 0830-1700) shall be made to Wellington Harbour Radio.

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### **5.3 Commercial vessels and hire operations**

- 5.3.1 Any person intending to operate a vessel for hire or reward must notify the Harbourmaster before commencing the activity, and provide details of the proposed activities and operating locations.
- 5.3.2 Any vessel operated for hire or reward that is not subject to a licencing regime under Maritime Rules (including but not limited to a Maritime Transport Operator Certificate), the Amusement Devices Regulations 1978, or any similar legislation must obtain a Commercial Vessel Safety Licence from the Harbourmaster.
- 5.3.3 The Harbourmaster may issue a Commercial Vessel Safety Licence subject to any conditions he or she considers are necessary in the interests of safety (including but not limited to the provision of a suitable safe operating plan).
- 5.3.4 Each Commercial Vessel Safety Licence shall be valid for a period of 12 months from the date of issue, or for such shorter period of time as the Harbourmaster may decide.
- 5.3.5 For the purpose of ensuring maritime safety the Harbourmaster may prohibit or impose conditions on the use or operation of any vessel for hire or reward, regardless of whether or not a Commercial Vessel Safety Licence has been issued in respect of that vessel.

### **5.4 Registration of personal water craft, (PWC, commonly known as a jetskis)**

- 5.4.1 The owner and person in charge of every personal water craft being used on the waters of the Region must display a distinctive individual number, which must be either the registration number of the personal water craft's trailer, or a PWC registration number.
- 5.4.2 The PWC registration number or trailer registration number must be clearly displayed above the water line on both sides of the craft at all times. Each number used shall be a minimum height of 90 millimetres, in a contrasting colour and the numbers must be legible from 50 metres away.
- 5.4.3 If not using the trailer registration number then a PWC registration number must be obtained from the Council (or another regional council that undertakes an equivalent registration process for personal water craft).

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- 5.4.4 If a PWC registration number is sought from the Council, then the application form for registration must be completed to the satisfaction of the Council, and include the name and address of the owner and details of the personal water craft. The Council will then issue a unique PWC registration number for that personal water craft.
- 5.4.4 If using a PWC registration number, this must also be displayed prominently on the personal water craft's trailer.
- 5.4.6 Any owner selling or otherwise disposing of a personal water craft must complete in writing to the Council a change of ownership or de-registration form (which includes the name and contact information of the new owner where relevant) within 30 days of selling or disposing of the craft.
- 5.4.7 The Council may authorise an agent to undertake the PWC registration process on its behalf.

### 5.5 Vessel identification

- 5.5.1 The person in charge of a vessel not covered by subclause 5.4 shall ensure the vessel is clearly marked with a minimum of two letters or numbers which must not be a vessel's brand, make or model, and must not have the potential to be mistaken for a vessel operated by the Harbourmaster, coastguard, police, customs, fisheries officers, or other enforcement agency. The marking shall be clearly displayed in a position that it is above the water line on both sides of the vessel at all times.
- 5.5.2 Each letter or number shall be a minimum height of 90 millimetres, in a contrasting colour and the letters or numbers must be legible at a distance no less than 50 metres.
- 5.5.3 If the vessel is normally carried to the water on a trailer, the vessel name or identifying letters and numbers must also be prominently displayed on that trailer.
- 5.5.4 Subclause 5.5.1 does not apply to:
  - (a) non power-driven vessels; or
  - (b) power-driven vessels of 4 metres or less in length.
- 5.5.5 Any vessel exempted under subclause 5.5.4(a) or (b) should be clearly marked somewhere on or in the vessel, with the owner's name and contact details.
- 5.5.6 A commercial operator that displays a MNZ or MSA number satisfies the requirements of subclauses 5.5.4 or 5.5.5.

### 5.6 Fees and charges

- 5.6.1 Council may from time to time, by resolution, set fees and charges for any activity undertaken in these Bylaws. These fees will be publicly notified in the Council's annual plan.

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- 5.6.2 The fees and charges set under bylaw 5.6.1 must be paid on invoice by the specified person to the Council.

### 6.1 Directions for transiting Wellington Harbour entrance

- 6.1.1 The Master of any vessel entering Wellington Harbour limits must call Wellington Harbour Radio on VHF Ch14 and report their intention to enter the harbour. They shall also inform Wellington Harbour Radio of:

- (a) the number of persons on board, if the vessel is carrying passengers.
- (b) the name of master, if the master is exercising a Pilotage Exemption
- (c) the operational status of the vessel.

or any other information that may be requested.

- 6.1.2 During the hours of daylight and in good visibility pleasure craft are exempt from 6.1.1. and 6.1.2.

- 6.1.3 The master of a vessel not carrying a marine VHF radio and unable to communicate with "Wellington Harbour Radio" satisfactorily by other means (such as a cellular phone), shall not transit the Wellington Harbour entrance during the hours of darkness or during restricted visibility, except in an emergency.

- 6.1.4 All vessels of 18 metres or more in length, on passage, shall follow the recommended tracks as detailed in Part A of Schedule 5. This does not exempt a vessel to which this Bylaw applies that is less than 500 gross tonnage from their obligations under subclause 6.3.1.

- 6.1.5 The master of an inward-bound vessel that is not under Pilots instructions, and is required to follow the recommended tracks shall join the leading line at least two nautical miles south of the charted position of Barrett Reef buoy, except where it would be unsafe to do so because of extreme weather conditions.

- 6.1.6 The part of Wellington Harbour, detailed in Schedule 6, is deemed to be a narrow channel in accordance with Part 22.9 of the Maritime Rules (Narrow Channels). All vessels in this area should navigate in accordance with this rule.

- 6.1.7 Outbound vessels shall continue to monitor VHF Ch 14 until seaward of the position of Barrett Reef Buoy.

### 6.2 Radio reporting procedures - Wellington Harbour Limits

- 6.2.1 At least 10 minutes prior to planning to leave their berth, the master of any vessel of 18 metres or more in length shall call Wellington Harbour Radio on VHF Ch 14 to report their intentions, to provide the master's name and operational status of the vessel and, to obtain information about known



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shipping traffic movements, and to obtain current weather conditions at the harbour entrance.

- 6.2.2 The master of any vessel on a commercial berth that subclause 6.2.1 applies to must check that it is safe to start any engine that may result in the vessel's propulsion systems operating. The master must notify Wellington Harbour Radio of their intentions, prior to starting engines, as part of this safety check and take notice of any advice given.
- 6.2.3 After leaving a berth, mooring or anchorage, the master of either any vessel 18 metres or more in length or any commercial vessel carrying passengers shall, as soon as practicable, call Wellington Harbour Radio on VHF Ch 14 and report that the vessel has cleared the berth, mooring or anchorage, and their intentions. The master of any commercial vessel carrying passengers shall advise of the total number of persons on board.
- 6.2.4 Any vessel to which 6.2.1 or 6.2.3 applies shall advise Wellington Harbour Radio on VHF Ch 14 when secured at a berth, mooring or anchorage, or when seaward of the position of Barrett Reef buoy, if outward bound.
- 6.2.5 Any vessels that are crossing the Wellington Harbour Entrance, south of Barrett Reef, must report their intention to Wellington Harbour Radio. Pleasure Craft are excluded from this except during the hours of darkness and in restricted visibility.

### 6.3 General directions for navigating in Wellington Harbour

- 6.3.1 All commercial vessels in Wellington Harbour shall maintain a listening watch on VHF Ch 14.
- 6.3.2 During the hours of darkness or restricted visibility all vessels on Wellington Harbour, that have a VHF radio fitted or carried on board, shall maintain a listening watch on VHF Ch 14.
- 6.3.3 The master of any vessel over 18 metres in length, shall ensure that while within Wellington Harbour:
  - (a) automatic-steering devices are not to be used, unless a helmsman is standing by in the immediate vicinity of the helm or wheel, otherwise the vessel is to be in the hand-steering mode; and
  - (b) main engines are to be immediately available for reducing speed, stopping or going astern at all times without delay; and
  - (c) anchors are to be immediately available for use in an emergency, and capable of being lowered without power; and
  - (d) all information from aids to navigation and charts is fully monitored; and
  - (e) an appropriate passage plan is developed and executed.

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- 6.3.4 While within Wellington Harbour all aids to navigation on board vessels, including but not limited to radar, Automatic Identification System (AIS) and depth recording devices, are to be in continuous operation and fully utilised.
- 6.3.5 The number of persons on the bridge of the vessel shall be sufficient to enable compliance with subclause 6.3.3. and Part 22.5 of the Maritime Rules.
- 6.3.6 Any vessel required to follow the recommended tracks shall, in a prudent seamanship like manner, unless for reasons of safety of navigation or pressure of weather, follow the relevant track as shown in Schedule 5. Any deviation for the reasons stated herewith shall be notified to Wellington Harbour radio by VHF Ch14 prior to deviating.
- 6.3.8. No vessel over 18 metres in length on passage, shall pass less than 3 cables (556 metres) off a line from Point Halswell to Kau Point, and not less than 2.8 cables (519 metres) off a line from Kau Point to Point Gordon.
- 6.3.9 All vessels over 500 gross tonnage departing from Lambton Harbour during the hours of daylight shall give one blast on their horn immediately prior to leaving the berth.
- 6.3.10 All vessels over 18 metres in length or any passenger vessel licenced to carry more than 12 passengers or any passenger vessel operating during the hours of darkness or in restricted visibility, shall transmit an AIS signal when in Wellington Harbour limits.
- 6.3.11 In addition to 6.3.10, the Harbourmaster may require the owner or person in charge of any other vessel to transmit an AIS signal in the interests of navigation safety.

### **6.4 Radio reporting for vessels taking part in organised events within Wellington Harbour**

During the hours of darkness or during restricted visibility, as defined in Part 22 of the Maritime Rules, when a group of vessels is taking part in an organised event, the controlling officer of that event must advise “Wellington Harbour Radio” of the approximate number of vessels involved, the location and duration of the event, and the radio channel being used.

### **6.5 Duties of persons in charge of motor boats, yachts, launches etc. in Wellington Harbour**

- 6.5.1 The master of every vessel in Wellington Harbour, under 500 gross tonnage (including vessels at anchor), shall not impede the navigation of any vessel of 500 gross tonnage or more.
- 6.5.2 While within Wellington Harbour the master of any vessel should avoid anchoring within 100 metres of the marked inward and outward tracks as shown in Part A of Schedule 5, or if they do so, shall move in good time to

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avoid impeding any vessel over 500 gross tonnage that is required to follow those tracks.

- 6.5.3 For the purpose of 6.4.1 and 6.4.2 'impede' shall include, but is not limited to any action or inaction that requires the master of the vessel over 500 gross tonnage, to take avoiding action.

### **6.6 Navigational documents required for Wellington Harbour**

When navigating in that part of the harbour between Makaro/Ward Island and Pencarrow Head, all vessels of six metres in length and above shall carry and consult a current copy of Chart NZ4633 (or approved electronic equivalent).

### **6.7 Reporting of vessels' air draught prior to entering Evans Bay**

Any vessel with a height of mast or superstructure exceeding 24 metres shall at least 15 minutes prior to entering or before leaving any berth in Evans Bay report to "Wellington Harbour Radio" on VHF Ch 14.

### **6.8 Speed limits in Lambton Harbour area**

6.8.1 In addition to bylaw 3.2 (5 knots within 200m of shore), no vessels shall exceed a speed of 12 knots (about 22km/hr) in the Lambton Harbour area (westwards of a line between the Pile Light at the southeastern corner of the Thorndon Container Terminal and the Carter Fountain in Oriental Bay) unless exempted by the Harbourmaster. As shown in Schedule 1.

6.8.2 Emergency-service vessels are exempted from complying with subclause 6.8.1 when responding to emergencies.

6.8.3 The Harbourmaster may instruct any vessel not to exceed a specified speed, as determined by the Harbourmaster, in certain parts of the harbour for the purposes of ensuring navigational safety.

### **6.9 Restricted access for non-commercial vessels**

Non-commercial vessels shall not enter the commercial areas as shown in Schedule 2 without permission from the Harbourmaster.

## **Schedule 1 – areas defined**

### **Wellington Harbour**

All that area of sea and tidal waters the outer limits being the arc of a circle running from the landward boundary of the foreshore just north of Baring Head and thence into Cook Strait, and thence to the landward boundary of the foreshore south-west of Owhiro Bay, such arc being an arc of a circle of 3.85 nautical miles radius and having its centre at a point on the outer rock in the Harbour of Wellington, such point being in position 41° 20' .96 S, 174° 50' .1 E based on WGS 84.

The inner limits being a straight line across the Hutt River at the seaward side of the Hutt Estuary road bridge and a straight line across the Waiwhetu Stream at the seaward side of Port Road. The above limits are more particularly shown on the plan marked MD 16306 and deposited in the Office of the Ministry of Transport at Wellington.

### **Porirua Harbour**

All that area of water bounded by the line of mean high water spring tides and having as its seaward limit the arc of a circle commencing from the landward boundary of the foreshore of Rocky Bay and thence into Cook Strait and thence to the landward boundary of the foreshore of the coast northwards of Te Rewarewa Point, such arc being the arc of a circle of 1.75 nautical miles radius centred at peg XXIV, Lot 23, D.P.2093, Block 8, Paekakariki S.D.

### **Lake Wairarapa**

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

### **Lake Oneke (Lake Ferry)**

The more or less continuous area of water commonly known as Lake Onoke or Lake Ferry, locate in south Wairarapa and extending between the mouth of the Ruamahanga river as the landward boundary through to Palliser Bay (when the entrance is open).

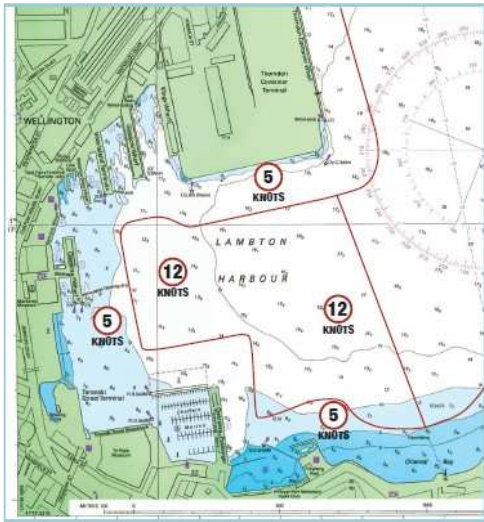
### **Evans Bay**

All that area of water in Wellington Harbour south of a line drawn between Point Halswell and Point Jerningham.

### **Lambton Harbour**

All that area of water westwards of a line between the Thorndon Container Pile Light and the Carter Fountain in Oriental Bay. In the map below the extensions from 200 metres shore to the land are not show, however the eastern edge of the 12 knot area is the limit as defined.

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## Schedule 2 – location-specific information

### Prohibited anchorages

Within 500 metres of the underwater cable between Mahanga Bay and Webb Point.

Within 100 metres of any other underwater power or telephone cable.

Within 50 metres of the Greta Point sea-water intake which is marked by a white triangle.

Within 70 metres of the floating breakwater at Chaffers Marina.

**Note:** White triangular beacons on the foreshore mark the ends of the power cables.

### Explosives anchorage

Explosives anchorage is an area, radius three cables, centre bearing due north distant 1.45 miles from Point Halswell Light (41° 17'.1 S, 174° 49'.6 E), or as designated by the Harbourmaster, depending on weather conditions.

### Bulk oil discharges

Bulk oil discharges are permitted at:

Seaview Wharf

Aotea Quay No 1 or 3

Burnham Wharf

Bunker barge

### Restricted access area for non-commercial craft

- The shaded area as shown on the map, that is immediately north of a line between the south end of Waterloo Quay Wharf and the south-west corner of the container terminal reclamation.
- 30 metres off the land or wharf from the southern end of the container terminal, along the main wharf (Aotea Quay) and south of the rail ferry terminal as far as the Kaiwharawhara stream mouth.

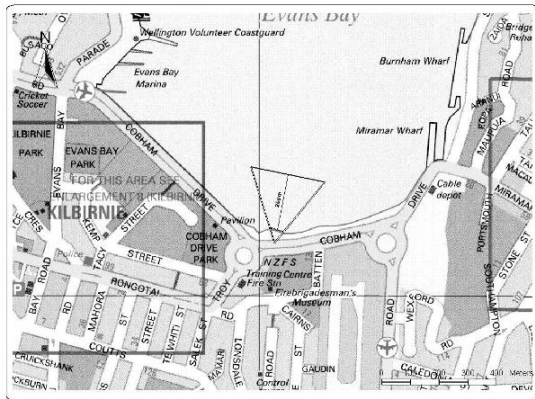




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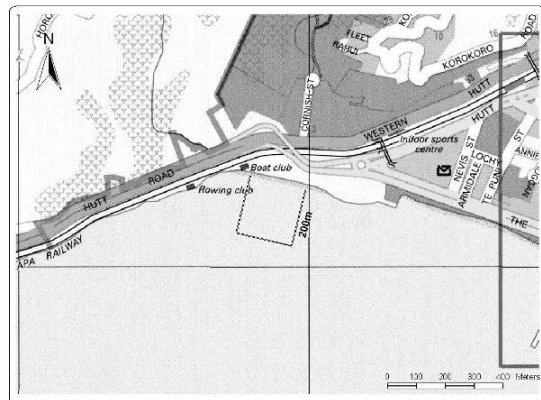
**Evans Bay, Wellington**

All that area of water at the southern end of Evans Bay as indicated, bounded on the sides by straight lines approximately 50 metres apart at high water mark, divergent at an angle of approximately 60°, and extending in a northerly direction 200 metres from the edge of the water.



**Petone Beach (West), Lower Hutt**

All that area of water at Petone Beach west of the Korokoro Stream as indicated, bounded on the sides by parallel lines approximately 200 metres apart, and extending in a southerly direction 200 metres from the edge of the water.

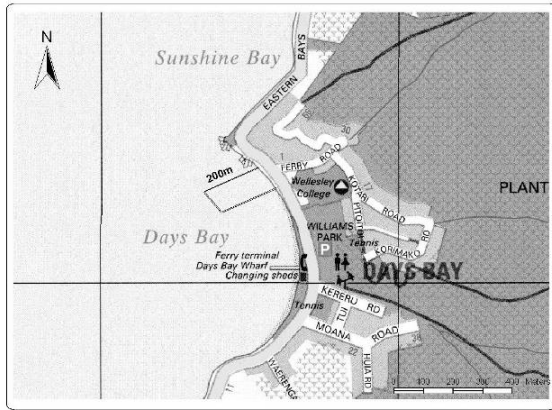


**Days Bay, Lower Hutt**

All that area of water at the northern end of Days Bay as indicated, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a westerly direction 200 metres from the edge of the water.



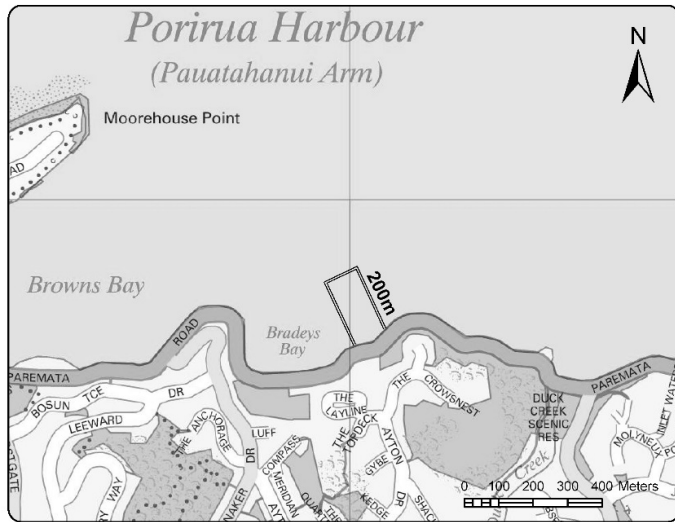
**Attachment 2 to Report 21.243**



**Attachment 2 to Report 21.243**

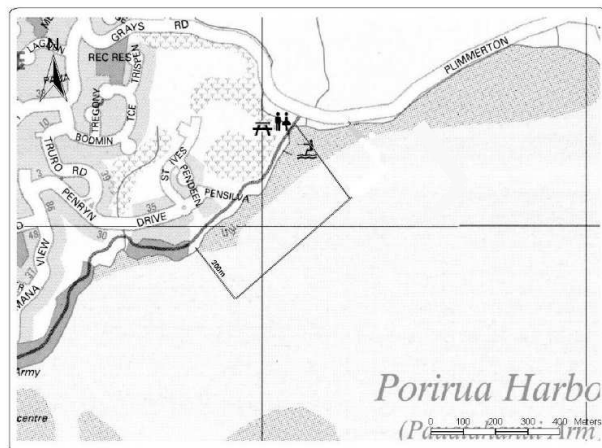
**Bradey's Bay, Pauatahanui Inlet**

All that area of water on the eastern side of Bradley's Bay, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a north westerly direction 200 metres from the edge of the water.



**Grays Road, Pauatahanui Inlet**

All that area to the south-west of the launching ramp extending south-west towards Camborne as indicated, bounded by parallel lines approximately 500 metres apart, and extending in a south-easterly direction 200 metres from the edge of the water.

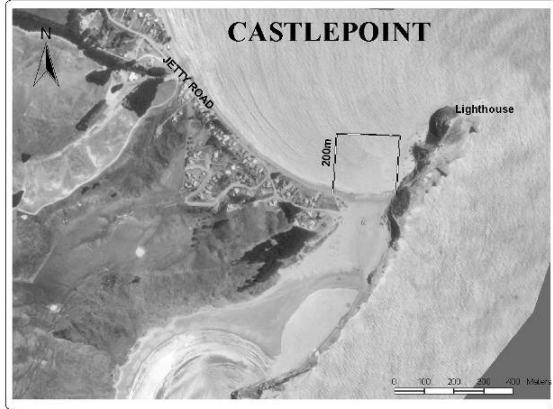




**Attachment 2 to Report 21.243**

**Castle Point, Masterton**

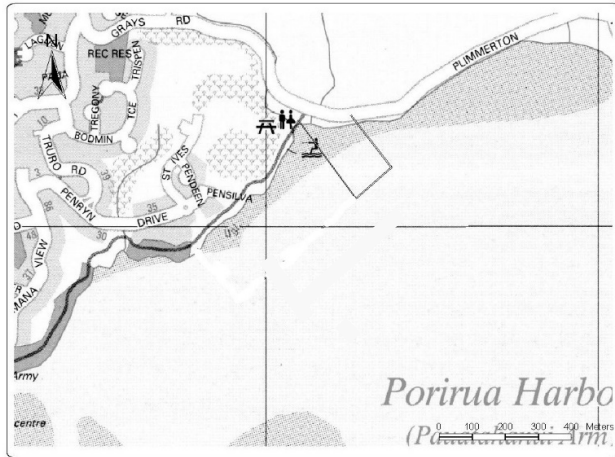
All that area of water from the road end on the north-eastern side of the beach as indicated, bounded on the sides by parallel lines approximately 200 metres apart, and extending in a north-easterly direction 200 metres from the edge of the water.



**Attachment 2 to Report 21.243**

**Grays Road, Pauatahanui Inlet**

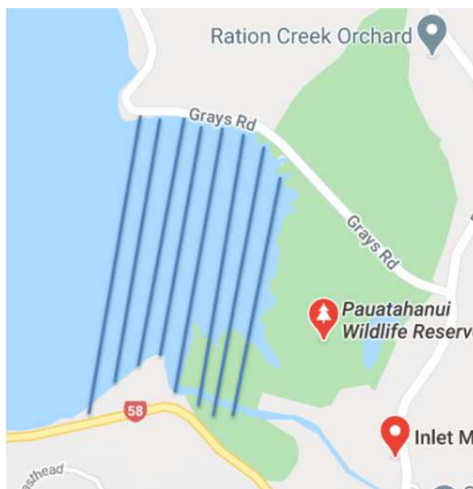
All that area of water to the east of the launching ramp as indicated and bounded on the sides by parallel lines approximately 150 metres apart extending south-east from the shore.



**Area reserved for non-powered craft only - Pauatahanui Inlet**

The area shown below at the eastern end of Pauatahanui Inlet.

In variance to Bylaw 3.9.3 this area will be marked by a single black and white pole at either end of the outer boundary.



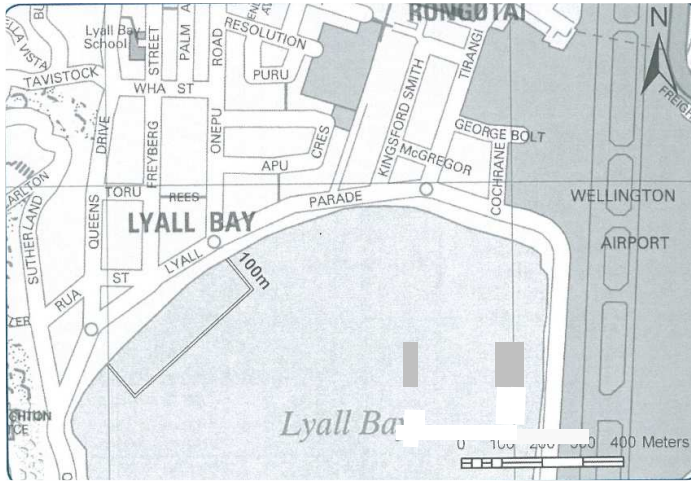
**Part C – Flagged areas**

The following areas may be marked by flags, in accordance with Bylaw 3.12.

**Western end of Lyall Bay beach**

Any area within the indicated area may be marked by flags for the purpose of swimming and body boarding only. The outer limits of the area being adjacent to Queens Drive at the western end and Onepu Road at the Eastern end and the area extends from the waters edge to seaward for 100 metres.

**Attachment 2 to Report 21.243**



Schedule 4 – hot work permit

P.O. Box 11648 | 04 384 5786  
 142 Waterfield Street | 04 471 1373  
 Wellington | 04 388 4319 A/Nrs  
 New Zealand



**greater WELLINGTON** Harbours  
THE REGIONAL COUNCIL

---

## HOT WORK PERMIT

**Not for use on tankers/pipeline** Permit No. \_\_\_\_\_

Under the Provisions of Section 4.6 of the Wellington Regional Navigation and Safety Bylaws, or any subsequent legislation, permission is hereby given for gas cutting/burning/welding (electric/gas) to be carried out in the said locations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on board vessel \_\_\_\_\_ berth \_\_\_\_\_ CentrePort \_\_\_\_\_

**subject to the following conditions:**

1. All combustible materials within surrounding areas removed or made safe.
2. No flammable liquids, vapours, gases or dusts present.
3. No Hot Work while any bunkering operations are in progress.
4. Suitable fire extinguishers/hoses provided onsite and in operation.
5. Operator knows how to use fire equipment.
6. Operator knows how and when to raise fire alarm.
7. Inspections of the surrounding work area must be carried out at least one hour after hot work is completed.
8. Other specified conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Gas Free Certificate: Yes/No \_\_\_\_\_ Issued by \_\_\_\_\_

I/We agree with the above conditions and will ensure that they are complied with for the duration of this permit.

Signed

For the vessel \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

For the contractor \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

Permit issued by \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

This permit is valid From \_\_\_\_\_ Hrs Date \_\_\_\_\_ 'til \_\_\_\_\_ Hrs Date \_\_\_\_\_

**This permit must be displayed at work area**

If more than one work area, original to be kept in ship's office/wheel house and a duplicate copy to be displayed at each work area.

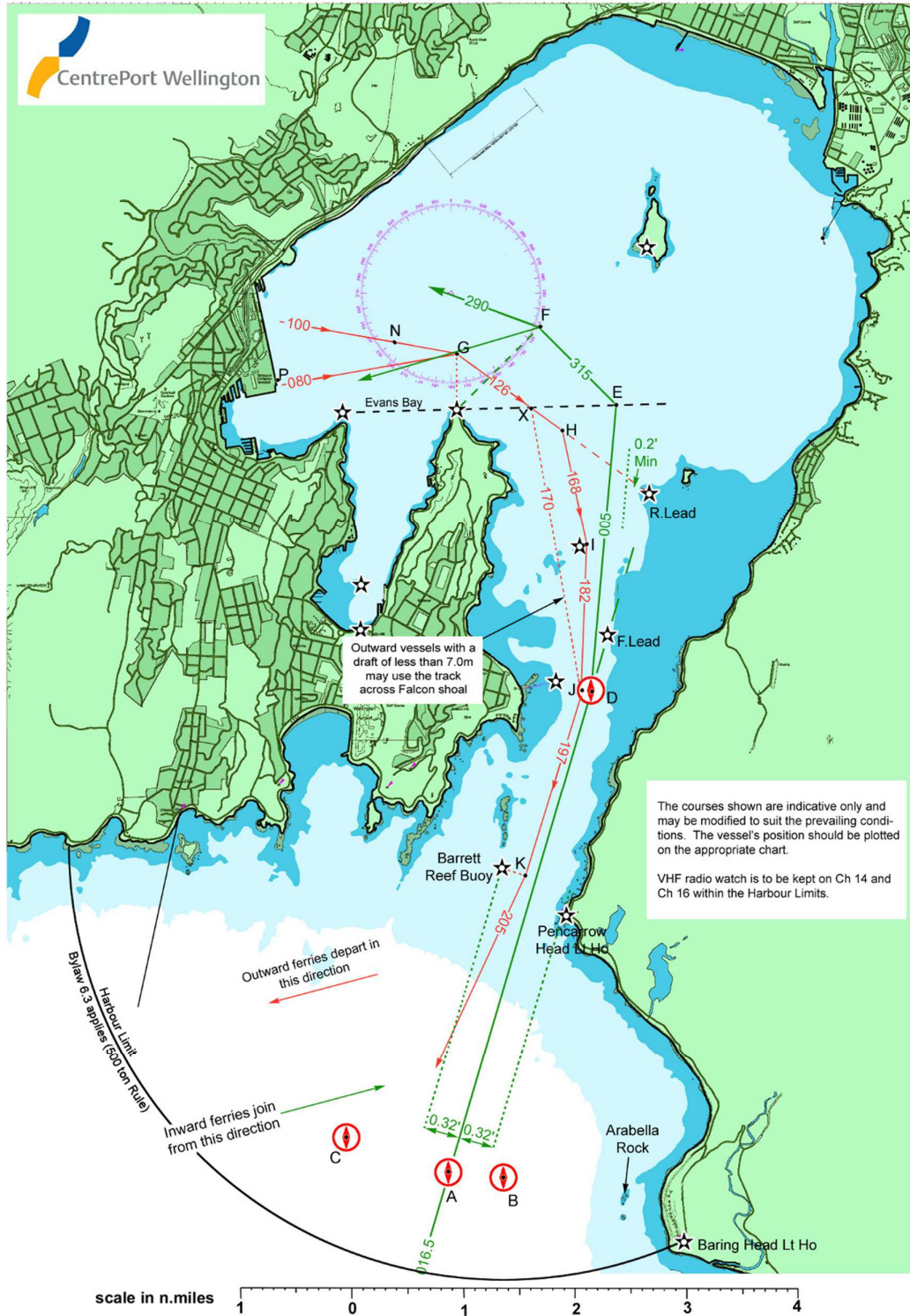
Greater Wellington is the provisional name of the Wellington Regional Council

SAMPLE ONLY



## Schedule 5 – Recommended tracks

### Part A Tracks to main wharves, including ferry berths





**Attachment 2 to Report 21.243****Wellington pilotage waypoints**

(Based on WGS 84 datum)

**Note:** The following waypoints may be used for setting tracks on the GPS equipment or ECDIS, Council takes no responsibility for the accuracy of this data

**PILOT STATIONS**

"A"	41 23.89' S 174 49.47' E	steer 016.5	Pilot Station "Alpha"
"B"	41 23.93' S 174 50.12' E		Pilot Station "Bravo"
"C"	41 23.57' S 174 48.24' E		Pilot Station "Charlie"
"D"	41 19.56' S 174 51.16' E	steer 005	Pilot Station "Delta"

**INWARDS TO MAIN WHARF**

"A"	41 23.89' S 174 49.47' E	steer 016.5	Pilot Station "Alpha"
"D"	41 19.56' S 174 51.16' E	steer 005	Pilot Station "Delta"
"E"	41 17.00' S 174 51.46' E	steer 315	Transit Halswell/Jerningham.
"F"	41 16.31' S 174 50.53' E	steer 264/290	Abeam Halswell

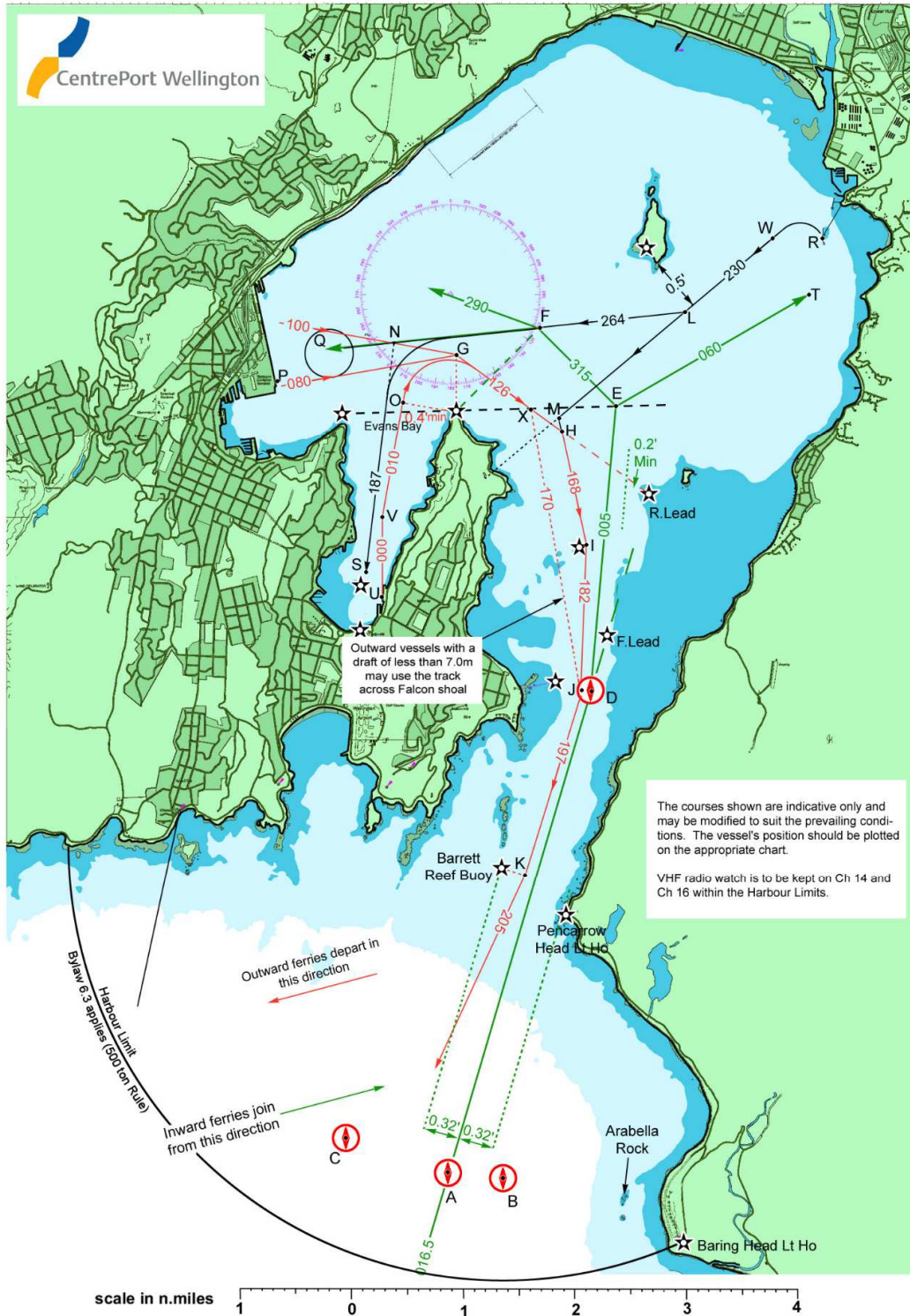
**OUTWARDS FROM MAIN PORT**

"G"	41 16.54' S 174 49.57' E	steer 126	Posn. North of Halswell
"H"	41 17.22' S 174 50.82' E	steer 168	To pass East of Falcon Shoal
"I"	41 18.26' S 174 51.11' E	steer 182	Posn. Abeam Falcon Shoal Lt.
"J"	41 19.70' S 174 51.04' E	steer 197	Posn. Off Steeple Lt.
"K"	41 21.22' S 174 50.41' E	steer 205	Posn. Abm. Barrett Buoy

**OUTWARDS FROM MAIN PORT CROSSING FALCON SHOAL**

"G"	41 16.54' S 174 49.57' E	steer 126	Posn. North of Halswell
"X"	41 17.00' S 174 50.41' E	steer 170	Course to Cross Falcon Shoal
"J"	41 19.70' S 174 51.04' E	steer 197	Posn. Off Steeple Lt.
"K"	41 21.22' S 174 50.41' E	steer 205	Posn. Abm. Barrett Buoy

Part B - Tracks to all CentrePort wharves



**Attachment 2 to Report 21.243****Wellington pilotage waypoints**

(Based on WGS 84 datum)

**Note:** The following waypoints may be used for setting tracks on the GPS equipment or ECDIS, Council takes no responsibility for the accuracy of this data

## PILOT STATIONS

"A"	41° 23.89' S	174° 49.47' E	steer 016.5	Pilot Station "Alpha"
"B"	41° 23.93' S	174° 50.12' E		Pilot Station "Bravo"
"C"	41° 23.57' S	174° 48.24' E		Pilot Station "Charlie"
"D"	41° 19.56' S	174° 51.16' E	steer 005	Pilot Station "Delta"

## INWARDS TO MAIN WHARF

"A"	41° 23.89' S	174° 49.47' E	steer 016.5	Pilot Station "Alpha"
"D"	41° 19.56' S	174° 51.16' E	steer 005	Pilot Station "Delta"
"E"	41° 17.00' S	174° 51.46' E	steer 315	Transit Halswell/Jerningham
"F"	41° 16.31' S	174° 50.53' E	steer 264/290	Abeam Halswell

## INWARDS TO SEAVIEW WHARF

"A"	41° 23.89' S	174° 49.47' E	steer 016.5	Pilot Station "Alpha"
"D"	41° 19.56' S	174° 51.16' E	steer 005	Pilot Station "Delta"
"E"	41° 17.00' S	174° 51.46' E	steer 060	Transit Halswell/Jerningham
"T"	41° 16.00' S	174 53.72' E	various	Approach Posn. Seaview
"R"	41° 15.50' S	174 53.90' E		Seaview Wf.

**Attachment 2 to Report 21.243**

## INWARDS TO BURNHAM WHARF

"A"	41° 23.89' S 174° 49.47' E	steer 016.5	Pilot Station "Alpha"
"D"	41° 19.56' S 174° 51.16' E	steer 005	Pilot Station "Delta"
"E"	41° 17.00' S 174° 51.46' E	steer 315	Transit Halswell/Jerningham
"F"	41° 16.31' S 174° 50.53' E	steer 264	Abeam Halswell
"N"	41° 16.44' S 174° 48.85' E	steer 187	Course for Evans Bay
"S"	41° 18.50' S 174° 48.50' E	various	Approach Posn. Burnham Wf
"U"	41° 18.70' S 174° 48.69' E		Burnham Wharf

## SEAVIEW / BURNHAM SHIFT

"R"	41° 15.50' S 174° 53.90' E	various	Posn. Seaview Wharf
"W"	41° 15.50' S 174° 53.28' E	steer 230	Departure Posn. off Seaview
"L"	41° 16.17' S 174° 52.23' E	steer 264	Posn. South of Somes Is.
"N"	41° 16.44' S 174° 48.85' E	steer 187	Course for Evans Bay
"S"	41° 18.50' S 174° 48.50' E	various	Approach Posn. Burnham wf
"U"	41° 18.70' S 174° 48.69' E		Burnham Wharf

## OUTWARDS FROM MAIN PORT

"G"	41° 16.54' S 174° 49.57' E	steer 126	Posn. North of Halswell
"H"	41° 17.22' S 174° 50.82' E	steer 168	To pass East of Falcon Shoal
"I"	41° 18.26' S 174° 51.11' E	steer 182	Posn. Abeam Falcon Shoal Lt.
"J"	41 19.70' S 174° 51.04' E	steer 197	Posn. Off Steeple Lt.
"K"	41 21.22' S 174° 50.41' E	steer 205	Posn. Abm. Barrett Buoy

## OUTWARDS FROM MAIN PORT CROSSING FALCON SHOAL

"G"	41° 16.54' S 174° 49.57' E	steer 126	Posn. North of Halswell
-----	----------------------------	-----------	-------------------------

**Attachment 2 to Report 21.243**

"X"	41° 17.00' S 174° 50.41' E	steer 170	Course to Cross Falcon Shoal
"J"	41° 19.70' S 174° 51.04' E	steer 197	Posn. Off Steeple Lt.
"K"	41° 21.22' S 174° 50.41' E	steer 205	Posn. Abm. Barrett Buoy

## OUTWARDS FROM SEAVIEW WHARF

"R"	41° 15.50' S 174° 53.90' E	various	Posn. Seaview Wharf
"W"	41° 15.50' S 174° 53.28' E	steer 230	Departure Posn. off Seaview
"M"	41° 17.09' S 174° 50.78' E	steer 168	To pass East of Falcon Shoal
"I"	41° 18.26' S 174° 51.11' E	steer 182	Posn. Abeam Falcon Shoal
"J"	41° 19.70' S 174° 51.04' E	steer 197	Posn. Of Steeple Lt.
"K"	41° 21.22' S 174° 50.41' E	steer 205	Posn. Abeam Barrett Buoy

## OUTWARDS FROM BURNHAM WHARF

"U"	41° 18.70' S 174° 48.69' E	steer 000	Burnham Wharf
"V"	41° 18.00' S 174° 48.69' E	steer 010	Centre Evans Bay
"O"	41° 16.95' S 174° 48.93' E	various	Posn to turn out of E. Bay
"G"	41° 16.54' S 174° 49.57' E	steer 126	Posn. N. Halswell (optional)
"H"	41° 17.22' S 174° 50.82' E	steer 168	To pass East of Falcon Shoal
"I"	41° 18.26' S 174° 51.11' E	steer 182	Posn. Abeam Falcon Shoal
"J"	41° 19.70' S 174° 51.04' E	steer 197	Posn. Of Steeple Lt
"K"	41° 21.22' S 174° 50.41' E	steer 205	Posn. Abeam Barrett Buoy

## WHARF AND APPROACH POINTS

"P"	41° 16.78' S 174° 47.42' E		Posn. Off TCW1
"Q"	41° 16.50' S 174° 48.05' E		H. O. Anchorage
"R"	41° 15.50' S 174° 53.90' E		Posn. Seaview Wharf
"S"	41° 18.50' S 174° 48.50' E		Approach Posn. Burnham Wf

**Attachment 2 to Report 21.243**

"T"	41° 16.00' S 174° 53.72' E	Approach Posn. Seaview
"U"	41° 18.70' S 174° 48.69' E	Burnham Wharf
"V"	41° 18.00' S 174° 48.69' E	Centre Evans Bay

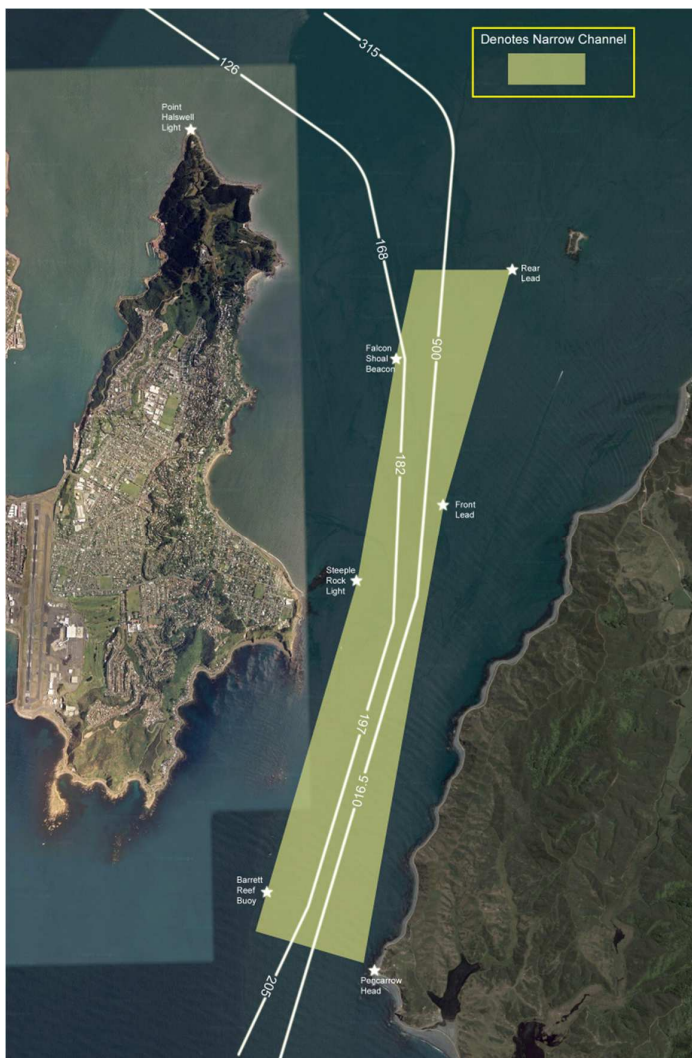
## Schedule 6 – Narrow Channel

### The western boundary

- a) extends northward from Steeple Rock light though Falcon Shoal light until it reaches  $41^{\circ}17.5'$  South.
- b) Extends southward from Steeple Rock light though the position of Barrett Reef buoy until it reaches  $41^{\circ}21.6'$  south.

### The eastern boundary

The eastern Boundary is from the rear leading light to the point where the eastern side of the intensified lead light meets  $41^{\circ} 21.6'$  south, adjacent to Pencarrow Head.



Council  
29 June 2021  
Report 21.228



For Decision

**LET’S GET WELLINGTON MOVING: CONFIRMING PROGRAMME OBJECTIVES**

**Te take mō te pūrongo**

**Purpose**

1. To seek Council’s endorsement of the review of the Let’s Get Wellington Moving (LGWM) programme objectives and weightings following the recommendations of the LGWM Health Check.

**He tūtohu**

**Recommendations**

That Council:

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

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

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



- 3 **Notes** the Let's Get Wellington Moving programme team will review the associated key performance indicators to ensure they are fit for purpose and appropriately reflect the revised objectives.

## **Te tāhū kōrero**

### **Background**

2. LGWM is a joint initiative between Wellington City Council (WCC), Greater Wellington Regional Council (GWRC), and Waka Kotahi New Zealand Transport Agency (Waka Kotahi), together with mana whenua partners Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa. The initiative commenced in late 2015 following the High Court's upholding of an independent Board of Inquiry's decision to decline the Basin Bridge proposal. Mana whenua have been engaged formally as partners since mid-2020.
3. The focus of the LGWM programme is from Ngauranga Gorge to Miramar including the central city, the Wellington Urban Motorway, access to the port, and connections to Wellington Hospital and the airport. A number of core multi-modal corridors connecting the central city with suburbs to the north, south, east and west are also covered by parts of the programme. This area has an important role for both local and regional journeys.
4. A draft LGWM programme business case was completed in 2018, which identified a Recommended Programme of Investment (RPI). The Waka Kotahi Board endorsed the RPI as a programme business case (on 5 October 2018), but noting the need for further work around funding and financing arrangements before moving to the next stage.
5. Discussions with central government about funding, financing and staging led to the announcement of an Indicative Package (IP) with central government funding in May 2019.
6. In June 2019 Council endorsed the LGWM long term vision and RPI, welcomed the government funding announcement as part of the IP, and agreed to move to the next stage of investigations (Let's Get Wellington Moving programme endorsement, funding and next steps – Report 19.258). WCC similarly endorsed the LGWM vision on the 26 June). The Waka Kotahi Board subsequently endorsed the programme's next steps.
7. In December 2019 Council agreed the funding and partnering approach for the next phase (Funding and partnering for the next phase of Let's Get Wellington Moving – Report 19.485) WCC, and Waka Kotahi similarly endorsed the funding and partnering agreement.
8. Since then, the next business case stages for the various packages have been significantly progressed, including a draft Indicative Business Case for both the Mass Rapid Transit and Strategic Highway Improvements packages.
9. In December 2020 an independent "Health Check" on the LGWM programme was completed. One of the recommendations was for the partner organisations to collectively review and confirm the programme objectives. The process to review the programme objectives and the proposed changes are set out in this report.

## **Te tātaritanga Analysis**

### ***Existing LGWM programme objectives***

10. Feedback from stakeholder and community engagement in 2016 and 2017, alongside technical work, was used to inform the vision, objectives and guiding principles for the programme (<https://lgwm.nz/about/our-vision/>)
11. The LGWM Vision is “A great harbour city, accessible to all, with attractive places, shared streets and efficient local and regional journeys. To realise our vision, we need to move more people with fewer vehicles”.
12. The existing LGWM programme objectives are to develop a transport system that:
  - a Enhances the liveability of the central city
  - b Provides more efficient and reliable access for users
  - c Reduces reliance on private vehicle travel
  - d Improves safety for all users
  - e Is adaptable to disruptions and future uncertainty.
13. These objectives have been used as the basis for programme and package level option assessment to date, with some alterations and refinements - e.g. the Thorndon Quay/Hutt Road package included a freight objective and the Strategic Highway Improvements and Mass Rapid Transit packages included a carbon objective in their assessments.
14. The existing programme objectives were not given weightings. However, some programme packages have applied weights and/or have completed sensitivity testing to understand the impact of different weightings on package options.

### ***Process to review the LGWM programme objectives***

15. A joint partner workshop, attended by members of the LGWM Governance Reference Group (GRG), mana whenua, LGWM Partnership Board (the Board), and councillors from GWRC and WCC was held on 12 April 2021 to consider and review the existing objectives and weightings for the programme. The record of this workshop is provided as [Attachment 1](#).
16. The workshop discussion provided attendees with an opportunity to clarify the meaning of the objectives to ensure there was a shared understanding, and to consider the objectives in the current context, including the initial findings from the Indicative Business Case work and emergent key issues (climate change emergency, COVID-19, Population growth and housing supply), together with new and updated policy direction (e.g. National Policy Statement on Urban Development (NPS UD), the Government Policy Statement (GPS) on land transport 2021, and the draft Regional Land Transport Plan (RLTP) 2021) since the programme objectives were initially developed.
17. Key feedback themes centred around the need for a focus on carbon emission reduction and mode shift, the importance of safety as an integral part of the programme, the need for clarity on the meaning of liveability in the programme context, the importance of

housing intensification, urban development and urban amenity, and the need to consider equity of access.

18. The Board considered the feedback from that discussion, alongside technical considerations, and agreed to make some changes to the objectives and weightings. While mana whenua partners are represented on the Governance Reference Group and presented at the 12 April workshop, they are not represented on the Board and hence were not involved in the final proposed changes to the objectives and weightings. Ongoing work will need to ensure that the perspectives and values of Mana Whenua are appropriately incorporated into the LGWM programme development and assessment of options.
19. These changes were presented and discussed at a joint council briefing on 5 May 2021. The programme board is now seeking formal endorsement of the revised objectives and weighting from Council.

***Recommended updates to the LGWM programme objectives***

*Objective: Liveability*

20. The review identified the need to be clearer about what the 'Liveability' objective covers and this has led to the **recommended amendments** to the descriptor for this objective, to highlight the two key elements: Urban Amenity and Urban Development. While not a specific discussion area at the joint partner workshop, it is noted that the reference to the 'central city' is no longer part of the revised wording. This is considered appropriate given that we would expect both amenity and urban development associated with the mass rapid transit corridors which extend beyond the central city.
21. The existing wording for this objective descriptor is - A transport system that: "Enhances the liveability of the central city".
22. The revised wording for this objective descriptor is - A transport system that: "Enhances urban amenity and enables urban development outcomes".
23. The key performance indicators for this objective will cover urban amenity (the quality of the urban environment in terms of its composition, activity, connectedness and comfort) and urban development (the likely yield and intensification of residential, commercial and retail development). More intensive development, particularly around enhanced public transport nodes, will also contribute positively to mode shift and reduced carbon outcomes.

*Objective: Access*

24. The review confirmed support for this objective, and **no changes are recommended**.
25. The key performance indicators for this objective will help to assess how the programme will improve access, including access to key regional destinations like the airport and hospital and how it will support productivity and the economy, through measures such as people living within a 30 minutes journey of key employment destinations It will also cover consideration of level of service for active modes and public transport, and travel time reliability for all modes.
26. The need to understand the impact of options on equitable access, an issue raised through the joint partner workshop, is being investigated by the LGWM programme

through consideration of the key performance indicators under this objective. The Social Impact Assessment being undertaken at a programme level will also help to understand equity impacts and opportunities.

*Objective: Reduced Car Reliance (Carbon emissions and mode shift)*

27. The review identified a significant increase in the focus on, and importance of, reducing carbon emissions as a response to climate change, consistent with national and regional policy direction. This has led to **recommended amendments** outlined below.
28. Consideration was given to a new, separate carbon reduction objective. However, the Board reflected on the discussions at the joint partner workshop where it was acknowledged that mode shift (from private motor vehicles to public transport and active modes) was generally supported as the way to reduce transport generated carbon emissions, while also contributing to wider outcomes such as reduced traffic congestion, improved safety and amenity, better travel choice, etc. It was therefore recommended that reduced carbon emissions be given increased focus through amendment to the existing objective, "Reduced car reliance".
29. The existing wording for this objective descriptor is - A transport system that: "Reduces reliance on private vehicle travel".
30. The revised wording for this objective descriptor is - A transport system that: "Reduces carbon emissions and increases mode shift by reducing reliance on private vehicles".
31. An amended objective heading is also recommended, to reflect the revised focus and objective descriptor. This proposed new heading is also more consistent with other objective headings that present the topic area (e.g. Safety, Access) rather than the verb (e.g. improve, increase, reduce) which is appropriately set out in the full objective descriptor. The proposed new objective heading is: "Carbon emissions and mode shift".
32. The key performance indicators for this objective will include measures such as mode share and new and revised measures to assess reduction in carbon emissions. These will be fuel use - based on modelled vehicle kilometres travelled (VKT)- the relative expenditure balance between climate friendly and climate negative investments, and consideration of embodied carbon of any new infrastructure. Additional performance indicators in this area may be identified as the programme develops further understanding of investment's carbon profile.

*Objective: Safety*

33. The review confirmed a need for this objective to be retained, and **no changes are recommended**. Many joint partner workshop participants were uncomfortable scoring safety as they saw it as a given, or a bottom line, that should not be traded off against other objectives. This view is acknowledged, and safety is already a key design principle and best practice will be applied to all components of the programme.
34. However, safety also needs to be a weighted objective so that when comparing between programmes and their variants, the differences across the system in terms of further safety improvements can be assessed alongside other objectives. If safety was considered as the prime consideration above all others, then potential programmes with adverse outcomes would be prioritised which would impact other objectives and

also create safety issues outside the project study area. More commentary on this objective is set out in paragraph 46 below.

35. The key performance indicators for this objective will include measures to assist with understanding how options impact on the risk of deaths and serious injuries on the network, with an additional focus on risk to people walking and cycling.

*Objective: Resilience*

36. The review confirmed support for this objective, and **no changes are recommended**.
37. The key performance indicators for this objective will include measures that cover the transport networks ability to recover and adapt to provide access following both smaller scale, more common incidents (e.g. a crash or slip blocking a lane or transport corridor) and large scale, less frequent events (like a significant seismic event), including access to critical facilities.

***Consistency of the LGWM programme objectives with current policy direction***

38. The LGWM programme objectives are well aligned with strategic direction and priorities set out in the key guiding policy documents.
39. In the GPS 2021, priorities include Safety, Better Travel Options, Climate Change and Improving Freight Connections. These have a good fit with the safety, access, and mode shift and carbon reduction objectives for LGWM. The description of the GPS “better travel options” objective covers liveability and multi-modal access, and the description of the GPS “freight” objective covers efficient, reliable, safe and resilient access.
40. The draft RLTP 2021 includes three headline targets seeking significant progress in relation to safety, carbon emission reduction and mode shift over the next ten years. The RLTP ten year investment priorities include Public Transport Capacity, Travel Choice, Strategic Access, Safety and Resilience. The first two priorities listed are the key investment areas expected to contribute to the RLTP mode shift and carbon emission reduction targets. The LGWM programme objectives strongly reflect the strategic direction provided by the RLTP.
41. The NPS UD provides direction about the expected role integrated land use and transport in delivering housing capacity, and new provisions to strengthen urban intensification around public transport nodes – a good fit with the LGWM liveability and mode shift objectives which seek to enable urban development and support mode shift.
42. WCC’s Planning for Growth (PFG) programme identifies several strategic goals for the city. These seek a city that: retains its compact urban form, with quality urban development in the right locations; is resilient; is vibrant and prosperous; is inclusive and connected; and, is “greener” – i.e. sustainable, with its natural environment protected, enhanced and integrated into the urban environment. These goals have a particularly strong alignment with the LGWM “liveability” objective, but also reflect other LGWM objectives. The LGWM “carbon emissions and mode shift” objective will be a key enabler for the outcomes sought through the PFG programme.

***Proposed weighting of objectives***

43. During the joint partner workshop, participants were asked to rank, then weight the programme objectives. Many workshop participants felt that safety should be a given,

or a bottom line, that shouldn't have to be traded off against other objectives. For this reason, the workshop participants removed the "Safety" objective for the workshop weighting exercise. A separate carbon objective was added for the weighting exercise, reflecting the initial feedback outlined in paragraph 27 above.

44. The Board considered the average weightings that resulted from the workshop exercise, alongside other technical considerations and advice. The following objective weightings were recommended to take forward:
  - a Liveability – 20%
  - b Access – 15%
  - c Reduced car reliance – 40%
  - d Safety – 15%
  - e Resilience – 10%
45. The recommended weightings are well aligned with the workshop feedback. The key difference is the inclusion of a weighting for the "Safety" objective, and combining the existing "Reduced car reliance" objective and proposed carbon objective for the reasons outlined in paragraph 28 above.
46. Further technical and legal advice was sought in relation to safety. This noted that, while safety would always be a key design principle, by excluding safety as an objective, there is a risk that the programme could be challenged on the basis that safety elements are not necessary for achieving the project objectives. A specific safety objective is the best way to ensure that safety outcomes are achieved throughout the entire development and delivery phases whilst ensuring it doesn't eclipse all other objectives which may result in perverse outcomes. A weighted safety objective will also ensure transparency of analysis and decision making. A weighting of 15% for the safety objective was considered appropriate in this context.
47. Recognising mode shift and reduced car reliance as a key contributor to reducing transport generated carbon emissions, and reflecting the feedback around the importance of addressing climate change, the revised combined "Carbon emissions and mode shift" objective was given a weighting of 40%.
48. Minor adjustments (and rounding) were made to the remaining objective weightings to reflect and accommodate these changes in the Boards recommended weightings.

***How the revised objectives and the proposed weightings will be used***

49. The objectives and key performance indicators that support them will be used:
  - a To assess the baseline / current situation and the case for change
  - b In the option evaluation process as part of a wider multi-criteria analysis to assess and shortlist programme and package options
  - c In the business case process to ensure that the preferred option results in meaningful change and warrants investment.
50. The resulting documentation setting out these decision-making steps will then be used:

- a As evidence in Resource Management Act 1991 processes, which require decision makers to consider whether the work is reasonably necessary for achieving the project objectives
  - b In other statutory decision making processes, such as the Land Transport Management Act 2003, Local Government Act 2002 or the Public Works Act 1981.
51. The objective weightings will provide a clear signal about the partner's priorities, will be used as part of multi-criteria analysis, and may help decision making on trade-offs between options and sub-options.
52. However, as noted during the joint partner workshop discussion, all of the objectives are critical for the programme and will be retained. Sensitivity testing will be carried out to understand the impact of different weighting scenarios and provide transparency about the impact of these on different programme options.

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

53. There are no direct financial implications associated with the decisions in this report.

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

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

**Te hiranga**  
**Significance**

55. 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 Decision-making Guidelines. Officers recommend that the matters are of low significance.
56. The decisions sought through this report are an interim step as part of a longer process to identify and assess options. While the programme objectives and weightings will be used to inform the assessment of LGWM programme options, decisions about which option(s) to take forward will be part of future decision making processes.

**Te whakatūtakitaki**  
**Engagement**

57. Comprehensive public and stakeholder engagement led to the development of the existing programme objectives. The purpose of the review was not to re-litigate those objectives, but to check and confirm these reflected the current context and policy direction. The revised, weighted objectives are still considered to be well aligned with the feedback themes from the community that informed the existing objectives. <https://lgwm.nz/what-you-think/umr-research-key-messages/>

## **Ngā tūāoma e whai ake nei**

### **Next steps**

58. If endorsed, the revised objectives and weightings will be used to inform the LGWM programme going forward, as set out in paragraph 49 - 52 in this report.
59. As the next stage of the business cases are developed, work will need to ensure that the perspectives of Mana Whenua are appropriately incorporated into the LGWM programme through the MCA criteria.
60. The partner councils will be updated regularly with progress on the LGWM programme.

## **Ngā āpitihanga**

### **Attachment**

<b>Number</b>	<b>Title</b>
1	LGWM Objectives Workshop Outcomes Report

## **Ngā kaiwaitohu**

### **Signatories**

Writer	Natasha Hayes – Senior Strategic Advisor
Approvers	Dave Humm – LGWM Partner Lead Luke Troy – General Manager, Strategy



<p><b>He whakarāpopoto i ngā huritaonga</b>  <b>Summary of Considerations</b></p>
<p><b><i>Fit with Council or Committee's Terms of Reference</i></b></p> <p>Council is the current decision-maker on Let's Get Wellington Moving matters relating to Greater Wellington.</p>
<p><b><i>Implications for Māori</i></b></p> <p>LGWM is working in partnership with iwi as part of the programme. An iwi partnerships working group has been established to help the programme appropriately consider mana whenua perspectives and support broader iwi engagement. Taranaki Whānui ki te Upoko o te Ika and Ngāti Toa also participate in the governance of the programme as members of the Let's Get Wellington Moving Governance Reference Group and their representatives participated in the joint partners workshop referenced in this report.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The LGWM programme is included in Council's Long Term Plan and the Wellington Regional Land Transport Plan (RLTP) 2015 and draft RLTP 2021.</p>
<p><b><i>Internal consultation</i></b></p> <p>In preparing this report, consultation was undertaken with Greater Wellington officers (along with LGWM partners) who attended the LGWM objectives review workshop on 12 April 2021.</p>
<p><b><i>Risks and impacts: legal / health and safety etc.</i></b></p> <p>No specific legal or financial risks have been identified. There are no health and safety considerations at this time.</p>



13 April 2021

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# LGWM Objectives Workshop

## Outcomes Report

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David Dunlop  
Acting Programme Director

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Document Number 0083/21

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## Attachment 1 to Report 21.228



## Revision History

Revision No	Prepared by	Description	Date
1	Sarah Rowe	Draft	13 Apr 21
2	Lisa Calder	Draft	10 May 21
2	Lisa Calder	Final	15 June 21

## Document Acceptance

Action	Name	Signed	Date
Prepared by	Sarah Rowe		15 Apr 21
Reviewed by	Vickie Moses		17 Apr 21
Approved by	David Dunlop		18 Apr 21
On behalf of			



# Background

The context and purpose of the Workshop

## Attachment 1 to Report 21.228



## 1 Background Information

The findings of the LGWM Health Check were received in December 2020; the Health Check identified the need for the reassessment and confirmation of the Programme Objectives. As such, the Partnership Board (Board) requested that the Programme organise an Objectives Weightings Workshop (Workshop), including the Governance Reference Group (GRG), Board, Greater Wellington Regional Councillors and Wellington City Councillors, to address this recommendation.

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*“During the pause, LGWM should be reset, with the following undertaken:  
- Reassessment and confirmation of the objectives and outcomes by the partner organisations collectively, specifically in the context of the indicative package of investments.”<sup>1</sup>*

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### 1.1 Purpose

The purpose of the Workshop was to:

1. Understand what the Objectives meant to the Programme team and gain feedback from attendees as to what they meant to them and other considerations;
2. Rank the Programme Objectives according to priority collectively as group; and
3. Understand weightings of the Programme’s objectives from the partner organisations and the wider group once combined.

The outcomes of the Workshop (being the weightings of the objectives) will be ratified by the Board and utilised by the Programme to inform key performance indicators (KPI’s) and the assessment of projects, solutions and programme level outcomes.

### 1.2 Workshop Overview

#### 1.2.1 Date and Location

Monday 12 April, 8.30am to 12.30pm, at Council Chamber, Greater Wellington Regional Council, 100 Cuba Street, Wellington.

#### 1.2.2 Facilitator

The Programme engaged Vickie Moses, of CI Consulting NZ, to facilitate the workshop. V Moses worked with the Programme Team to develop an informative and interactive agenda which allowed engagement such that those attending were able to contribute and understand the implications of different objectives from a definition and weighting perspective.

V Moses also utilised the workshop to explore the behaviours of what “One Team” meant to attendees.

#### 1.2.3 Invitees and attendees

Name	Role	Organisation	Attended
Vickie Moses	<i>Facilitator</i>	CI Consulting	✓

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<sup>1</sup> (December 2020) *Health Check Final Report*, p.1 [online]. Available at: <https://lgwm-prod-public.s3.ap-southeast-2.amazonaws.com/public/Documents/LGWM-final-report-December-2020.pdf>

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Programme Representatives			
David Dunlop	<i>Programme Director (Interim)</i>	LGWM	✓
Rowan Oliver	<i>LGWM Programme Integration Manager (PIM)</i>	LGWM	✓
Phil Peet	<i>LGWM MCA Adviser</i>	LGWM	✓
Sarah Rowe	<i>Governance Support Lead</i>	LGWM	✓
Siobhan Procter	<i>LGWM Partner Lead</i>	WCC	✓
Kesh Keshaboina	<i>LGWM Partner Lead</i>	Waka Kotahi	X
Dave Humm	<i>LGWM Owner Interface Manager</i>	GWRC	✓
Jodie Lawson	<i>LGWM Owner Interface Manager</i>	Waka Kotahi	✓
Gunther Wild	<i>LGWM Owner Interface Manager</i>	WCC	✓
LGWM Governance Reference Group			
Sir Brian Roche	<i>LGWM GRG Chair</i>	Waka Kotahi	X
Nicole Rosie	<i>LGWM GRG Member</i>	Waka Kotahi	✓ (Part)
Emma Speight	<i>LGWM GRG Member</i>	Waka Kotahi	✓
Kirsty Tamanui	<i>LGWM GRG Member</i>	Taranaki Whānui ki te Upoko o te Ika	X
Leslie Brown	<i>Attended on behalf of Kirsty Tamanui</i>	Taranaki Whānui ki te Upoko o te Ika	✓
Helmut Modlik	<i>LGWM GRG Member</i>	Ngāti Toa	✓
Roger Blakeley	<i>LGWM GRG Member</i>	GWRC	✓
Daran Ponter	<i>LGWM GRG Member</i>	GWRC	✓
Mayor Andy Foster	<i>LGWM GRG Member</i>	WCC	✓
Sarah Free	<i>LGWM GRG Member</i>	WCC	✓
LGWM Partnership Board			
Brett Gliddon	<i>LGWM Board Chair</i>	Waka Kotahi	X
Robyn Elston	<i>LGWM Board Member</i>	Waka Kotahi	✓
Barbara McKerrow	<i>LGWM Board Member</i>	WCC	✓
Sara Hay	<i>LGWM Board Member</i>	WCC	X

## Attachment 1 to Report 21.228



Greg Campbell	<i>LGWM Board Member</i>	GWRC	✓
Luke Troy	<i>LGWM Board Member</i>	GWRC	✓
<b>Councillors</b>			
Penny Gaylor	<i>Councillor</i>	GWRC	X
Glenda Hughes	<i>Councillor</i>	GWRC	✓
David Lee	<i>Councillor</i>	GWRC	✓
Thomas Nash	<i>Councillor</i>	GWRC	✓
Jenny Brash	<i>Councillor</i>	GWRC	X
Chris Kirk-Burnnand	<i>Councillor</i>	GWRC	X
Ken Laban	<i>Councillor</i>	GWRC	✓
Prue Lamason	<i>Councillor</i>	GWRC	X
Josh van Lier	<i>Councillor</i>	GWRC	✓
Diane Calvert	<i>Councillor</i>	WCC	✓ (Part)
Jenny Condie	<i>Councillor</i>	WCC	✓
Jill Day	<i>Councillor</i>	WCC	✓
Fleur Fitzsimons	<i>Councillor</i>	WCC	✓
Laurie Foon	<i>Councillor</i>	WCC	✓
Rebecca Matthews	<i>Councillor</i>	WCC	✓
Teri O'Neill	<i>Councillor</i>	WCC	✓
Iona Pannett	<i>Councillor</i>	WCC	✓
Tamatha Paul	<i>Councillor</i>	WCC	✓
Sean Rush	<i>Councillor</i>	WCC	✓
Malcolm Sparrow	<i>Councillor</i>	WCC	✓
Simon Woolf	<i>Councillor</i>	WCC	✓
Nicola Young	<i>Councillor</i>	WCC	✓ (Part)
<b>Other</b>			



**Attachment 1 to Report 21.228**



Moana Mackey	<i>Chief Advisor to the Chief Planning Officer and Chief Infrastructure Officer</i>	WCC	✓
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## Attachment 1 to Report 21.228



## 1.2.4 Agenda

Time	Agenda
8.30 am	<p><b>Introduction to the Programme</b>  <b>Identify Programme Objectives</b>  <b>Partner Needs</b></p> <p><b>Objective:</b> During this session a representative from Waka Kotahi, WCC, GWRC, Taranaki Whānui ki te Upoko o te Ika, and Ngāti Toa will have an opportunity to briefly discuss their needs and aspirations for LGWM.</p>
8.45 am	<p><b>Journey to date</b> (Luke Troy)</p> <p><b>Objective:</b> To recap on the journey to date in order to ensure that all partners have a shared understanding of the programme. This conversation would conclude with where we are now and what we have learnt.</p>
9.15 am	<p><b>Confirmation of Vision and Objectives</b> (Luke Troy)</p> <p><b>Objective:</b> To review the LGWM Vision and Objectives and develop a shared understanding of the intent and meaning of each objective.</p>
9.25 am	<p><b>Objectives Alignment and feedback</b></p> <p><b>Objective:</b> For team members to provide input and feedback into the objectives and make any recommendations going forward.</p>
10.15 am	<b>Morning Tea Break</b>
10.30 am	<p><b>Objectives Rankings</b></p> <p><b>Objective:</b> To provide all participants with the opportunity to rank the objectives to ultimately provide the LGWM team with guidance around the leadership teams expectations as to how the programme of works might best be prioritised going forward.</p>
11.15 am	<p><b>Objective Weightings</b></p> <p><b>Objective:</b> To provide all participants with the opportunity to put forward their individual view regarding how they believe the LGWM objectives should be weighted. This information will then be collated following the workshop and fed into the board discussions and outputs report.</p>

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<p><b>11.45 am</b></p>	<p><b>Leadership of LGWM</b></p> <p><b>Objective:</b> Following on from the findings in the Health Check report the leaders will be given the opportunity to briefly explore the types of behaviors which they expect of themselves and the team going forward to ensure we achieve the vision for LGWM vision.</p>
<p><b>12.15 pm</b></p>	<p><b>Where to from here?</b></p> <p><b>Objective:</b> To discuss the steps going forward.</p>
<p><b>12.30 pm</b></p>	<p><b>Close</b></p>



# Objectives Workshop

Summary of discussion



## 2 Objectives Workshop Overview

### 2.1 Introduction to the Programme

Representatives from each partner organisation (being Greater Wellington Regional Council, Wellington City Council, Waka Kotahi, Taranaki Whānui ki te Upoko o te Ika, and Ngāti Toa) presented to the attendees, a summary of their organisations' specific priorities for the programme.

**Waka Kotahi** reinforced their commitment to the Programme and their focus on de-carbonising the city through significant and sustainable mode shift. Safety is critical to Waka Kotahi, as is resilient access to and throughout the city.

**Taranaki Whānui ki te Upoko o te Ika** discussed the importance of: a sense of place, the role of water, the wise use of energy during construction, the optimisation of health and wellbeing during construction, the sustainable use of materials, supporting a just and safe society, and celebrating beauty and design.

**Ngāti Toa** shared their Tikanga: Manaakitanga – enhancing mana through excellence, generosity and hospitality, Kotahi tātou – inspiring unity and connection, Whakatau Tika – acting with honesty and integrity, Kaitiakitanga – sustaining our people and resources, Wairuatanga – our connection to te ao wairua, Whānaungatanga – connectedness and kinship, Ahi Kā – sustainability of our Ngāti Toatanga, Rangatiratanga – visionary and courageous leadership. Ngāti Toa highlighted that there is a risk that the Programme could lose sight of wellbeing and mana; and noted our shared and increasing need to look after the environment.

**Wellington City Council** Wellington City Council stressed that LGWM is more than a transport project alone. It is critically important that transport must support the economy, environment, social and cultural wellbeing of our community and is a means to an end rather an end itself.

**Greater Wellington Regional Council** highlighted the importance of connectedness to the whole region, and the role of transport in economic development. GWRC are focused on environmental protection and mode shift.

It was noted that during the workshop that the current Programme objectives will not be relitigated but will be ranked and weighted; additional objectives or adjustments to wording could occur based on feedback from attendees.

### 2.2 Journey to Date

L Troy presented to the Workshop an overview of the LGWM Programme including:

- The timeline of the programme from its inception to date; and
- Feedback themes from the community, including:
  - Support for better public transport - now and long-term
  - Widespread support for walking and cycling improvements and priority
  - Future-proofed solutions are required
  - Wellington-specific solutions required
  - A regional, integrated approach is required
  - Opposition to new infrastructure that encourages car use
  - Basin traffic flow issues need to be solved, but diverse views are held
  - It is time to act, while being mindful of cost

## Attachment 1 to Report 21.228



- The vision and objectives of the Programme, being:
  - **Vision**

A great harbour city, accessible to all, with attractive places, shared streets and efficient local and regional journeys. To realise our vision, we need to move more people with fewer vehicles.
  - **Objectives**
    1. Enhances the **liveability** of the central city
    2. Provides more efficient & reliable **access** for users
    3. **Reduced reliance** on **private vehicle** travel
    4. Improves **safety** for all users
    5. Is **adaptable to disruption** and future uncertainty
- The Programme's Strategic approach:
  - Optimise the transport system and make it safer
  - Encourage people to walk, cycle and use public transport more, and use cars less
  - Substantially improve public transport capacity, quality and performance
  - Encourage urban intensification near public transport
  - Prioritise people walking, cycling and using public transport on key corridors
  - Improve accessibility and amenity of places and streets
  - Ensure those who need to use private vehicles can (e.g. deliveries)
  - Reduce conflicts between different transport users and traffic flows
  - Increase the resilience and reliability of our transport, especially to the hospital, port and airport
- The current context of LGWM, including:
  - The Programme Health Check
  - Indicative Business Cases
  - Emergent Key Issues (climate change, COVID-19, population growth, housing supply)
  - Key Issues of Focus (Affordability, mix of investments, timing of investments, alignment with government priorities and response to emergent key issues)
- The scope of LGWM

### 2.3 Confirmation of Vision and Objectives

In order to weight the objectives accurately, the attendees needed to have a consistent understanding of each of the objectives. Attendees were invited to seek clarification on the meaning of the objectives to ensure there was a shared understanding.

### 2.4 Objectives Alignment and Feedback

During this session the attendees were asked to provide feedback directly to the programme team regarding the objectives. Therefore, attendees were split into pre-determined groups which were purposefully created to contain a mix of representatives from each partner organisation where possible. Groups were asked to consider the Programme Objectives and provide feedback and recommendations on the objectives. Listed below are some key feedback points:

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- The reduction of carbon emissions should be a key focus of the Programme, including KPIs on mode shift.
- Equity of access should be included as part of the 'access' objective; including improving access for under-served users, those in less-served areas, and for people with disabilities.
- Transport services the four pillars of wellbeing and could be integrated into the 'liveability' objective.
- Carbon should be a separate objective.
- Housing is very important, as is housing intensification (up not out) and the intensification of transport.
- Mode shift and reducing carbon.
- The enhancement of the liveability objective; Urban Development and Urban Amenity should be split.
- There should be KPIs around density and mode shift.
- Safety as an objective is a bottom line.
- Access and prioritisation between user types, in accordance with an agreed hierarchy (e.g. pedestrians, cyclists, PT, general traffic).
- Safety should be considered across all objectives.
- Improve access for those that don't have access; the equity of access.
- Look at how the sustainable transport programme fits into the LGWM Programme.

It was clear during this session that reducing carbon emissions in Wellington was consistently of imperative importance across all partners. As such, it was recommended that 'Carbon Emissions Reduction' be added as the sixth Programme objective.

Upon further discussion of carbon and emission reduction, it became clear that 'Carbon and Emissions Reduction' as a Programme objective was understood as the reduction of private vehicle use achieved through mode shift (as opposed to increased electric vehicle use, which would also achieve carbon reduction, for example).

Many participants were uncomfortable weighting Safety as they considered it to be of paramount importance which cannot be ranked against other objectives. Accordingly, the participants decided against weighting this objective.

## 2.5 Objectives Rankings

In order to determine which objectives were of the highest priority to the partners, the groups were asked to rank the objectives in order of priority. The group rankings were then combined to produce a list of the objectives in order of priority:

1. Carbon emission reduction
2. (Joint) Enhances the **liveability** of the central city

**Attachment 1 to Report 21.228**



2. (Joint) **Reduced reliance on private vehicle** travel
3. Provides more efficient & reliable **access** for users
4. Is **adaptable to disruption** and future uncertainty

When considering the list of ranked objectives, it is important to note that attendees present at the workshop generally felt that 'resilience' would be routinely considered as a priority across the programme, similarly to 'safety', which would explain why attendees did not assign it any priority.

Councillors located outside of Wellington city noted the importance of access for their constituents and reiterated the importance of connectedness to the whole region.

It was also noted during the discussion that all objectives are critical for the programme and will remain. The prioritisation process simply supports the LGWM team going forward with decision making.

## **2.6 Objectives Weightings**

Having ranked the objectives in a group setting, all attendees (not part of the Programme Team) were asked to individually assign a percentage weighting to each of the objectives.

A summary of the final percentage weightings and the results of this exercise are shown in the chart below. The chart shows the percentage weightings by individual partner, and by all partners collectively.

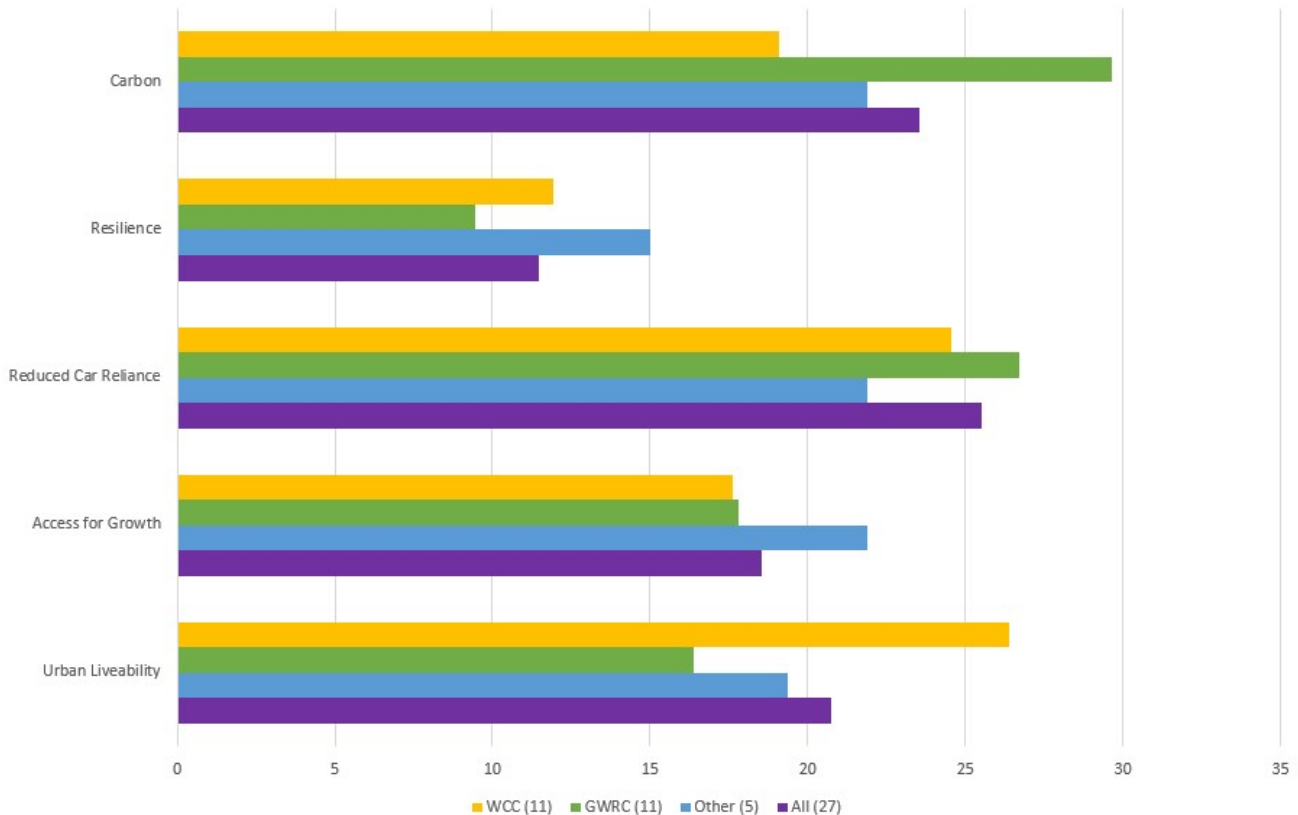
Overall, **Reduced Car Reliance** was weighted as the objective of the highest priority, followed by Carbon Emission Reduction, Urban Liveability, Access for Growth, and Resilience respectively.

The results of the Objectives Weightings exercise were largely in line with the results of the Objective Rankings exercise.





Objectives Guidance Workshop - 12 April 2021  
Average Objective Weighting



2.7 Leadership of LGWM

The alignment of the partners was a key aim of the workshop. Therefore, attendees were asked to feedback on the behaviours and attitudes to support a move forward as ‘One Team’ (Programme and Partners). Examples of the values and behaviours which attendees believed would support a ‘one team’ approach are outlined below:

- **Respect** the democratic process to make decisions; partners should ‘back’, and be supportive of, decisions made through this process
- Always act in **Mana** enhancing ways
- Have one clear **communication** channel, a voice of the programme
- **Have robust debate within the team then support** the teams decision once it has been made
- **Honest** communication
- **Trust** our partners.
- It is important not to leak information
- **Be advocates** for the programme.
- **Demonstrate Leadership of the programme;** noting that there is difficulty in being closely associated with the LGWM due to its current reputation
- Reduce **disconnect** between the team and the partners

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- There should be **protocols** regarding restricting discussion with the media; individuals have the right to comment publicly but ideally the programme should be consulted to help with consistent messaging.
- **Regular GRG** meetings should be held, advocates for the Programme can be updated, and positive points can be relayed to the media
- Delivery with **urgency**
- Demonstrate **competence**
- Consistent and collective **advocates** for the programme
- **Deliver** on promises

## **2.8 Where to from here?**

The feedback collected during the Objectives Workshop will be presented to the Board for consideration at the Board Meeting on 28 April 21. It was agreed that recommendations made by the Board regarding the priority programme objectives, will be presented back to Councillors for final approval.

The Programme will then finalise the IBCs, using the priorities agreed upon by the Board (and approved by Councillors).

**Attachment 1 to Report 21.228**



Council  
29 June 2021  
Report 21.276



For Decision

## CHANGES TO COUNCIL'S DELEGATION OF POWERS, FUNCTIONS AND RESPONSIBILITIES – JUNE 2021

Te take mō te pūrongo

### Purpose

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

He tūtohu

### Recommendations

That Council:

1. **Revokes**, with effect from 30 June 2021, the delegation made by Council on 10 December 2020 to specified officers under the Resource Management Act 1991.
2. **Delegates** its powers, duties and responsibilities under the Resource Management Act 1991 to specified officers, except those powers retained explicitly by Council, with effect from 30 June 2021, as set out in [Attachment 1](#).

Te horopaki

### Context

2. Under Council's delegations framework, Council delegates its powers, functions and responsibilities to the Chief Executive, who can (usually) sub-delegate these matters to specified officers. However, under the Resource Management Act 1991, all delegations must be made by the local authority. Accordingly, Council's practice is to agree to a full set of direct delegations that state any matters retained by Council, any matters not able to be delegated, and the matters delegated to the Chief Executive and specified officers.
3. On 10 December 2020 Council delegated to certain officers its powers, duties and responsibilities under the Resource Management Act 1991 (Changes to Council's delegations of powers, functions and responsibilities – December 2020 – Report 20.450).
4. Officers now seek further changes to these delegations to provide the General Manager, Metlink with powers, functions and duties in relation to a notice of requirement and designations under the 'Designations' subpart of Part 8 of the RMA.

## **Te tātaritanga Analysis**

5. The proposed new delegations under the RMA will enable the General Manager, Metlink to issue a notice of requirement (NOR) and seek designations in relation to key strategic land required for the public transport activities managed by Metlink.
6. The immediate exercise of these delegations will be in relation to the land on which the Melling railway station and associated park and ride car parks are located. The proposed public transport NOR and designation has been recommended as part of the suite of NORs and designations required for the Riverlink Project.
7. Under the RMA, a local authority that has financial responsibility for a public work may provide a NOR to a territorial authority of its requirement for a designation if land is required for a public work or to restrict the use of a designated area (where a restriction is necessary for the safe or efficient functioning or operation of a public work). A public work includes work that relates to the construction of eligible infrastructure (which includes transport infrastructure that facilitates transport on land or by any means).
8. Once a designation is included in a district plan, the provisions of the district plan only apply to the extent that the land (or improvements on the land) are used for a purpose other than the designated purpose (i.e. the designated public work). The effect of the designation (once in place) is that land use consent is not required for work undertaken under the designation and nothing can be done on the land that would prevent or hinder the work to be undertaken in accordance with the designation.
9. The possible future use of the RMA designations for public transport purposes is consistent with high level advice that recommends consideration of the future use of designations to protect key public transport interests. These designations may include:
  - a Other stations and park and ride carparks located on KiwiRail land
  - b Park and ride carparks located on third party land
  - c Rail and bus maintenance depots and related land used required for stabling or electric vehicle charging infrastructure.
10. Any proposed designations to protect public transport interests will be sought on behalf of Greater Wellington. Greater Wellington Rail Limited (GWRL) would continue to make any decisions about asset ownership (in the case of the rail stations or other assets owned by GWRL) located on land that is the subject of the proposed designation.
11. The proposed new delegations supplement existing, and similar, delegations (as appropriate) to the General Manager, Environment Management and the General Manager, Catchment Management. All these delegations are part of the 'Designations' section of the proposed delegations from Council to officers – Resource Management Act 1991 (**Attachment 1** – see yellow highlights that show the changes).
12. In line with Council's practice, indicated in paragraph 2, officers propose that Council revokes the current instrument of delegation for the RMA and approves the instrument of delegation set out in **Attachment 1**.

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

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

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

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

**Te hiranga**  
**Significance**

15. Officers have considered the significance of the matters for decision, taking into account the Council’s *Significance and Engagement Policy* and Greater Wellington’s *Decision-making Guidelines*. As these decisions concern Council’s internal allocation of decision-making rights, officers considers these matters to be of low significance.

**Te whakatūtakitaki**  
**Engagement**

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

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

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

**Ngā āpitihanga**  
**Attachment**

Number	Title
1	Proposed delegations from Council to officers – Resource Management Act 1991

**Ngā kaiwaitohu**  
**Signatories**

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

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Council can, under section 34A(1)(b) of the RMA, delegate to any employee its functions, powers or duties under that Act except this power of delegation.
<b><i>Implications for Māori</i></b> There are no known implications for Māori.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The proposed delegations do not contribute to the Annual Plan, Long Term Plan, or Council's or Greater Wellington's key strategies, policies and plans.
<b><i>Internal consultation</i></b> This report was prepared in consultation with the Legal, Asset Management and Procurement, and the Assets and Infrastructure, departments.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no known risks or impacts arising from the matters for decision.

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991*****No power to sub-delegate***

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

***General delegation to Chief Executive***

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

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

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

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

***Specific delegations to Chief Executive and specified positions*****Key to RMA delegations**

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

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



**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

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

**Functions, powers and responsibilities**

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

**Resource consents**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Waivers</b>		
37(1) and 37A	Extend a time period and to waive compliance, or failure to comply with service of document requirements as provided in sections 37(1) and 37A  <u>*Limitation</u> Authority relates to the extension of time periods and when the applicant requests or agrees	<i>Tier 3 Policy</i> <i>Tier 3 Science</i> <i>Tier 4 Regulation</i> <i>*Tier 5 Regulation</i>
37(2)	Power to direct the terms on which an omission or inaccuracy of information required, or a procedural requirement that was omitted, shall be rectified in accordance with section 37(2)	<i>Tier 3 Policy</i> <i>Tier 3 Science</i> <i>Tier 3 Regulation</i>
<b>Section 42A reports</b>		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section)	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>
<b>Permitted activities</b>		
87BB	Powers regarding activities deemed to be a permitted activity	<i>Tier 5 Regulation</i>
<b>Direct referral</b>		
87E	Power to determine Council position on a request for direct referral to the Environment Court	<i>Tier 3 Regulation</i>
87F	Approve the content of a report prepared on an application that has been directly referred to the Environment Court	<i>Tier 3 Regulation</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Application for resource consent</b>		
88	Authority to determine whether an application for resource consent is incomplete (and give reasons why)	<i>Tier 6 Regulation</i>
41B	Power to direct applicant to provide evidence <u>Limitation</u> Power only applies before hearing	<i>Tier 4 Regulation</i>
41C	Authority to make directions and requests <u>Limitation</u> Power only applies before hearing	<i>Tier 6 Regulation</i>
41D	Strike out submissions <u>Limitation</u> Power only applies before hearing	<i>Tier 2 Regulation</i>
91	Power to determine not to proceed with a resource consent application on certain grounds	<i>Tier 6 Regulation</i>
91C	Power to determine whether to return an application for a resource consent that has been suspended	<i>Tier 6 Regulation</i>
91D	Power to suspend the processing of a non-notified application when requested in accordance with this section	<i>Tier 6 Regulation</i>
91E	Requirement to cease to suspend the processing of a non-notified application when certain grounds apply	<i>Tier 6 Regulation</i>
<b>Further information requests</b>		
92	Authority to request further information to be provided, or to commission a report before a decision on a consent application is made	<i>Tier 6 Regulation</i>
92A	Set a time within which an applicant is to provide information	<i>Tier 6 Regulation</i>
<b>Notification</b>		
95, 95A, 95B, 95C, 95D and 127	Decide whether to publicly or limited notify an application for resource consent or change or cancellation of conditions  Power to determine whether the adverse effects on the environment of an application will be minor or whether special circumstances exist in relation to the application	<i>Tier 6 Regulation</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
95E	Determine which persons may be adversely affected by an application and to serve notice of the application on them if required	<i>Tier 6 Regulation</i>
95F	Determine that a protected customary rights group is an affected group if the activity may have adverse effects on a protected customary right and written approval from the group has not been received	<i>Tier 6 Regulation</i>
95G	Determine that a customary marine title group is an affected group if the activity may have adverse effects on customary marine title rights and written approval from the group has not been received	<i>Tier 6 Regulation</i>
<b>Submissions on applications, pre-hearing meetings and mediation</b>		
96	The power to lodge a submission on a resource consent application	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i> <i>(See Submissions policy)</i>
97	Adopt an earlier closing date for submissions in accordance with section 97	<i>Tier 6 Regulation</i>
99(1) to (4)	Power to call pre-hearing meetings and invite or require parties to attend and the duty to prepare a report of the meeting	<i>Tier 6 Regulation</i>
99(8)	Power to decide whether to decline to process an application or submission if they fail to attend a pre-hearing meeting	<i>Tier 3 Regulation</i>
99A(1) to (2)	Power to refer parties who have made a resource consent application or submissions on the application to mediation	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>
99A(3)	Power to appoint mediators when the Council is the applicant	<i>Tier 3 Regulation</i>
<b>Hearings</b>		
100	Authority to determine whether a hearing should be held in respect of any application for a resource consent and require that a hearing be held	<i>Tier 6 Regulation</i>
101	Authority to fix and notify the commencement date, time and place where a hearing is to be held	<i>Tier 6 Regulation</i>
102(1)	Authority to determine that applications to two or more consent authorities for the same proposal are sufficiently unrelated that a joint hearing is unnecessary	<i>Tier 6 Regulation</i>
102(2)	If a joint hearing is held, agree that another authority should be responsible for notifying the	<i>Tier 6 Regulation</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
	hearing, setting the procedure, and providing administrative services	
102(3)	Jointly or separately decide applications where those applications are heard jointly	<i>Tier 6 Regulation</i>
103	Authority to determine that a combined hearing on applications for resource consents need not be held (proposals must be sufficiently unrelated)	<i>Tier 6 Regulation</i>
<b>Decision making on resource consent applications</b>		
104, 104A to D, 105, 106, 107, 108, 108A and 108AA	Determine or decline resource consent applications Authority to impose conditions on any consent granted, including the provision of a bond <u>*Limitation</u> Applies to applications where no hearing required <u>#Limitation</u> Applies to applications which are non-notified and no hearing is required	<i>* Tier 3 Regulation</i> <i># Tier 5 Regulation</i>
109	Conditions relating to bonds; power to enter on to land to ensure work for which bond is given is being completed	<i>Tier 6 Regulation</i>
110	Duty to refund financial contribution to consent holder where consent has lapsed Power to retain portion of financial contribution in certain circumstances	<i>Tier 4 Regulation</i>
114	Authority to serve consent applicant, submitters and determine other people that are considered appropriate with notice of the decision on an application	<i>Tier 6 Regulation</i>
120	Authority to lodge, withdraw or oppose appeal on Council's behalf in Environment Court	<i>Tier 2 GM Environment Management</i>
<b>Duration of consent</b>		
123	Power to specify duration of consent	<i>Tier 5 Regulation</i>
123A	Power to decide duration of consent for aquaculture activities	<i>Tier 5 Regulation</i>
124	Power to allow a consent holder to continue to operate while applicant is seeking a new resource consent	<i>Tier 4 Regulation</i>
124B	Process that must be followed when applications by existing holders received	<i>Tier 5 Regulation</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
124C	Process that must be followed when applications are received from persons who are not existing holders received	<i>Tier 5 Regulation</i>
125	Power to grant extension of period after which a consent will lapse	<i>Tier 5 Regulation</i>
<b>Cancellation and change of resource consents</b>		
126	Power to cancel a resource consent by written notice and power to cancel notice of revocation	<i>Tier 4 Regulation</i>
127	Determine non-notified applications for a change or cancellation of any condition of consent  <i>Explanatory note: See above notification delegations in relation to notification decisions on section 127 applications</i>	<i>Tier 5 Regulation</i>
<b>Review of consent conditions by consent authority</b>		
128 and 129	Power to review resource consent conditions and to give notice of review	<i>Tier 4 Regulation</i>
130	Determine whether notification of a review is required under section 130 and whether a hearing be held	<i>Tier 4 Regulation</i>
131	Duty to consider certain matters during review of consent conditions and before changing the conditions of a discharge permit or a coastal permit  <u>Limitation</u>  Power only applies where no hearing is required	<i>Tier 4 Regulation</i>
132	Power to change the conditions of a resource consent on a review under section 128, or to cancel resource consent  <u>Limitation</u>  Power only applies where no hearing is required	<i>Tier 4 Regulation</i>
<b>Minor corrections of resource consents</b>		
133A	Power to make minor changes or corrections to resource consent (within 20 working days of grant)	<i>Tier 6 Regulation</i>
<b>Transfer of resource consents</b>		
136	Power to approve the transfer of a water permit	<i>Tier 5 Regulation</i>
137	Approve the transfer of a discharge permit in whole or in part to another site and to any person	<i>Tier 5 Regulation</i>
<b>Surrender of consents</b>		
138	Power to Issue notice of acceptance of surrender of a resource consent, direct that person surrendering	<i>Tier 5 Regulation</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
	consent need not complete any work to give effect to the consent, and refuse acceptance of a part surrender of a resource consent	
<b>Coastal permits for dumping and incineration</b>		
138A(1)	Power to request further information in relation to applications for coastal permits for dumping or incineration  <u>Limitation</u> Power only applies where no hearing is required	<i>Tier 6 Regulation</i>
138A(3)	Power to review coastal permits for dumping or incineration	<i>Tier 4 Regulation</i>
<b>Certificates of compliance or existing use</b>		
139 and 139A (excluding 139(4))	Authority to determine and issue certificate of compliance and existing use certificates  Authority to request further information before determining whether to issue certificates	<i>Tier 5 Regulation</i>
139(4)	To require further information to be provided in order to determine if a certificate of compliance must be issued	<i>Tier 6 Regulation</i>
<b>Planning</b>		
<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
<b>Officer reports</b>		
42A	Powers regarding the preparation, commissioning and provision of reports (including waiving compliance with requirements in this section)	<i>Tier 3 Policy</i>
<b>Combined documents</b>		
80	<i>Determine whether the council wishes to prepare, implement, and administer the combined regional and district documents as set out in subsections 80(2) to (6)</i>	<b>Retained by Council</b>
<b>Referral of disputes</b>		
82	Power to refer a dispute relating to a policy statement, plan or order to the Environment Court for a decision	<i>Tier 3 Policy</i>
<b>Legal effect of rules</b>		
86B	<i>Resolve that a rule in a proposed plan has legal effect only once the proposed plan becomes operative</i>	<b>Retained by Council</b>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
86D	<i>Apply to the Environment Court for a rule to have legal effect from date other than standard date</i>	<b>Retained by Council</b>
<b>Time limits</b>		
37(1) and 37A, Schedule 1, Clause 1(2)	Authority under section 37 to extend any time limit set in Schedule 1 and to waive compliance, or failure to comply, with a requirement in accordance with sections 37(1) and 37A	<i>Tier 3 Policy</i>
37(2)	Direct the terms on which an omission or inaccuracy of any information required under the Resource Management Act 1991, regulation or plan, or a procedural requirement that was omitted, shall be rectified	<i>Tier 3 Policy</i>
<b>Consultation</b>		
Schedule 1	Provide consultation comments on behalf of the Council on a planning or recovery document of another authority	<i>Tier 4 Policy</i>
Schedule 1, Clause 3	Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement or plan	<i>Tier 4 Policy</i>
<b>Evaluation reports</b>		
32 and Schedule 1, Clause 5 (excluding Clause 5(1)(a))	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32	<i>Tier 3 Policy</i>
165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection	<i>Tier 3 Policy</i>
<b>Notification</b>		
Schedule 1, Clause 5(1C)	Determine whether a person is likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons	<i>Tier 3 Policy</i>
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available	<i>Tier 3 Policy</i>
<b>Freshwater planning process</b>		
80A(3)	<i>Prepare a freshwater planning instrument</i>	<b>Retained by Council</b>
80A(4)	<i>Give public notice of a freshwater planning instrument</i>	<b>Retained by Council</b>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
80A(5)(d)	<i>Accept or reject a recommendation of the freshwater hearings panel</i>	<b>Retained by Council</b>
Schedule 1, Clauses 37(1)	Provide written notice of intention to submit specified documents and nominates for appointments to the freshwater hearing panel  Submit the specified documents to the Chief Freshwater Commissioner	<i>Tier 3 Policy</i>
Schedule 1, Clause 52	<i>Decide to accept or reject each recommendation of the freshwater hearings panel; decide on an alternative solution for each relevant rejected recommendation; and include a related assessment in the further evaluation report</i>  <i>Give public notice of these decisions; comply with clause 11 as if the decisions were notified under clause 10(4)(b); and give public notice of the specified matters</i>	<b>Retained by Council</b>
Schedule 1, Clause 53	<i>Give written notice, and provide requested additional information, to the Chief Freshwater Commissioner of a needed variation to a freshwater planning instrument (including where this is recommended by the freshwater hearings panel)</i>	<b>Retained by Council</b>
Schedule 1, Clause 59(1)(b)	Relevant regional council nominates two persons as members of each freshwater hearings panel	<i>Chief Executive and GM Environment Management (acting individually), following consultation with the Chair of the Environment Committee and the Council Chair</i>
<b>Submissions</b>		
Schedule 1, Clauses 6 and 8	Make a submission or further submission	<i>Tier 3 Policy</i> <i>(see Submissions policy)</i>
Schedule 1, Clause 7	Approve the public notification of the availability of a summary of decisions requested	<i>Tier 3 Policy</i>
<b>Resolution of disputes</b>		
Schedule 1, Clause 8AA(1)	Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan	<i>Tier 3 Policy</i>
Schedule 1, Clauses 8AA(3) and (4)	Authority to refer to mediation the issues raised by persons who have made submissions on the	<i>Tier 3 Policy</i>



**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
	proposed plan or policy statement and appoint a mediator	
<b>Hearing, submissions and decisions</b>		
<i>Schedule Clause 8D</i>	<i>1, Withdraw a proposal to prepare, change, or vary a policy statement or plan</i>	<b>Retained by Council</b>
<i>Schedule Clause 8B</i>	<i>1, Hearings on proposed policy statements and plans</i>	<b>Retained by Council</b>
<i>Schedule Clauses 10 and 55</i>	<i>1, Decisions on provisions and submissions on proposed policy statement</i>	<b>Retained by Council</b>
<b>Appeals</b>		
Schedule Clause 14	1, Lodge or withdraw an appeal to the Environment Court	<i>See below (Court Proceedings – Resource Management Act 1991)</i>
<b>Amendments to proposed or operative policy statement or plan without using Schedule 1 process</b>		
Schedule Clauses 16(1), 16(2), and 20A	1, Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) and 20A without using the Schedule 1 process	<i>Tier 3 Policy</i>
44A	Amend a plan or proposed plan to remove a duplication or conflict with a National Environmental Standard without using the process in Schedule 1	<i>Tier 2 GM Environment Management</i>
292	Duty to comply with Environment Court direction to amend a regional plan	<i>Tier 3 Policy</i>
85(3A) and 293	Make an amendment directed by the Environment Court under sections 85(3) and 293 without using the process in Schedule 1	<i>Tier 3 Policy</i>
<b>Initiation of variations to policy statement or plan</b>		
<i>Schedule Clause 16A</i>	<i>1, Initiate variations (being alterations other than those under Schedule 1, Clause 16) to a proposed policy statement or plan, or to a change, at any time before the approval of the policy statement or plan</i>	<b>Retained by Council</b>
<b>Preparation of changes to policy statement or plan</b>		
293	By direction of the Environment Court under section 293 prepare changes to a proposed policy statement or plan that is before the Environment Court, consult about the changes and submit the changes to the Court for confirmation	<i>Tier 3 Policy</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
<b>Approval and making operative of proposed plan and policy statement</b>		
<i>Schedule Clause 17</i>	<i>1, Approval of Plan (other than regional coastal plan) and Policy Statement</i>	<b>Retained by Council</b>
<i>Schedule Clause 18</i>	<i>1, Adopt proposed regional coastal plan and refer to Minister of Conservation for that Minister's approval</i>	<b>Retained by Council</b>
<i>Schedule Clause 20</i>	<i>1, Publicly notify a date on which a policy statement or plan becomes operative</i>	<i>Tier 3 Policy</i>
<b>Private plan changes</b>		
<i>Schedule Clauses 21 and 28</i>	<i>1, Request a change (or withdraw a request) to a plan under Schedule 1, Clauses 21 and 28</i>	<b>Retained by Council</b>
<i>Schedule Clauses 23(1) and 23(2)</i>	<i>1, Require by written notice, further or additional information in accordance with Schedule 1, Clause 23</i>	<i>Tier 3 Policy</i>
<i>Schedule Clause 23(3)</i>	<i>1, Commission a report in relation to a request made under Schedule 1, Clause 21 and notify the person who made the request</i>	<i>Tier 3 Policy</i>
<i>Schedule Clause 23(6)</i>	<i>1, Reject a request made under Schedule 1, Clause 21 where there is insufficient information to enable the Council to consider the request</i>	<b>Retained by Council</b>
<i>Schedule Clause 24</i>	<i>1, Modify a request made under Schedule 1, Clause 21 (with the agreement of the person who made the request)</i>	<i>Tier 3 Policy</i>
<i>Schedule Clause 25</i>	<i>1, Make a decision under Schedule 1, Clause 25 as to how to deal with a request made under Schedule 1, Clause 21</i>	<b>Retained by Council</b>
<i>Schedule Clause 27</i>	<i>1, Lodge and withdraw an appeal to the Environment Court against a decision by a local authority in relation to a request under Schedule 1, Clause 21</i>	<i>See below (Court Proceedings - Resource Management Act 1991)</i>
<i>Schedule Clause 28</i>	<i>1, Give notice that request made under Schedule 1, Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request</i>	<i>Tier 3 Policy</i>
<i>Schedule Clause 29</i>	<i>1, May decline, approve, or approve with modifications the plan or change requested under Schedule 1, Clause 21</i>	<b>Retained by Council</b>
<b>Incorporation of documents by reference</b>		
<i>Schedule Clause 34</i>	<i>1, Consult on proposal to incorporate material by reference in a proposed plan, variation or change in accordance with Schedule 1, Clause 34</i>	<i>Tier 3 Policy</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991****Administrative charges and cost recovery**

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

**Proposals of national significance**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
142	<i>Request the Minister to call in a matter that is or is part of a proposal of national significance</i>	<b>Retained by Council</b>
149E	Power to make or withdraw a submission on behalf of Council on matter of national importance	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i> <i>(see Submissions policy)</i>
149F	Power to make or withdraw a further submission on a proposed plan, change or variation	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i> <i>(see Submissions policy)</i>
149I	Power to withdraw a notified change or variation to a proposed plan subject to limits	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
149K	Power to make suggestions about who should be appointed to a board	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i>
149M	Prepare a proposed plan or change as directed by the board of inquiry	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i>
149N	Prepare a proposed plan or change in consultation with the applicant and serve a copy on the Environmental Protection Agency	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i>
149T	Power to give notice on Council's behalf under section 274 of matter referred directly to the Environment Court	<i>Tier 3 Regulation</i> <i>Tier 3 Policy</i>
149V	Power to lodge appeal to the High Court on question of law on Council's behalf	<i>See below (Court Proceedings - Resource Management Act 1991)</i>
149ZD	Power to recover costs incurred by the Council from the applicant	<i>See above (Administrative charges and cost recovery)</i>

**National environmental standards**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
44	Make a submission on a proposed national environmental standard	<i>Tier 3 Science</i> <i>Tier 4 Policy</i> <i>Tier 4 Regulation</i> <i>(see Submissions policy)</i>
44A	Amend a plan or proposed plan to remove a duplication or conflict with a National Environmental Standard without using the process in Schedule 1	<i>Tier 2 GM Environment Management</i>

**National policy statements**

<b>Section</b>	<b>Description</b>	<b>Delegate</b>
49	Make or withdraw a submission to a Board of Inquiry on a proposed national policy statement	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i> <i>(see Submissions policy)</i>
55(2)	Make amendments in section 55(2) without using the process in Schedule 1, to give public notice of those amendments and to make other amendments as required using the process in Schedule 1 as soon as practicable	<i>Tier 2 GM Environment Management</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section</b>	<b>Description</b>	<b>Delegate</b>
	<u>Limitation</u> This power does not include amendments to a regional policy statement or plan	
55(2)	<i>Make amendments in section 55(2) to a regional policy statement or plan without using the process in Schedule 1</i>	<b>Retained by Council</b>
55(3)	<i>Take any action directed by a national policy statement</i>	<b>Retained by Council</b>

**Water Conservation Orders**

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

**Subdivision and reclamations**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
234	Apply to territorial authority to vary or cancel instrument creating esplanade strip on Council land	<i>Tier 2 GM Environment Management Tier 2 GM Metlink Tier 2 GM Catchment Management</i>
237B	Acquire, on behalf of the Council, an easement over land	<i>Tier 2 GM Environment Management Tier 2 GM Metlink Tier 2 GM Catchment Management</i>
237C	Close an esplanade strip or access strip to the public	<i>Tier 2 GM Environment Management Tier 2 GM Metlink Tier 2 GM Catchment Management</i>
237D	Power to declare, subject to receiving agreement from the relevant territorial authority, that an	<i>Tier 2 GM Environment Management</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
	esplanade reserve or bed of river or lake shall vest in the regional council	<i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i>
245	Power to approve a plan of survey of a reclamation	<i>Tier 4 Regulation</i>
355A	Power to grant a coastal permit consenting to reclamation of land that had been reclaimed from coastal marine area unlawfully	<i>Tier 4 Regulation</i>
355B	Power to seek enforcement order against person who unlawfully reclaimed land from the coastal marine area and take any necessary action to remove unlawfully reclaimed land from the coastal marine area	<i>Tier 3 Regulation</i>

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

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
165D	Power to refuse to receive applications for coastal permits	<i>Tier 3 Regulation</i>
165E	Power to grant a coastal permit authorising activity in aquaculture settlement area (to the extent authorised by section)	<i>Tier 3 Regulation</i>
165I	Duty to by public notice and in accordance with the regional coastal plan, offer authorisations for coastal permits for the occupation of space in the common marine and coastal area  Duty to give the Minister notice before making an offer of authorisation	<i>Tier 3 Regulation</i>
369(4)	Power to grant a discharge permit or coastal permit to do something that would otherwise contravene section 15 and does not meet the minimum standards of water quality in certain circumstances	<i>Tier 4 Regulation</i>

**Ministerial approval of use of method of allocating authorisations**

165L	<i>Request the Minister to approve a method for the allocation of authorisations for the space in the common marine and coastal area</i>	<b>Retained by Council</b>
165N	If the request under section 165L is declined, publicly notify that applications may be made for coastal permits to occupy the space that was the subject of the request by public tender of authorisations	<i>Tier 3 Policy</i>
165P	Duty to publicly notify authorisation method made by the Minister under section 165N	<i>Tier 3 Policy</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate</b>
<b>Authorisations</b>		
165X	Accept, reject and call for offers for authorisations, negotiate with any person who made an offer and give written notice of the decisions with reasons	<b>Retained by Council</b>
165Y	Duty to grant an authorisation if an offer is accepted or an agreement is reached under section 165X	<i>Tier 3 Policy</i>
<b>Ministerial powers in relation to applications for coastal permits to undertake aquaculture activities in common marine and coastal area</b>		
165ZB and 165ZD	Request the Minister of Aquaculture to suspend the receipt of applications for coastal permits to occupy space for the purpose of aquaculture activities	<b>Retained by Council</b>
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture	<i>Tier 3 Policy</i>
<b>Ministerial power to direct applications for coastal permits to undertake aquaculture activities in common marine and coastal area to be processed and heard together</b>		
165ZF	Request the Minister of Aquaculture to direct Council to process and hear together applications for coastal permits to occupy the space for the purpose of aquaculture activities	<i>Tier 3 Regulation</i>
165ZD and 165ZFA	Provide further information on request of the Minister for Aquaculture	<i>Tier 3 Policy</i>
<b>Processing and hearing applications for coastal permits</b>		
165ZFE(4)	Determine an applicant's request to have all affected applications determined by the Environment Court	<i>Tier 3 Regulation</i>
165ZFE(6)	Prepare a report under section 165ZFE(6) in accordance with sections 87F(4) to (6)	<i>Tier 3 Policy</i>
165ZFE(11)	Cancel an applicant's affected application if applicant does not lodge a notice of motion	<i>Tier 3 Policy</i>
165ZFG	Provide views to Minister for Aquaculture on whether Minister should call in an affected application	<i>Tier 3 Policy</i>

**Designations**

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

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
		<b>Tier 2 GM Metlink</b>
169	Lodge or withdraw a submission	<i>See below (Lodging submissions)</i>
172	Power as requiring authority to accept, reject or modify a territorial authority's recommendations on requirements for a designation	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <b>Tier 2 GM Metlink</b>
174	Lodge, withdraw or oppose an appeal to the Environment Court	<i>See below (Court Proceedings – Resource Management Act 1991)</i>
176	Power to give written consent in relation to land subject to Council designation	<i>Tier 2 GM Environment Management</i> <b>Tier 2 GM Metlink</b>
176A	Submit an outline plan to the territorial authority Power to determine whether to make changes requested by territorial authority	<i>Tier 2 GM Catchment Management</i> <b>Tier 2 GM Metlink</b>
177	Power, as requiring authority to do anything in respect of land subject to existing designation or heritage order	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <b>Tier 2 GM Metlink</b>
178	Power as requiring authority, to give written consent to person wishing to conduct work on an area subject to a requirement for a designation	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <b>Tier 2 GM Metlink</b>
179	Lodge, withdraw or oppose an appeal to the Environment Court against a refusal of consent by a requiring authority	<i>See below (Court Proceedings – Resource Management Act 1991)</i>
180	Power, as requiring authority to transfer rights and responsibilities for designations to another requiring authority	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <b>Tier 2 GM Metlink</b>
181	Power, as requiring authority to give notice to the territorial authority of its requirement to alter the designation	<i>Tier 2 GM Environment Management</i>



**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

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

**Enforcement and compliance**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Enforcement officers</b>		
38	Appoint enforcement officers to carry out all or any of the functions and powers as an enforcement officer under the RMA	<i>Chief Executive</i>
<b>Enforcement orders</b>		
316 and 320	Power to apply to the Environment Court for an enforcement order or an interim enforcement order	<i>Tier 3 Regulation</i>
318	Power and duty to be heard in respect of application	<i>Tier 4 Regulation</i>
321	Power, if directly affected, to apply to change or cancel an enforcement order	<i>Tier 3 Regulation</i>
<b>Abatement notices</b>		
325	Duty to respond to Environment Judge (if they so request) before a decision on an abatement notice appeal is made	<i>Tier 4 Regulation</i>
325A	Determine that an abatement notice be cancelled, changed or confirmed	<i>Tier 4 Regulation</i>
<b>Other</b>		
329	Issue a direction during a period of serious temporary shortage of water	<i>Tier 3 Regulation</i>
330	Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment	<i>Tier 2 GM Metlink</i> <i>Tier 2 GM Catchment Management</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
		<i>Tier 6 Regulation</i>
334	Authority to make application to the District Court for a warrant for entry for search where there are reasonable grounds to believe an offence against the Resource Management Act 1991 has been or is suspected of having been committed that is punishable by imprisonment	<i>Tier 3 Regulation</i> <i>Tier 3 Science</i>
217I	Functions of regional council for the purposes of Part 9A (Freshwater farm plans)	<i>Tier 6 Regulation</i>
217J	Keep and maintain records in relation to each freshwater farm in the regional council's jurisdiction	<i>Tier 6 Regulation</i>
217K	Power to appoint certifiers to certify freshwater farm plans  Power to appoint auditors to audit freshwater farm plans	<i>Tier 4 Regulation</i>
<b>Offences</b>		
338	Make decision for Council to prosecute for offences against RMA	<i>Tier 2 Environment Management and Tier 3 Regulation (acting jointly)</i>
338	Authority to file a charging document on decisions to prosecute for offences provided that such ability shall only be exercised once the decision to prosecute has been approved	<i>Tier 3 Regulation</i>
338	Authority to withdraw a charging document that has been laid in relation to a prosecution	<i>Tier 3 Regulation</i>
343C(4)	Commence, withdraw or join proceedings in respect of an offence to which an infringement notice relates	<i>Tier 4 Regulation</i>

**Objections**

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

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
357C	Power to agree to a resolution to an objection	<i>Tier 4 Regulation</i>

**Approvals on behalf of the Council**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
General	Give, or decline to give, written approval on behalf of the Council to a resource consent application, and withdraw any written approval given	<i>Tier 3 Policy</i>
General	Give, or decline to give, written approval on behalf of the Council to a resource consent application, and withdraw any written approval given as a landowner or neighbour	<i>Tier 2 GM Corporate Services or CFO</i> <i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i>

**Acquisition**

<b>Section</b>	<b>Description</b>	<b>Delegate(s)</b>
86	Acquire land by agreement under the Public Works Act 1981	<i>Tier 2 GM Corporate Services</i> <i>CFO</i>
415	<i>Take, purchase, or acquire the whole or part of any deemed mining permit as a public work under the Public Works Act 1981 or by agreement or otherwise</i>	<b>Retained by Council</b>

**Lodging submissions**

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

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
	Lodge or withdraw a submission	<i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i> <i>(see Submissions policy)</i>
293	Lodge or withdraw a submission or further submission on behalf of the Council	<i>Tier 3 Policy</i> <i>Tier 3 Science</i>
Schedule 1, Clauses 6 and 8	Lodge or withdraw a submission or further submission on behalf of the Council	<i>Tier 4 Policy</i> <i>(see Submissions policy)</i>

**Court Proceedings - Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Environment Court</b>		
120	Lodge, withdraw or oppose an appeal to the Environment Court	<i>Tier 3 Regulation</i> <i>Tier 3 Science</i>
174, 179, 192, 195, and Schedule 1, Clauses 14 and 27	Lodge, withdraw or oppose an appeal to the Environment Court	<i>Tier 2 GM Environment Management</i> <i>Tier 2 GM Catchment Management</i> <i>Tier 2 GM Metlink</i>
267	Authority to represent the Council at a conference and make decisions on matters that may reasonably be expected to arise at the conference	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>
268	Agree or disagree that a member of the Environment Court who conducts an alternative dispute resolution process is not disqualified from resuming his or her role to decide a matter	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>
268A	Settle a dispute or issues at stake at alternative dispute resolution sessions  Make decisions on matters that may reasonably be expected to arise at the conference	<i>Tier 4 Policy</i> <i>Tier 4 Regulation</i>
272	Decide to appear at proceedings before the Environment Court and call evidence for the Council	<i>Tier 3 Policy</i> <i>Tier 4 Regulation</i>
274	Lodge, withdraw or oppose a notice of intention to become an interested party to Environment Court proceedings under section 274  As a section 274 party, oppose the withdrawal or abandonment of proceedings and step into the shoes of the appellant withdrawing the appeal	<i>Tier 3 Policy</i> <i>Tier 4 Regulation</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
278 and 279	Seek, withdraw or oppose orders in accordance with sections 278 and 279	<i>Tier 2 GM Environment Management</i>
280	Power to apply to an Environment Judge for leave to make an application for review of order made by an Environment Commissioner. If leave is granted, may apply to the Environment Court for a review	<i>Tier 2 GM Environment Management</i>
281	Lodge, withdraw or oppose an application for a waiver or direction in accordance with section 281	<i>Tier 3 Regulation</i>
281B	Lodge an application to an Environment Court Judge to reconsider the exercise of a power by a Registrar	<i>Tier 3 Regulation</i>
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings	<i>Tier 3 Regulation</i>
286	File an order for costs in the District Court	<i>Tier 3 Regulation</i>
291	Lodge, oppose or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application	<i>Tier 3 Regulation</i>
294	Apply to the Environment Court for a rehearing of proceedings	<i>Tier 2 GM Environment Management</i>
308G 311	Lodge, withdraw, join or oppose an application for declaration with the Environment Court	<i>Tier 2 GM Environment Management</i>
<b>High Court</b>		
149V	Power to lodge appeal to the High Court on question of law on Council's behalf	<i>Tier 2 GM Environment Management</i>
299 and 300	Lodge, withdraw, oppose or join an appeal to the High Court and any related applications or proceedings  Settle a dispute or issues at stake at mediation or other dispute resolution sessions  Approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	<i>Tier 2 GM Environment Management</i>
301	Give or withdraw notice of intention to appear and be heard on appeal in High Court proceedings	<i>Tier 3 Regulation</i>
305	Lodge, withdraw, oppose or join an appeal to the High Court	<i>Tier 3 Regulation</i>
306	Lodge, withdraw or respond to an application for an extension of time	<i>Tier 2 GM Environment Management</i>

**Attachment 1 to Report 21.276****Delegation from Council to officers – Resource Management Act 1991**

<b>Section(s)</b>	<b>Description</b>	<b>Delegate(s)</b>
<b>Court of Appeal and Supreme Court</b>		
308 RMA and Subpart 8 of Part 6 Criminal Procedure Act 2011	Lodge, withdraw, join or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal or any related applications or proceedings and be heard in relation to any application or proceedings  Settle a dispute or issues at stake at mediation or other dispute resolution sessions  Approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	<i>Tier 2 GM Environment Management</i>

**Resource Management (Simplifying and Streamlining) Amendment Act 2009**

<b>Section</b>	<b>Description</b>	<b>Delegate</b>
	Duty to determine applications or matters lodged before the commencement of this Act (1 October 2009) in line with the Resource Management Act 1991 in place at that time. This includes the powers, functions and duties preliminary to determining matters or applications under the RMA in place at that time	<i>Tier 4 Regulation</i>

**Resource Management Regulations**

<b>Section</b>	<b>Description</b>	<b>Delegate</b>
<b>Resource Management (Measurement and Reporting of Water Takes) Regulations 2010</b>		
Clause 9	Approval to measure water taken each week (instead of each day)	<i>Tier 4 Regulation</i>
Clause 10	Approval to use device or system installed near (instead of at) location from which water taken	<i>Tier 4 Regulation</i>
Clause 11	Power to revoke approval granted under Clauses 9 or 10	<i>Tier 4 Regulation</i>
<b>Resource Management (Forms, Fees, and Procedure) Regulations 2003</b>		
Clause 10A(2)	Power as consent authority to require a notice to be affixed in a conspicuous place	<i>Tier 4 Regulation</i>
<b>Resource Management (Transitional, Fees, Rents an Royalties) Regulations 1991</b>		
5	Power to require additional fees for the costs associated with a hearing committee considering application for a restricted coastal activity	<i>Tier 5 Regulation</i>
6	Power to require administrative charges associated with monitoring and supervision of that resource consent	<i>Tier 5 Regulation</i>
7C	Power to fix an additional charge to recover actual or reasonable costs of administering, monitoring, and	<i>Tier 5 Regulation</i>

**Attachment 1 to Report 21.276**

**Delegation from Council to officers – Resource Management Act 1991**

<b>Section</b>	<b>Description</b>	<b>Delegate</b>
	supervision of the permit, licence, or other authorisation	

**Council  
29 June 2021  
Report 21.291**



**For Information**

## **WELLINGTON WATER COMMITTEE MEETING – 17 MAY 2021**

### **Te take mō te pūrongo**

#### **Purpose**

1. To inform Council of the deliberations of the Wellington Water Committee (the Committee) meeting held on 17 May 2021.

### **Te horopaki**

#### **Context**

2. The business considered by the Committee is set out in the following paragraphs.

#### *Appointment of the Wellington Water Committee Chair.*

3. Following the resignation of Councillor Bassett from the role of Chair, and as a member of the Committee in March 2021, the Committee needed to appoint a new chair.
4. Mayor Campbell Barry from Hutt City Council was appointed the new Committee Chair.

#### *Wellington Water Company Update for Quarter Three*

5. Wellington Water provided an update on the progress towards completing the strategic asset requirements for the shareholding councils' Long Term Plans and noted that across the Wellington Region the level of information provided caused some concern with council consultation documents. This resulted in five matters of emphasis and one qualification being provided by Audit NZ.
6. Wellington Water is continuing to work towards the implementation of Taumata Arowai and the new regulatory framework and requirements. This is an ongoing process and further updates will be provided to the Committee, particularly on the development of a te Mana o te Wai statement.
7. The Company Update Report is included as **Attachment 1**, reflecting the company's performance against its key measures.
8. There are a number of items which are currently red in the company's reporting. None of these relate to Greater Wellington's bulk water supply activity. They include drinking water standards in South Wairarapa, sewerage overflows and wastewater overflows, the failure to notify the community within 24 hours of a Wastewater Treatment Plant incident and the infringement notice issued in regard to the pipe burst in Titahi Bay in November 2020.



*Appointment of Directors to Wellington Water Limited*

9. The Committee approved the appointment of Leanne Southey and Lynda Carroll as directors of Wellington Water Limited for a term of three years (**Attachment 2**).
10. They join the existing directors who are:

Director Name	End Date
Philip Barry	1 July 2021
Kim Skelton	1 September 2023
Mike Underhill	1 September 2023
Geoff Dangerfield (Chair)	20 September 2023

**Ngā āpitihanga  
Attachment**

Number	Title
1	Q3 Company Update (Statement of Intent Performance Report)
2	New Director information

**Ngā kaiwaitohu  
Signatories**

Writer	Seán Mahoney – Company Portfolio Manager
Approvers	Samantha Gain – General Manager, Corporate Services Cr Josh van Lier – Council’s representative on the Wellington Water Committee

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or Committee's terms of reference</i></b> It is appropriate for Council to be kept informed of the business conducted by its committees.
<b><i>Implications for Māori</i></b> There are no implication for Māori associated with this report.
<b><i>Contribution to Annual Plan / Long term Plan / Other key strategies and policies</i></b> This report does not contribute to any of Council's or Greater Wellington's key strategies and policies.
<b><i>Internal consultation</i></b> There was no internal consultation.
<b><i>Risks and impacts: legal / health and safety etc.</i></b> There are no risks and impacts.



Q3 2020/21

# STATEMENT OF INTENT PERFORMANCE REPORT



Our water, our future.

## Introduction

Each quarter we report on the progress we are making towards our strategic goals and our key organisational measures in our 2020-23 Statement of Intent. This report outlines our performance for the period 1 January – 31 March 2021.

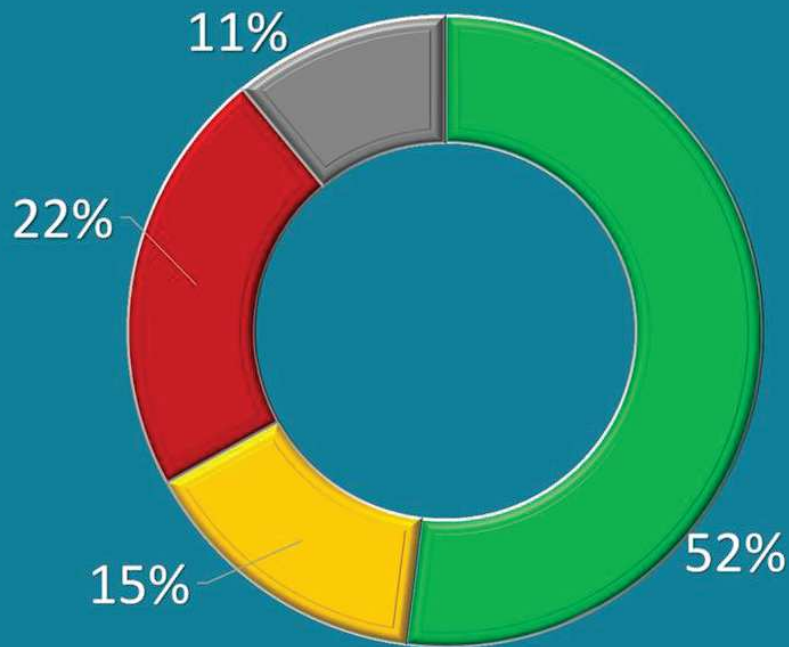
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## OUR Q3 RESULTS AT A GLANCE

At the end of Q3, 52% of our SOI measures are on-track (green), 15% are likely to meet target subject to risks being managed in time (amber), and 22% will not meet the target (red). The remaining 11% are not yet due for reporting.





## Customer experience

Delivering safe drinking water is the most important thing we can do for our customers, and we recognise this must be done in a way that ensures we can meet our communities’ needs now and into the future. For that reason we continue to not only prioritise network repairs, but, during the summer months, we let councils and communities know about the importance of only using what we need to ensure we have enough water to last us through summer.

REF	CUSTOMER EXPERIENCE	Q3 COMMENTARY
1	The percentage of customers rating their experience of our performance as ‘satisfied’ or higher steadily improves.	There was a slight downwards trend in satisfaction this quarter due to an increase in service request volumes that resulted in longer response times for non-urgent work.
2	Drinking-water supply is reliable and fully meets drinking-water standards (defined) and wholesome water standards (defined).	All Metropolitan treatment plants achieved compliance with standards. SWDC achieved compliance for reticulation standards, but will not achieve all standards.

## Planning

Every three years our councils review their ten-year long-term plans and 30-year infrastructure strategies. In 2019/20 we started preparing our advice for councils' 2021-31 long term plans.

Over the last three months we have worked with councils to finalise the investment levels that informed the draft long-term plans. These numbers are lower than recommended but we have had the opportunity to articulate risks with chosen options.

## Operate and maintain

The additional funding provided by the Government's three waters fiscal stimulus package has allowed us to get underway with some much needed proactive operational and maintenance work. We've identified a list of critical pipes and other network assets which, if they failed, could have potentially high impacts for people or the environment. The contract for inspecting and operating these assets to ensure they are functioning was awarded and assessments are underway.

## Renew and upgrade

Our 2020/21 capital programme is currently forecasting to complete in a range between \$133 million and \$140 million across all of our client councils, against a programmed \$160 million. We are tracking to the lower end of our range due to the previously identified high risk projects being delayed. The fast-track Three Water Reform renewals are underway with the majority of projects now in construction.

Wellington City Councils programme will be over budget at the end of the financial year. We are working closely with the council to keep them aware of the escalating costs due to emergency events continuing to occur. We are forecasting to deliver to programme for the South Wairarapa District Council. The Porirua City Council programme is now forecasting \$1.8 million below budget due to one of the high risk projects being delayed in design. Greater Wellington Regional Council, Upper Hutt City Council and Hutt City Council are forecasting to come in at the lower end of our original estimated range due to a small number of large projects being delayed.

We continue to monitor the delivery of the programme, and work with individual councils to manage choices where any under or over-allocation of available funding might arise.

## Responding to network emergencies

We experienced significant emergencies that affected our three waters network so far in 2020/21. In the case of such events, our top priorities were to make sure people were safe, avoid polluting the environment, and minimise the disruption of service to customers.

REF PLAN, OPERATE AND MAINTAIN, AND RENEW	Q3 COMMENTARY
<p>3 Through the long-term planning process and with input from the customer panel and our mana whenua partners, we provide a ten-year 'three waters plan' for each of our councils. Councils rate our input as timely, evidence based, and clear on risk.</p>	<p>We have provided a significant level of support to councils and the audit of their draft long-term plans in a timely manner. As of 31 March, five of our client councils are consulting with their communities and one is waiting final audit opinion due to the complexity of its plan. Concerns have been raised separately regarding recommendations</p>



REF	PLAN, OPERATE AND MAINTAIN, AND RENEW	Q3 COMMENTARY
		on DIA Rules, and this has meant some councils have retained status quo targets.
4	Condition assessment programmes are scheduled in our forward service plans in the 2020/21 financial year for very-high-criticality pipeline assets, and the remainder are scheduled for completion in 2021/22.	Contract awarded for pipeline inspections and 100% of pipelines have been scheduled for assessment by 30 June 2021. Assessments are being carried out through both desktop assessments and physical inspections.
5	We will achieve no less than 85 per cent of planned renewals.	Currently tracking to achieve 82% of planned renewals through the LTP. We are assessing the number of additional renewals that will be achieved through the fiscal stimulus package which will add to the total.
6	<p><b>(1) Performance measure 1 (safety of drinking water)</b></p> <p>The extent to which the local authority's drinking water supply complies with:</p> <p>a) part 4 of the drinking-water standards (bacteria compliance criteria); and</p> <p>b) part 5 of the drinking-water standards (protozoal compliance criteria).</p>	<p>All Metropolitan treatment plants achieved compliance with standards.</p> <p>As previously reported we will not comply with Part 4 or 5 for SWDC.</p>
7	<p><b>(2) Performance measure 1 (system and adequacy)</b></p> <p>The number of dry weather sewerage overflows from the territorial authority's sewerage system, expressed per 1000 sewerage connections to that sewerage system.</p>	0.94 overflows/1000 connections, against a target of zero.
8	Wet-weather overflows in the wastewater system (from wastewater pump stations or network) are fewer than 250 per year.	A total of 50 wet-weather overflows were recorded this quarter compared to 137 last quarter (272 year-to-date).
9	<p><b>(4) Performance measure 4 (customer satisfaction)</b></p> <p>The total number of complaints received by the local authority about any of the following:</p> <p>a) drinking water clarity;</p> <p>b) drinking water taste;</p> <p>c) drinking water odour;</p> <p>d) drinking water pressure or flow;</p> <p>e) continuity of supply; and</p> <p>f) the local authority's response to any of these issues</p>	3.9 complaints received per 1000 connections.

REF	PLAN, OPERATE AND MAINTAIN, AND RENEW	Q3 COMMENTARY
10	<p><b>(4) Performance measure 4 (customer satisfaction)</b> The total number of complaints received by the territorial authority about any of the following:</p> <ul style="list-style-type: none"> <li>a) sewage odour;</li> <li>b) sewerage system faults;</li> <li>c) sewerage system blockages; and</li> <li>d) the territorial authority's response to issues with its sewerage system, expressed per 1000 connections to the territorial authority's sewerage system.</li> </ul>	5 complaints received per 1000 connections.
11	The public is informed through on-site signage and social media of environmental water quality risks within 24 hours of an incident being notified and agreed with the appropriate agencies.	The public were informed within 24 hours through on-site signage and social media following the Baywatch, Island Bay and two Porirua Wastewater Treatment Plant (WWTP) incidents. We failed to inform the public within 24 hours of a third incident at the Porirua WWTP in January.
12	We do not incur any abatement notices, infringement notices, enforcement orders, or convictions when carrying out planned maintenance, operational, and renewal activities.	We received an infringement notice from Greater Wellington Regional Council for poor sediment control after a water supply pipe burst in Titahi Bay on 16 November 2020.
13	<p><b>2) Performance measure 2 (discharge compliance)</b> Compliance with the territorial authority's resource consents for discharge from its sewerage system measured by the number of:</p> <ul style="list-style-type: none"> <li>a) abatement notices;</li> <li>b) infringement notices;</li> <li>c) enforcement orders; and</li> <li>d) convictions</li> </ul> <p>received by the territorial authority in relation to those resource consents.</p>	No notices, orders or convictions were received.
REF	LOOKING AFTER EXISTING ASSETS	Q3 COMMENTARY
14	Projects focused on emission reductions are submitted via councils long-term plan process.	Planning has commenced towards establishing a baseline for the emissions from our capital works programme that will be used to set an emissions reduction target for these activities. In most cases, investments to reduce operational emissions have not been included in council draft long-term plans.

REF	PLAN, OPERATE AND MAINTAIN, AND RENEW	Q3 COMMENTARY
15	Future growth studies are developed for the growth cells identified by councils.	We are on-track with growth activities and continue to do assessments at each council to align with their growth planning processes.

## Growing our people and capability

Lifting the capability of our people will be achieved through continuing to educate employees on both how and what we do and through effective recruitment practices.

Our health and safety vision, 'people first, every time', has been shared with our Wellington Water family. Increasing health and safety engagement, participation, and accountability is a focus for us to ensure critical risks are controlled and managed.

REF	GROWING OUR PEOPLE AND CAPABILITY	Q3 COMMENTARY
16	The number of health and safety serious-harm and significant near-miss incidents to our people, our supply chain, and the public trends down annually.	We continued to observe a downward trend in near miss events this quarter.
17	Two health and safety critical risks (defined in February 2019) are reviewed per year and improvements are implemented.	Two previously completed critical risks were reviewed to ensure the risk contributed to a lower risk profile.
18	Engagement survey results show increasing alignment in the customer operations group between the Wellington Water people and those of our alliance partner.	Of those who responded, 37% agreed or strongly agreed that we are now one team all headed in the same direction.
19	Organisational values are renewed and reflected in recruitment, induction, and performance development processes.	Values have been confirmed and reflected in recruitment, induction, and performance development processes.

## Partnering and collaborating well with others

Partnering and collaborating are at the heart of our operating psyche. We have been working this quarter to further develop our partnerships with mana whenua.

Formal meetings have been held every quarter with council representatives to make sure our actions follow our promises.

REF	PARTNERING AND COLLABORATING WELL WITH OTHERS	Q3 COMMENTARY
20	Working in partnership with mana whenua, our actions match our promises.	We've held operational meetings with mana whenua, and established and appointed the Te Mangai Taketake role. Have identified mana whenua



		representation on the Water Committee. Progress made on establishing representation with South Wairarapa iwi for governance.
21	Annually at least 65 per cent of land developers are satisfied with their relationships with us.	The annual survey will be conducted in Q4.
22	A Wellington Water family stakeholder and engagement plan details consultant panel members' contributions: <ul style="list-style-type: none"> <li>• Four or more combined educational Lunchbox sessions;</li> <li>• 'On Tap' articles each quarter</li> </ul>	We completed 3 On Tap articles, and 1 Brown Bag session.

## Getting better at demonstrating value for money

We create value for our stakeholders through the services we provide, by carrying out work in ways that are coordinated with the wider community's expectations or needs, and developing innovative solutions that reduce long-run costs.

Along with the ensuring the quality of our advice to councils is appropriate, and our projects are delivering on agreed outcomes, we will be sharing specific initiatives such as the remotely operated reservoir inspection drone and real time water quality measurement technology.

REF	GETTING BETTER AT DEMONSTRATING VALUE FOR MONEY	Q3 COMMENTARY
23	During the 2020/21 financial year long term planning investment advice to councils is reviewed and validated by an independent industry expert.	WICS reviewed final investment proposals and provided assurance letter for each council.
24	Working with our consultancy panel, the average cost of fees as a percentage of construction costs reduces by 0.5 per cent per year.	Outcome on this measure will be reported as part of the Annual Report 2020/21.
25	Baseline cost per kilometre of pipeline (Consumer Price Index adjusted) will be established and the rolling average unit cost will decrease.	Outcome on this measure will be reported as part of the Annual Report 2020/21.
26	A 10 per cent sample of completed capital expenditure (CAPEX) projects demonstrates 95 per cent or greater achievement of outcomes agreed in the activity brief.	100% achievement of outcomes based on 5 completed projects. 9 other projects of various sizes are approaching completion.
27	At least two Smart Services ideas are delivered each year.	Four Smart Service initiatives remain underway, on target for delivery by 30 June 2021.

## Attachment 2 to Report 21.291

### Wellington Water New Directors

#### Leanne Southey

Leanne is based in Masterton where she is Director of Southey Sayer Limited (Chartered Accountants). She is the Treasurer of the Wairarapa Community Health Trust, Chair of the Masterton Lands Trust and Chair of the Wairarapa District Health Board, where she has been a member for 4 years.

Leanne was previously an appointed governor of UCOL and has held a number of local community and governance roles.

#### Lynda Carroll

Lynda is the Chief Executive of Allign Group a Wellington based consulting company. She is an Independent Member of the New Zealand Army Leadership Board, Deputy Chair of the New Zealand String Quartet Trust and an Independent Member of the Social Worker Registration Board.

Lynda has held a number of previous roles including a director of the New Zealand institute of Management and a board member of the Wellington Regional Orchestra.

Council  
29 June 2021  
Report 21.265



For Information

## REGIONAL TRANSPORT COMMITTEE MEETING - 8 JUNE 2021

### Te take mō te pūrongo

#### Purpose

1. To inform Council of the deliberations of the Regional Transport Committee (the Committee) at its meeting on 8 June 2021.

### Te horopaki

#### Context

2. The business considered by the Committee is set out in the following paragraphs.

#### *Written reports*

##### *Report of the Regional Land Transport Plan 2021 Hearing Subcommittee – Report 21.175*

3. The Committee approved the recommended amendments to the draft Wellington Regional Land Transport Plan 2021 (Wellington RLTP 2021), and requested that officers report back on options for monitoring and implementing the RLTP 2021.

##### *Approval of the Wellington Regional Land Transport Plan 2021 – Report 21.203*

4. The Committee approved the Wellington RLTP 2021, including post-hearing changes as submitted to the Committee and amendments deliberated on at the hearing. It also approved changes to the Wellington RLTP 2021 to reflect the Government's announcement on the NZ Upgrade Programme.
5. The Committee recommended the Wellington RLTP 2021 to Council for approval (refer to Approval of the Wellington Regional Land Transport Plan – Report 21.257, being considered at this meeting).

##### *Submission to Waka Kotahi on Speed Limit Rule – Report 21.183*

6. The Committee agreed to the contents of a submission to Waka Kotahi on the Land Transport Rule: Setting of Speed Limits proposal. The submission is attached as [Attachment 1](#).

##### *Waka Kotahi NZ Transport Agency Update – June 2021 – Report 21.237*

7. Emma Speight, Director Regional Relationships – Lower North Island, Waka Kotahi, updated the Committee on national initiatives and programmes, as well as on projects in the Wellington Region.
8. The Committee requested that the Committee Chair write to the Minister of Transport to raise concerns on the level of funding for territorial authority roads.

## **Oral reports**

### *KiwiRail update June 2021*

9. David Gordon spoke to a presentation which included updating the Committee on progress of overhead line replacements for the Kāpiti Line (completed) and the Hutt Valley Line from Petone to Upper Hutt and to Melling (both near completion). Piling on the Johnsonville line has been completed and a ten day shutdown has been scheduled for the October school holidays to undertake wiring.
10. The work to complete the installation of 9.5km of new overhead lines at Wellington Station junction was completed during the shutdown over the 2020/2021 Christmas holiday period.
11. Track work is being progressively renewed in Wellington Station with three of the nine tracks completed. The major part of sleeper replacements is being undertaken on the Wairarapa Line with one third completed to date. Forty kilometres of drainage and vegetation clearing on the tracks has been completed.
12. The laying of the new double track from Trentham to Upper Hutt is completed with the underpass at Trentham due to be completed by mid-June 2021.
13. An Indicative Business Case for resignalling and automatic train protection will be submitted to Waka Kotahi in July 2021 for consideration for approval for funding.
14. The Wellington Railway Station Safety Improvements includes track rearrangements and a reduction in number of empty (train) relay movements during peak hours to enable growth in user numbers on commuter trains and provide more efficient services which are currently slowed down by regulator-imposed speed restrictions. The completion of this work will see the exit of the 1930s' current systems and provide future-proofing benefits for all users.
15. The Capital Connection upgrade of carriages will be undertaken at Woburn and will be in service by the end of 2022 or early 2023. The upgrade will be to the same specifications and quality as the new Te Huia trains from Hamilton to Auckland.
16. The 3-year Rail Network Investment Programme (RNIP) for the rail network is in the final stages of the development and approval process. KiwiRail has worked with the Technical Advisory Group (TAG) and the Greater Wellington Rail Team related to input into the Wellington Regional Land Transport Plan (RLTP). Work is continuing with Greater Wellington in terms of setting the framework for managing the Wellington network over the next three years with Ministry of Transport and Waka Kotahi involvement related to the operational policy that supports new planning and the funding system.

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

17. Dave Dunlop, Acting Project Director, spoke to the presentation and outlined the new programme leadership roles. Since the last Let's Get Wellington Moving (LGWM) update councils in the Wellington Region have been visited and briefed on a number of impacts on the programme.
18. There are four areas of focus – Governance, Programme (Initial focus and Future Delivery Structure), People and Culture, and Systems and Processes. A workshop

reviewed existing objectives and amended ‘Liveability’ to reflect urban amenity and urban development, incorporate carbon emissions and propose objective weightings. Documentation is being prepared for consideration of the amended objectives by Greater Wellington, Wellington City Council and Waka Kotahi.

19. Mr Dunlop outlined the three-year delivery programme, which will provide opportunities for early signals on mode-shift and carbon reduction, kick-start the central city regeneration and improve safety for all users. The risks identified will range from managing diverse views (e.g. parking removal, impact on private vehicles), to timely approvals from all partners and sector capacity.
20. The wider programme incorporates, Mass Rapid Transit, Strategic Highway improvements, City Streets and Travel Demand Management with the next steps being funding and affordability discussions, shortlisting technically preferred options, and programme report and public engagement later in 2021. Central city pedestrian improvements and the Cobham crossing/State Highway 1 speeds are both scheduled to commence later in 2021.

**Ngā āpitihanga  
Attachments**

Number	Title
1	<a href="#">Regional Transport Committee Submission to Waka Kotahi on Land Transport Rule: Setting of Speed Limits</a>
2	<a href="#">KiwiRail June 2021 update</a>
3	<a href="#">Let’s Get Wellington Moving June 2021 update</a>

**Ngā kaiwaitohu  
Signatories**

Writer	Lucas Stevenson – Kaitotutohu, Democratic Services
Approvers	Alex Smith – Kaitohutohu Matua, Democratic Services Francis Ryan – Kaiwhakahaere Matua, Democratic Services Luke Troy – Kaiwhakahaere Matua Rautaki Councillor Adrienne Staples – Chair, Regional Transport Committee



<p style="text-align: center;"><b>He whakarāpopoto i ngā huritaonga</b> <b>Summary of considerations</b></p>
<p><b><i>Fit with Council's roles or with Committee's terms of reference</i></b></p> <p>It is appropriate for Council to be kept informed of the business conducted by its committees.</p>
<p><b><i>Implications for Māori</i></b></p> <p>There are no known implications for Māori.</p>
<p><b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b></p> <p>The Committee approved and recommended the Wellington RLTP 2021 to Council for approval, and was updated on projects of regional significance.</p>
<p><b><i>Internal consultation</i></b></p> <p>The Regional Transport Department was consulted.</p>
<p><b><i>Risks and impacts - legal / health and safety etc.</i></b></p> <p>There are no known risks or impacts arising from this report.</p>

**Attachment 1 to Report 21.265**



**Attachment 1 to Report 21.183**

**By email**

22 June 2021

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Tēnā koutou

**Submission on Land Transport Rule: Setting of Speed Limits 2021**

The Wellington Regional Transport Committee (RTC) thanks the Ministry of Transport and Waka Kotahi for the opportunity to make a submission on the *Land Transport Rule: Setting of Speed Limits 2021 consultation*.

**Overall comment**

The RTC **supports** the overall objectives of a co-ordinated approach based around safe and appropriate speeds, high-level regional agreement, co-ordinated timeframes, and deadlines for implementation.

The RTC is concerned, however, about the achievability and cost of designing and implementing the rule as proposed. The RTC proposes stronger alignment of the State Highway and Regional Speed Management processes. It seeks clarity on prioritisation of funding and system capability to ensure that the plans can efficiently and effectively deliver the outcomes in a timely manner.

Detailed comment on the submission questions is provided below.

**Management Plans & Speed Management Committee**

Q1. *Do you think the proposed Speed Management planning process should replace the existing bylaw process? If not, why not?*

Yes.

Q2. *How do you think the timing of the Speed Management Plans should fit with the National Land Transport Programme process and Regional Land Transport Plans? For example, do you think the Speed Management Plans should be prepared at the same time as the Regional Land Transport Plans?*

The RTC **recommends** that Regional Speed Management Plan (RSMP)s be developed on the same six year cycle as the Regional Land Transport Plan (RLTP), with the ten-year plan to be included as part of the statement of priorities for the RLTP required under the Land Transport Management Act (2003). The plan could be modified using the RLTP variation process.

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**Attachment 1 to Report 21.265**



The RTC **recommends** that the RSMP be developed in advance of Asset Management Plans (AMP) and the RLTP to allow for treatments to be considered and included in RCA funding bids through the RLTP/National Land Transport Plan process.

Separation of the RLTP and RSMP development would also address RTC concerns about the volume of submissions that it is likely to receive during consultation on a regional speed management plan, the ability of councils to receive and analyse those submissions and the likelihood that the SMP would overshadow the RLTP and any meaningful consideration that the latter might receive. For perspective, Wellington City Council received 1,712 submissions on the CBD speed limit consultation alone, and 253 submissions on two stretches of road in a suburban centre totalling 560m in length. By comparison, the Wellington RLTP 2021 received just over 300 submissions.

Q3. *Do you support the proposed joint consultation process for State highway and Regional Speed Management Plans? If not, why not?*

The RTC **supports** the proposed joint consultation process for State highway and RSMPs consistent with the one network approach. Furthermore, the RTC would like to see a mandatory link between the two plans to ensure overall regional consistency. This would lessen the likelihood of public confusion between the two processes and reduce unnecessary information handling.

Q5. *Do you support the proposed approach for the transitional period prior to 2023? If not, why not?*

The RTC **supports** a transitional period, but **does not support** the development of interim regional plans.

Moving directly to a full plan removes the ambiguity currently proposed whereby some RCAs may contribute to a regional Plan, and some may not, likely leading to a fragmented, disjointed Plan in contrast to the primary objectives of the Rule.

Q6. *Do you think the respective roles of RCAs and RTCs proposed under the new rule are appropriate? If not, why not?*

The RTC **supports** regional thinking and linking the overall approach to transport planning. The RTC believes that the decision-making powers of the RTC should be clarified given the legal significance that the new plans will have.

Q7. *Do you support the proposed approach for consultation, including the separate requirement for Māori? If not, why not?*

The RTC **supports** collaborative development of the plan with mana whenua groups using the processes established with Greater Wellington, but notes that significant coordination with the

**Attachment 1 to Report 21.265**



RCAs will be required to manage effective engagement between the RCAs, Regional Transport Committee and mana whenua groups.

- Q8. *Do you think the Speed Management Plan certification requirements are appropriate? If not, why not?*
- Q9. *Do you think the scope of the Speed Management Committee's role is appropriate? If not, why not?*
- Q11. *Do you think the settings for when to use the alternative process for making speed management changes are appropriate? If not, why not? Are there any other situations where the alternative process could be helpful?*

The RTC **supports neither** the separate Speed Management Plan certification requirements, nor the alternative process for out of cycle changes.

The separate out of cycle, State Highway and regional processes are inconsistent, confusing to the public and potentially unduly costly. They also work against overall transparency.

The RTC **recommends** the creation of one single regional Plan that includes state highways and local roads with a single certifying authority for true regional consistency and transparency.

The RTC **strongly supports** strengthening connections between State highways and local road networks by unifying plans and discussions.

If the proposal for two State Highway and regional plans remains, the RTC **recommends** they are designed concurrently, and that there is a single certifying authority for both plans, in all times of the cycle, for consistency. The Director of Land Transport is preferred for efficiency and continuity, or via the Independent Committee if that is to be established.

- Q12. *Do you think the process for RCAs that are not territorial authorities to make speed management changes is appropriate? If not, why not?*

Yes. However, the RTC would encourage larger non-Territorial Authority RCAs such as Greater Wellington Regional Council and the Department of Conservation to participate in the development of local speed management plans to manage safe and consistent speeds across boundaries.

**Funding**

The RTC has significant concerns about the affordability of the proposed Land Transport Rule: Setting of Speed Limits 2021 and availability of funding to support both its development and implementation. As stated in *the Summary of Proposals*, this rule will be a "significant change for Regional Transport Committees," who as a general rule are supported by their respective regional councils. GWRC currently has neither the expertise nor capacity to support its RTC in this role. GWRC estimates set up costs of up to \$400,000 for the initial Regional Speed Management Plan. The greatest unknown cost and time driver lies with the potential level of public interest generated

**Attachment 1 to Report 21.265**



during the consultation process. GWRC will also require significant assistance from the local RCAs and Waka Kotahi if it is to be successful. The RCAs may not be well placed to provide this support given competing priorities for them.

With respect to the implementation of speed management measures, the RTC notes that the RLTP and NLTP with their heavy commitments to Maintenance, Operations and Renewals and Low-Cost, Low-Risk programmes are not well placed to support additional investment. Furthermore, investment from the NLTF is subject to national prioritisation meaning that some locally developed programmes may not be funded.

The RTC therefore **seeks clarity** on:

- a. Availability of resource from Waka Kotahi to assist regional councils with establishing this new function;
- b. Prioritisation of funding from the NLTF to support implementation of regional speed management plans.

In summary, the Wellington Regional Transport Committee **supports** national leadership on implementing safe and appropriate speeds delivered through regionally coordinated speed management plans.

To do this efficiently and consistently across boundaries, the RTC **recommends** development of single regional plans covering state highways that are certified by a single authority, with a simple, consistent out of cycle process, and prioritised funding.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Adrienne Staples'. The signature is fluid and cursive, written over a light blue horizontal line.

Adrienne Staples

**Chair**

Wellington Regional Transport Committee





Attachment 2 to Report 21.265

# Regional Transport Committee

8 June 2021





## WMUP II – Traction Overhead Line Replacement

- \$98.4m Crown funding expended in February 2021
- Supplementary funding to complete programme scope approved in NLTF “Catch up Renewals” funding
- Kapiti Line complete
- Wellington Station, Hutt Valley Line from Petone to Upper Hutt and Melling near complete, new overhead line in service
- Johnsonville Line piling completed April 2021, wiring scheduled for 10-day shutdown in October school holidays
- Remaining portions to be completed by November 2021, with Ngauranga to Petone section to follow once motorway lighting conflict resolved



# WMUP II Christmas Shutdown- Wellington Station OHL



Installing 9.5km of new overhead line in the complex Wellington Station junction. This work was completed over fourteen days of around the clock working in all weathers.





## WUMP III - Track and Civil Infrastructure Catch Up Renewals

- Funded through NLTF and now includes additional funding required to complete the Traction renewals (WMUP II)
- All 7 tunnels on Johnsonville Line re-sleepered, with 1,500 new concrete sleepers over Christmas shut down
- Three of the nine tracks at the Wellington Station platforms (~300m) have been renewed from December 2020 to April 2021
- Track work began on Wairarapa Line in April, with around 1,000 sleepers replaced to date. This will increase to ~3,000 per month from June 2021 and is expected to be complete, including 43km of re-railing and 12 Level Crossings, by June 2023
- 40km of drainage and vegetation clearing on WL completed



## WUMP III - Track and Civil Infrastructure Catch Up Renewals

- Bridge 49WL north-end renewed, two more in planning to start spring 2021
- Planning for the Long Tunnels underway with work to begin on the Kapiti Line tunnels in June 2021
- Bridge 72WL re-sleepered March/April, with 565 new hardwoods installed on this 180m long bridge, replacing the 1960 hardwoods



Northern abutment and span renewal on Bridge 49 Wairarapa Line





## WMUP IV - Unlocking Network Capacity and Improving Resilience

- Funded through the NLTF and now includes the additional funding required to meet cost increases and additional substation scope
- Trentham to Upper Hutt:
  - All track (3km and 4 new crossovers) and signalling infrastructure installed
  - Two new and two refurbished platforms completed
  - Overhead line installed and commissioned
  - Underpass complete mid-June
  - Final commissioning and opening later this year



# WMUP IV – Trentham to Upper Hutt Duplication

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Phases of Trentham Underpass installation – Christmas 2019, March and May 2021





## WMUP IV - Unlocking Network Capacity and Improving Resilience

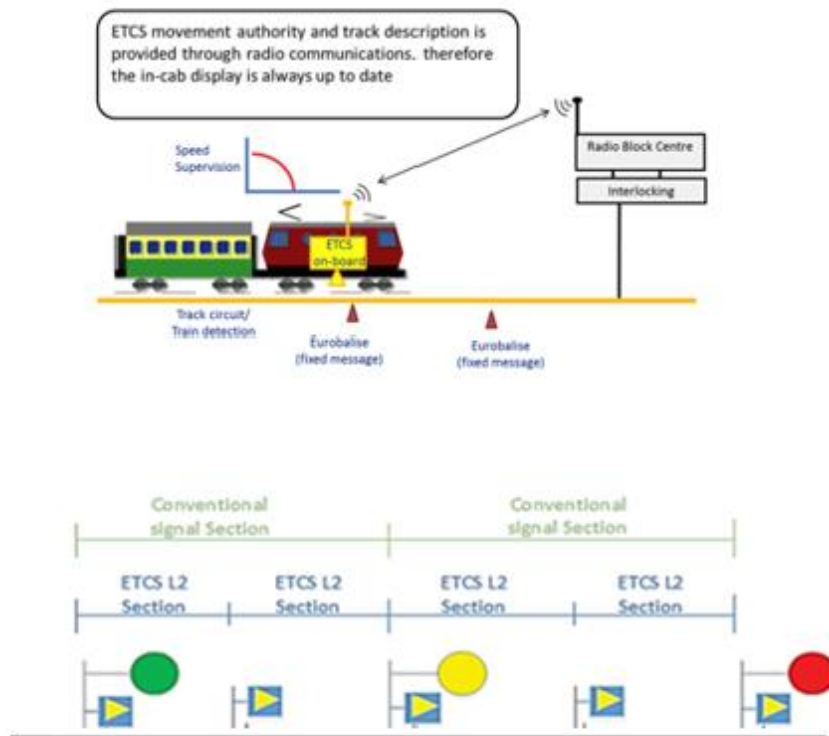
- Plimmerton Station upgrade (PACE)
  - Technical design completed March 2021
  - Community engagement begun
  - Commenced enabling works – signaling ducting March 2021
  - Civil works contract – tenders closed late May, under evaluation
  - Overhead Line – foundations for new structures construction started
- Substations
  - Funding for scope increase confirmed Dec 2020 - Three new for Kapiti Line, three new on Hutt Line plus one refurbishment
  - Design-Build contract with preferred supplier in negotiation
  - Geotechnical investigations completed
  - Design for power supply and consenting awarded April 2021



# WMUP V Resignalling and Automatic Train Protection

- Developing the case to support a major signalling upgrade
- The Indicative Business Case (IBC) completed and about to undergo stakeholder and peer review before submission to Waka Kotahi July 2021
- Three-year Detailed Business Case (DBC) included in the RNIP and RLTP
- Includes investigations and development of requirements and concepts to select a preferred solution and supplier. This will begin once the IBC has been approved

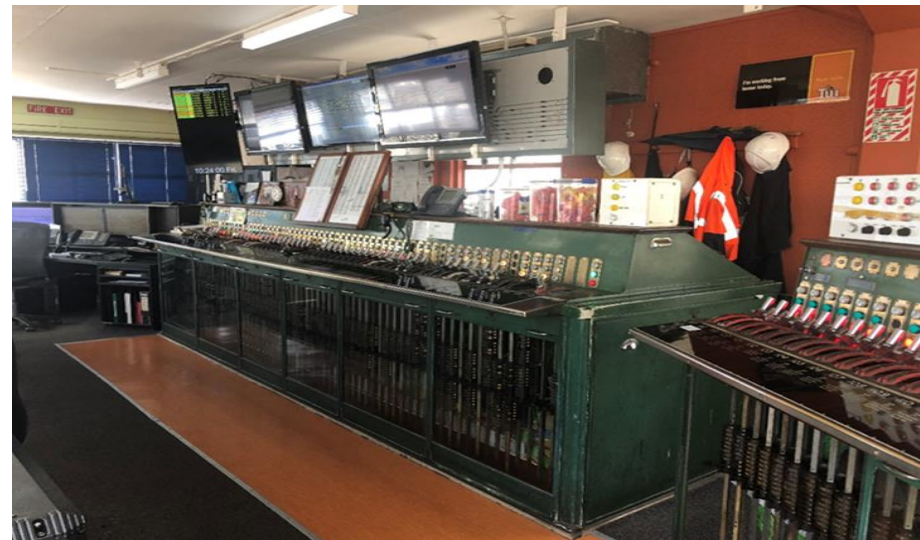
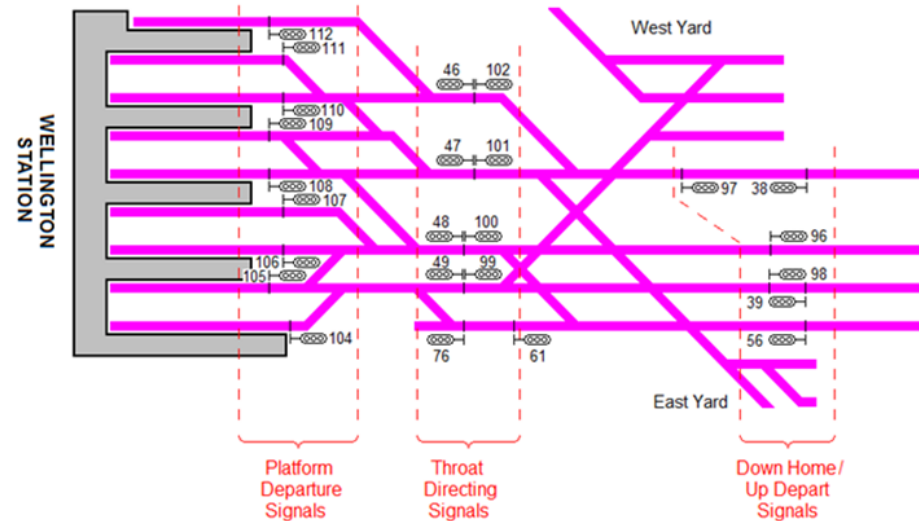
Figure 4 - Level 2 – Basic principle



# New Zealand Upgrade Programme - Wellington Railway Station

## Safety Improvements - \$88m (WMUP 6a)

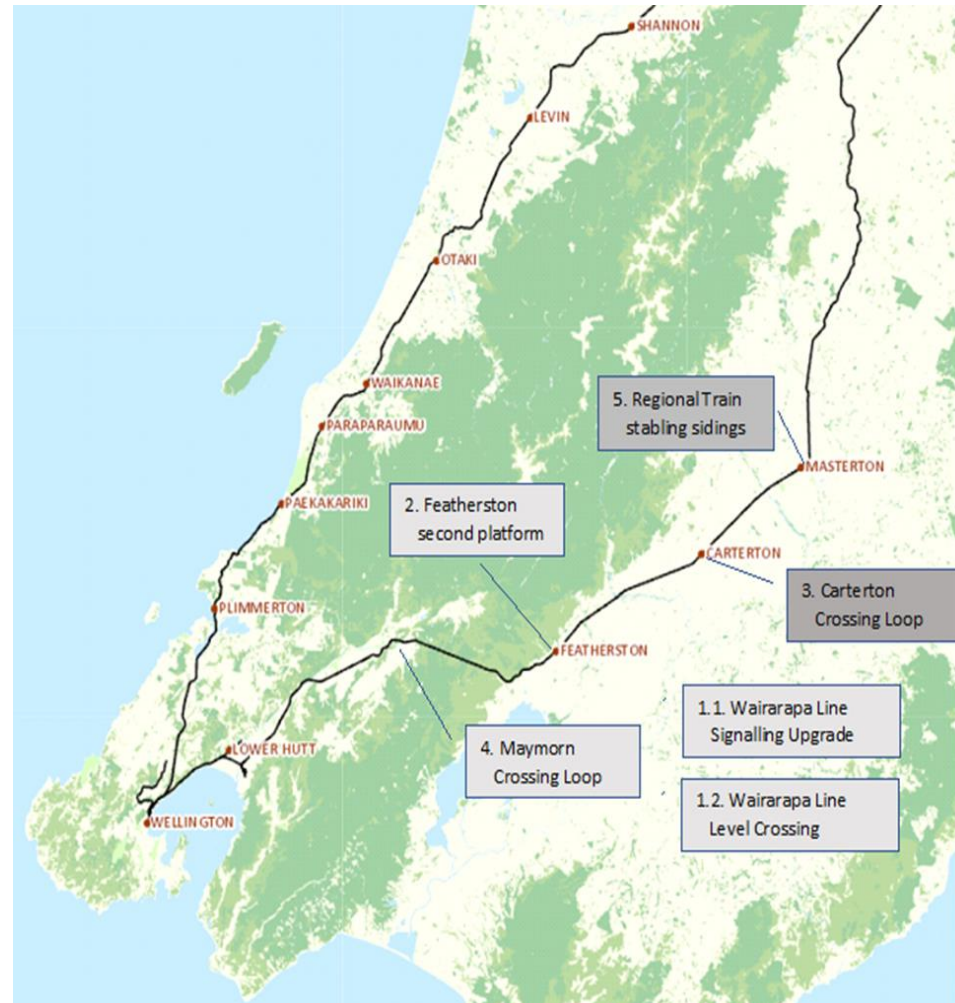
- Re-signal junction and close the signal box
- Some track rearrangements to improve safety margins
- Reduce number of empty relay movements during peak
- Benefits
  - Allows regulator-imposed (Waka Kotahi) speed restrictions, which slow down commuter trains, to be lifted
  - Removes regulator-imposed limits on number of trains – allowing growth in service numbers
  - Future Proofs for ETCS
  - Exits 1930s systems





# New Zealand Upgrade Programme – Wairarapa Rail Upgrades \$156m (WMUP 6b)

- New crossing loop at Maymorn
- Second platform at Featherston
- Signalling Featherston to Masterton
- New crossing loop at Carterton
- Train stabling at Masterton
- Level crossing improvements
- Benefits
  - Current operation (and) building block for Regional Rail investments
  - More efficient interaction between passenger and freight services
  - Improved level crossing safety





## New Zealand Upgrade Programme Capital Connection - \$26m

- New carriages – same specification and quality as Te Huia
- Built at Woburn
- In service end 2022 (stretch) early 2023



## Rail Network Investment Programme (RNIP)

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- The RNIP is KiwiRail's 3-year investment programme for the rail network
- It is in the final stages of the development and approval process
- KiwiRail has been involved in the Technical Advisory Group (TAG) and working with the GWRC Rail Team on input into the Wellington RLTP process
- As a result, there is strong alignment between the RNIP and the RLTP
- KiwiRail will continue work with GWRC to agree the Wellington Network Access Agreement, setting the framework for managing the Wellington network over the next three years
- KiwiRail will also continue to work with MoT and Waka Kotahi on the operational policy that supports the new planning and funding system





# | Questions





# BRIEFING TO REGIONAL TRANSPORT COMMITTEE

8 June 2021



# Agenda

## 8 June 2021

1. Introductions – new programme leadership
2. Recap – changes since our last update
3. 3-year programme update
4. Wider programme update
5. Next steps
6. Questions/discussions

# 1. Introductions

## New programme leadership

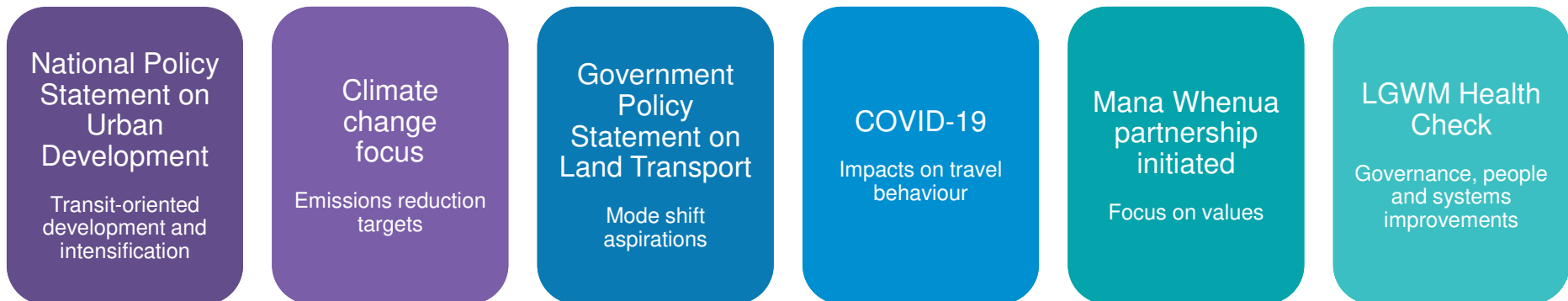
- **Dave Brash:** partnership board chair
- **David Dunlop:** acting programme director
- **Siobhan Procter:** 3-year programme director



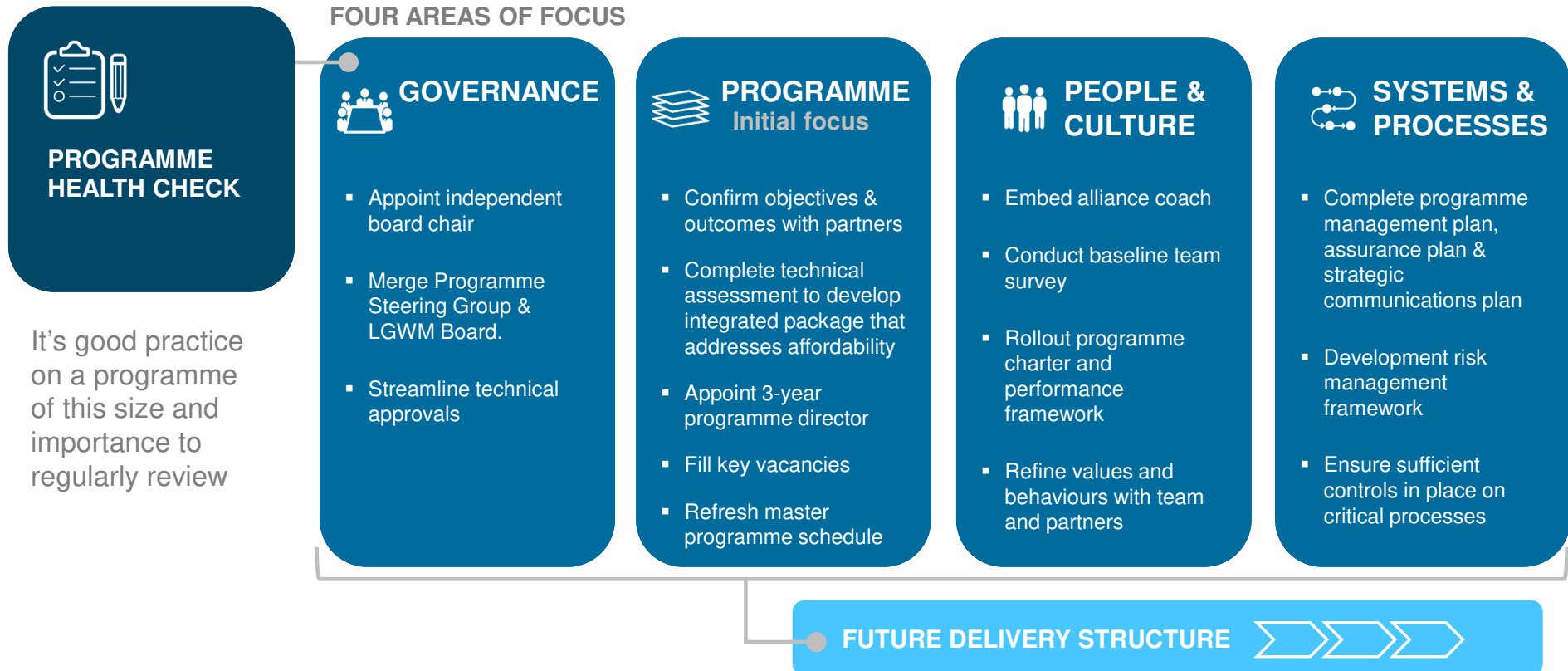
## 2. Recap

### Since previous LGWM update

- Visited and briefed councils in the region
- A number of impacts on the programme:



## 2. LGWM Health Check – key findings





## 2. Partner objectives workshop – objectives review

### Workshop to review existing objectives

Partners and mana whenua reviewed the programme’s objectives (see table) as recommended by the Health Check, and suggested changes.



### Feedback

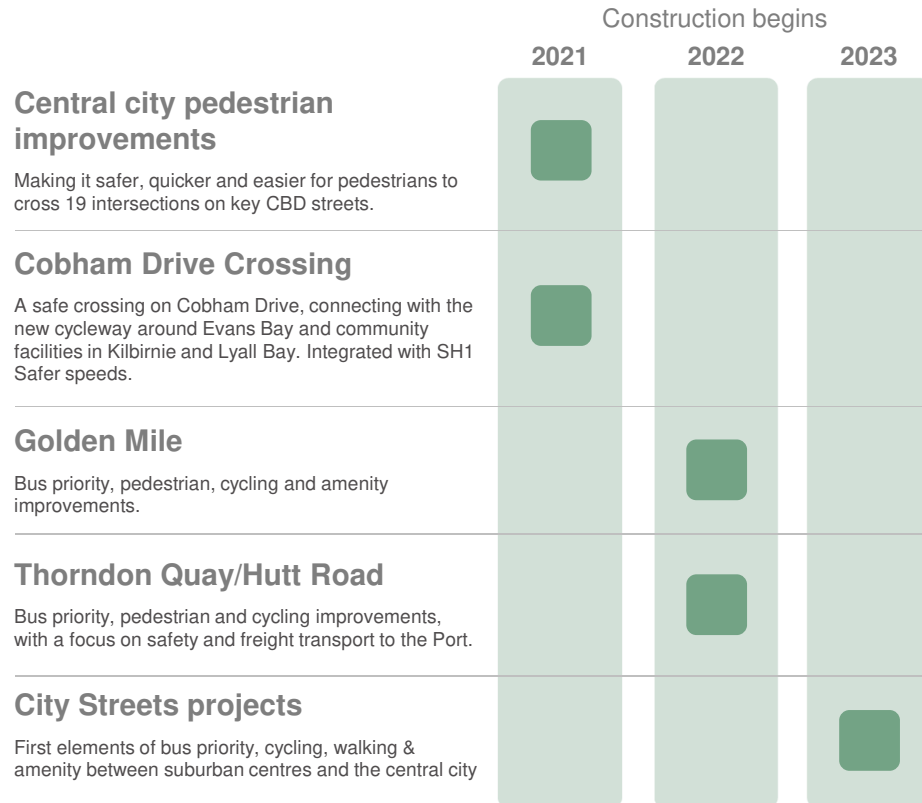
- Amend liveability to reflect urban amenity and urban development
- Incorporate carbon emissions
- Propose objective weightings

### Next steps




- Following LGWM board review, papers are being prepared for consideration of amended objectives by GWRC, WCC and Waka Kotahi

	LIVEABILITY	ACCESS	REDUCED CAR RELIANCE	SAFETY	RESILIENCE
Objectives	A transport system that:				
Descriptors	Enhances the liveability of the central city	Provides more efficient and reliable access for users	Reduces reliance on private vehicle travel	Improves safety for all users	Is adaptable to disruption and future uncertainty

# 3. Three-year delivery programme



### Opportunities

-  Early signal on mode-shift and carbon reduction
-  Kick-start the central city regeneration
-  Improved safety for all users

### Risks

-  Managing diverse views – e.g. parking removal, impact on private vehicles
-  Timely approvals from all partners
-  Sector capacity

## 4. Wider programme

- Mass Rapid Transit
- Strategic Highway improvements
- City Streets
- Travel Demand Management

### Insights

- Shift in focus towards urban development and carbon reduction – more people living and working near sustainable transport
- Travel demand management will be important
- Interdependencies with regional initiatives are critical:
  - Rail to the north
  - Integrated ticketing
  - Other RLTP initiatives
  - Wellington Regional Growth Framework and WCC Planning for Growth

### Next steps

- Funding and affordability discussion
- Shortlisting technically preferred options
- Programme report
- Public engagement later in the year

## 5. Next steps – indicative engagement\*

	Next few months	Later 2021	
Programme-wide	Inform: partner objectives + weighting		3-year programme
Thorndon Quay/ Hutt Road	Current consultation: closes 8 June	Engagement: detailed design	
Golden Mile	Inform: preferred option	Engagement: detailed design	
Central City pedestrian improvements	Inform: recommended works	Construction start	
Cobham crossing/ SH1 speeds	Consultation: crossing option/speed proposal	Construction start	
City Streets	Inform: corridors schedule		
Mass Rapid Transit/ Strategic Highway		Public engagement: programme options	
Travel demand management	Inform: options		

\* Subject to partner review and approvals processes

## 6. Questions/discussion



**Council**  
**29 June 2021**  
**Report 21.290**



**For Decision**

## **WRC HOLDINGS STATEMENT OF INTENT 2021/22**

### **Te take mō te pūrongo**

#### **Purpose**

1. To receive the WRC Holdings Statement of Intent (SOI) for the coming year.

### **He tūtohu**

#### **Recommendation**

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

### **Te tāhū kōrero**

#### **Background**

2. The Local Government Act 2002 (the Act) requires that every council-controlled organisation (CCO) must prepare and adopt an SOI (section 64(1)). The SOI must be delivered to the shareholder before the commencement of the financial year to which it relates.
3. In December 2020, Council as shareholder issued a Statement of Expectations, as allowed under section 64B of the Act. The Statement of Expectations outlined a number of themes it wished WRC Holdings to address; these included actions to move towards carbon neutrality, a greater understanding of the CentrePort regeneration and a greater understanding of the group's financial sustainability.

### **Te tātaritanga**

#### **Analysis**

4. Under the Port Companies Act, CentrePort is required to produce a Statement of Corporate Intent (SCI). While some of the high level activities from CentrePort are included in the SOI, the SOI does not combine the Port's activities into the SOI. This reflects both the different legal requirements around the SCI and that the Council is not the only shareholder in CentrePort. The SCI will be publicly available on CentrePort's website later in the year.
5. WRC Holdings takes advantage of the ability to apply one SOI to two or more related CCOs (section 64(3b)) and the SOI is for both WRC Holdings and Greater Wellington Rail Limited (GWRL). GWRL also produces an annual business plan for its board which was adopted at the GWRL board meeting earlier this month.

6. The SOI reflects \$17m of new investment into GWRL and \$63m of new investment over the three year period (2021-24). This is a significant investment which includes the Wairarapa carriage replacement and Matangi overhauls. The Port regeneration is also forecast for \$324m of expenditure during this period.
7. The shareholder can request changes or modifications to the SOI but they must consult with the WRC Holdings board before resolving any modifications or changes ( Schedule 8, Part 1)

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

8. The financial statements included in the SOI are reflected in Greater Wellington’s proposed Long Term Plan 2021-31.

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

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

**Te hiranga**  
**Significance**

10. 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 recommend that these matter are of low significance due to their procedural nature.

**Te whakatūtakitaki**  
**Engagement**

11. No external engagement is required on the SOI.

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

12. WRC Holdings will be informed of the Council’s formal receipt of the SOI.

**Ngā āpitihanga**  
**Attachment**

Number	Title
1	<a href="#">WRC Holdings Statement of Intent 2021/22</a>



**Ngā kaiwaitohu**  
**Signatories**

Writer	Seán Mahoney – Company Portfolio and Economic Development Manager
Approver	Samantha Gain – General Manager, Corporate Services

<b>He whakarāpopoto i ngā huritaonga Summary of considerations</b>
<b><i>Fit with Council's roles or with Committee's terms of reference</i></b> Council as Shareholder needs to receive the SOI.
<b><i>Implications for Māori</i></b> There are no implications for Māori in this report.
<b><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></b> The financial and performance measures align with the Long Term Plan.
<b><i>Internal consultation</i></b> Discussion and inputs have been made from officers in the Strategy, Corporate Services and People, Customer and Engagement departments.
<b><i>Risks and impacts - legal / health and safety etc.</i></b> There are no risks in receiving this report.

**Attachment 1 to Report 21.290**

**WRC**  
holdings group

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greater wellington rail ltd  
wrc holdings ltd

**Statement of Intent**  
**WRC HOLDINGS**  
**For the year ending 30 June 2022**

## 1. Introduction

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

This Statement of Intent (SOI) is prepared in accordance with Section 64 and Schedule 8 of the Local Government Act 2002.

The SOI sets out the performance measures, targets, objectives and activities of Holdings and forms the major part of the company's accountability relationship with Council as its shareholder.

Council issued a Statement of Expectations to Holdings in December 2020 as prescribed in section 64B of the Local Government Act 2002. This statement has been taken into account when completing the SOI.

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

## 2. Objectives of the Group

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

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

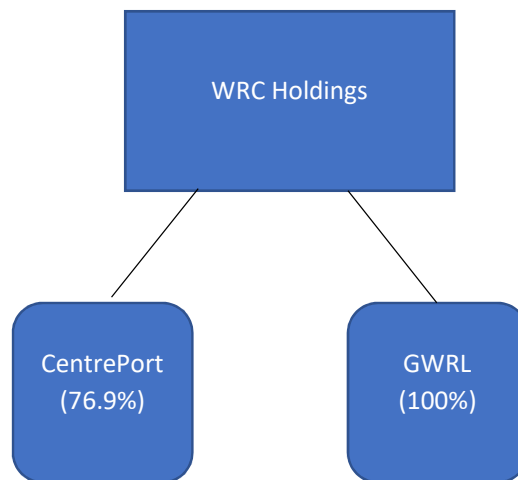
Holdings provides a structure that allows independent external directors with commercial backgrounds to provide advice and expertise at the governance level.

### 3. Governance

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

The Holdings Board meets regularly to conduct the business of the organisation. Holdings reports on its activities to the shareholder through formal quarterly reports, annual reports and through the SOI process. The Holdings structure at 01 July 2021 is illustrated in Figure 1.

Figure 1



The Holdings Board will be undertaking a self-assessment as the first stage in providing an analysis of where the board's future needs and development potential lie. Further information will be provided to Council in advance of consideration of future directors.

#### a. Greater Wellington Rail Limited

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

#### b. CentrePort Limited

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

The current directors of Holdings / GWRL are

Director	Appointed	Current term expiry
Prue Lamason (Chair)	November 2010	November 2022
Roger Blakeley	November 2016	November 2022
Glenda Hughes	November 2019	November 2022
Chris Kirk-Burnnand	November 2019	November 2022
Nick Leggett *	October 2017	December 2023
Helen Mexted*	June 2019	June 2022
Nancy Ward *	June 2019	June 2022

\*Independent Directors

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

#### 4. Health, Safety and Wellbeing

The Holdings board takes an active and engaged role in the health and safety of employees and customers at all its sites and operations and has an annual health and safety work program, which it refreshed regularly. This involves receiving and reviewing regular risk and health and safety reporting, safety audits, site visits, due diligence and training.

##### **GWRL**

The GWRL board takes an active interest in the ongoing maintenance program for the stewardship of railway assets including rolling stock maintenance and station asset safety. These form regular reporting items and performance measures, in addition to board activities and site visits. The annual Waka Kotahi safety audit provides an external assessment and presentations from Transdev provide an opportunity to review risks and updates on health and safety issues.

##### **CentrePort**

As a major employer in the Wellington region CentrePort continues to work towards reducing the number of Lost Time Injuries at the Port and creating a culture of engagement around Health, Safety and Wellbeing as measured in staff engagement surveys. Specific wellbeing initiatives are being delivered and are detailed in CentrePort's own Statement of Corporate Intent, including the opening of an on-site gym for Port Staff.

## 5. COVID-19

COVID-19 has impacted the performance and operation of CentrePort and the rail network. This has created a degree of uncertainty over commercial practices and future revenue streams, particularly at the port, and the potential for further alert level lockdown on working conditions. Across the group we remain alert and aware of the uncertain outlook for the next three years regarding COVID or other pandemics. One of the main priorities through the COVID-19 pandemic has been to ensure the health, wellbeing and safety of staff and customers as we all work safely together.

## 6. CentrePort Regeneration

The 2016 earthquake caused widespread damage to the Port, but it has also provided an opportunity to transform the business. A significant amount of planning work has been undertaken by CentrePort to evaluate its strategic choices and its wider regeneration strategy.

The board of Holdings commissioned an independent economic assessment which supported its initial assessment of a regeneration programme that would develop and enhance a full service port. The regeneration investment strategy has been endorsed in principle by the board, and initial business cases around the port berth reinstatement, to take it back to its pre-earthquake capacity and for the Seaview wharf renewal have been approved. Individual business cases will be presented for further investments as part of the regeneration.

## 7. Reporting Framework

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

In addition the board will provide statutory reporting including the delivery of a half-yearly report by 28 February 2022, an annual report for the year by 30 September 2022 and a draft Statement of Intent by 01 March 2022.

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

## 8. Statement of Strategic Intent

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

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

## 9. Relationship with Mana Whenua

As well as complimenting cultural awareness through the organisations, with CentrePort undertaking cultural competency and Te Reo Maori language training, the Holdings board will look through the year to identify opportunities to deliver on the Maori Outcomes Framework now adopted by Council.



## 10. Carbon Neutrality

CentrePort has a target of net zero emissions by 2040, with a 30% reduction in emissions from 2019 to 2030. There are ongoing investments into low carbon vehicles and plant with ongoing work to embed the zero emissions target into the regeneration plans.

The continued expansion and growth of the rail network contributes to the reduction of the regions carbon footprint by reducing the number of car journeys taken around the region. .

## 11. GWRL

### a. Nature and Scope of Activities

GWRL is responsible for asset management, procurement and stewardship of metro rail assets. This is delivered by Council staff through a management contract with Council. Operational delivery of the metro rail service is the responsibility of Council (not GWRL) and is delivered via a long term performance based contract with Transdev Wellington.

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

#### **Rolling Stock**

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

#### **Infrastructure Assets**

- Thorndon electric multiple unit (EMU) depot and EMU train wash Metro wheel lathe and building
- 48 Railway stations

14 Pedestrian over-bridges

11 Pedestrian underpasses

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

<b>Key GWRL Activities &amp; Initiatives for 2021/22</b>	
<b>Maintenance</b>	Deliver train maintenance services, within approved budgets, through an operations and maintenance contract, while ensuring that train condition and performance is maintained throughout the assets life.
	Deliver rail station infrastructure cleaning and maintenance, within approved budgets, through various contracts ensuring asset condition does not deteriorate.
<b>Renewal</b>	Deliver rolling stock heavy maintenance renewals, within approved budgets, through an operations and maintenance contract, while ensuring that train availability and reliability targets are met.
	Deliver rail infrastructure asset renewals and like-for-like replacement programme, to improve overall asset condition and performance, in accordance with the asset investment priority framework
<b>Security</b>	Continue to expand the installation of CCTV cameras across all Metlink Park & Ride facilities, and upgrade original analogue equipment.
<b>Smarter Connections</b>	Expand connection options to and from our stations to include active and other modes, in accordance with the Smarter Connections Strategy Framework
<b>Seismic Strengthening</b>	Undertake seismic strengthening works on a number of earthquake prone pedestrian foot bridges and subways, and station buildings, in accordance with the agreed risk profile
<b>Signage</b>	Complete installation of station way finder signage, which includes an electronic sign to indicate if trains are replaced by buses.

## b. Non-financial performance targets

Operational Performance Targets for GWRL are set within the context of Council's Asset Management Plan and Council's Long Term Plan. The performance indicators reflect the third year of the Long Term Plan.

Level of Service	Current	2020/21 Target	2021/22 Target	2022/23 Target	Target (by end of 2021-31 LTP)
<b>CUSTOMER SATISFACTION WITH RAIL ASSETS</b>					
Percentage of passengers who are satisfied with their current trip	95%	≥92%	≥93%	≥93%	
Percentage of customers who are satisfied with the condition of the station	90%	≥90%	≥91%	≥92%	≥96%
Percentage of customers who are satisfied with the inside temperature of vehicles	93%	≥93%	≥93%	≥93%	≥93%
Percentage of passengers who are satisfied with the condition of the vehicle fleet	97%	≥92%	≥92%	≥92%	≥92%
Percentage of passengers who are satisfied with overall station	96%	≥91%	≥92%	≥92%	
Percentage of passengers who are satisfied with the cleanliness of the station	89%	≥90%	≥90%	≥91%	≥92%
Percentage of passengers who are satisfied with provision of shelter from weather at shelter/station	83%	≥83%	≥83%	≥84%	≥85%
Percentage of customers who are satisfied with their personal safety at station	92%	≥92%	≥93%	≥93%	≥95%
Percentage of passengers who are satisfied with information about service delays or disruptions	71%	≥71%	≥72%	≥73%	≥75%
<b>ROLLING STOCK - ASSET MANAGEMENT</b>					
Matangi - Mean distance between failure	71,636	≥40,000km	≥40,000km	≥40,000km	
Carriage - Mean distance between failure	116,502	≥80,000km	≥80,000km	≥80,000km	

Level of Service	Current	2020/21 Target	2021/22 Target	2022/23 Target
<b>RAIL FIXED ASSET - ASSET MANAGEMENT</b>				
Percentage of pedestrian bridges and subways which meet at least 67% of NBS earthquake rating	60%	64%	72%	72%
Percentage of stations with CCTV coverage	96%	98%	98%	98%
<b>Average condition grade of:</b>				
Station buildings and shelters:	1.6	≤2.5	≤2.5	≤2.5
Structures (pedestrian subways & bridges):	1.6	≤2.5	≤2.5	≤2.5
Park & Ride:	2.2	≤2.5	≤2.5	≤2.5
<b>Percentage of assets in condition grade 4 (Poor) or worse</b>				
Station buildings and shelters:	4%	≤5%	≤5%	≤5%
Structures (pedestrian subways & bridges):	10%	≤10%	≤9%	≤8%
Park & Ride:	10%	≤10%	≤9%	≤8%

## c. Financial information

### i. Shareholder Funds to Assets

2022	2023	2024
82.8%	83.9%	85.1%

### ii. Prospective statement of comprehensive income

<b>Year ended 30 June</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>\$000</b>	<b>GWRL</b>	<b>GWRL</b>	<b>GWRL</b>
Operating grant income from Council	14,995	14,893	15,765
Rental income	6,357	6,452	6,639
Other revenue	67	68	70
<b>Total revenue</b>	<b>21,419</b>	<b>21,413</b>	<b>22,474</b>
Interest expense	70	70	70
Depreciation & amortisation	19,134	17,647	18,594
Vehicle services	12,542	12,330	13,236
Other expenditure	8,877	9,083	9,238
<b>Total expenditure</b>	<b>40,623</b>	<b>39,130</b>	<b>41,138</b>
<b>Surplus/(deficit) before tax</b>	<b>(19,204)</b>	<b>(17,717)</b>	<b>(18,664)</b>
Taxation expense (credit)	(5,377)	(4,961)	(5,226)
<b>Total comprehensive income</b>	<b>(13,827)</b>	<b>(12,756)</b>	<b>(13,438)</b>

### iii. Prospective statement of financial position

<b>As at 30 June</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>\$000</b>	<b>GWRL</b>	<b>GWRL</b>	<b>GWRL</b>
<b>Prospective statement of financial position</b>			
Opening equity	382,617	386,445	391,714
New equity	17,655	18,024	27,045
Total comprehensive income	(13,827)	(12,756)	(13,438)
<b>Closing equity</b>	<b>386,445</b>	<b>391,714</b>	<b>405,321</b>
Equity applicable to parent	386,445	391,714	405,321
<b>Closing equity</b>	<b>386,445</b>	<b>391,714</b>	<b>405,321</b>
Cash & cash equivalents	0	0	0
Current assets	294	294	308
Non-current assets	463,132	463,510	471,961
<b>Total assets</b>	<b>463,426</b>	<b>463,804</b>	<b>472,269</b>
Current liabilities	3,704	3,774	3,859
Non-current liabilities	73,276	68,315	63,089
<b>Total liabilities</b>	<b>76,980</b>	<b>72,090</b>	<b>66,949</b>
<b>Net assets</b>	<b>386,446</b>	<b>391,714</b>	<b>405,321</b>

## iv. Prospective statement of changes in equity

<b>As at 30 June</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>\$000</b>	<b>GWRL</b>	<b>GWRL</b>	<b>GWRL</b>
<b><u>Prospective statement of changes in equity</u></b>			
Opening equity	382,617	386,445	391,714
Shares to be issued during the year	17,655	18,024	27,045
Total comprehensive income for the year	<u>(13,827)</u>	<u>(12,756)</u>	<u>(13,438)</u>
<b>Closing Equity</b>	<b><u>386,445</u></b>	<b><u>391,714</u></b>	<b><u>405,321</u></b>

## v. Prospective statement of cash flow

**Prospective statement of cash flow****Cash flows from operations**

Receipts from operations	21,157	21,413	22,596
Payments to suppliers/employees	(21,450)	(21,413)	(22,459)
Interest paid	(70)	(70)	(70)
<b>Net cash from operating activities</b>	<b><u>(363)</u></b>	<b><u>(70)</u></b>	<b><u>67</u></b>

**Cash flows from investing activities**

Purchase of Fixed Assets - Rail	(17,655)	(18,024)	(27,045)
<b>Net cash from investing activities</b>	<b><u>(17,655)</u></b>	<b><u>(18,024)</u></b>	<b><u>(27,045)</u></b>

**Cash flows from financing activities**

Issue of shares	17,655	18,024	27,045
Current Account movement	363	71	(66)
<b>Net cash from financing activities</b>	<b><u>18,018</u></b>	<b><u>18,095</u></b>	<b><u>26,979</u></b>

Net increase/(decrease) in cash & cash equivalents	-	-	-
Cash & cash equivalents at beginning of the year	<u>0</u>	<u>0</u>	<u>0</u>
<b>Cash and cash equivalents at year end</b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>

#### vi. Financial Statements commentary

- The statement of comprehensive income (2021/2022 to 2023/2024) shows deficits after tax due to depreciation and interest not being funded.
- The depreciation decreases in 2022/23 due to some assets reaching end of life and increases thereafter as the company progresses the capex programme.
- The taxation credit/income represents GWRL having a tax credit from deferred tax.
- Equity increases by \$23 million over the period (2021/22 to 2023/24). This results from Holdings equity injections to fund GWRL capex of \$63 million. This is offset by the net deficits of \$40 million.
- Capital expenditure is significant at \$63 million, mainly due to GWRL capex programme (Matangi overhauls \$17 million, infrastructure improvements \$17 million & Wairarapa Carriage Replacement projects \$14 million), over the three year period.

#### vii. Performance targets

Year ended 30 June	2021/22	2022/23	2023/24
\$000	GWRL	GWRL	GWRL
Operating expenditure	40,623	39,130	41,138
Capital expenditure	17,655	18,024	27,045
Shareholders equity/Total assets	82.8%	83.9%	85.1%

#### viii. Statement of Accounting Policies

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

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

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

ix. Assumptions in preparing the prospective financial statements

The prospective financial statements information contained in this SOI is based on assumptions that GW Rail Limited could reasonably expect to occur in the future based on information that was current at the time this SOI was prepared. Actual results are likely to vary from the information presented and variations could be material.

There will be no changes to key legislation affecting the company's activities.

Asset lives are in accordance with the company's Accounting Policies.



## 12. WRC Holdings

### a. Nature and Scope of Activities

#### WRC Holdings

WRC Holdings is the holding company for investment in GWRL and CentrePort. CentrePort produces a Statement of Corporate Intent as required under by the Port Companies Act 1988. CentrePort's activities include the ownership and operation of port infrastructure, shipping and logistical services and operational services related to the port facility. WRC Holdings monitors the performance of CentrePort through regular reporting and presentations. WRC Holdings appoints and approves the board members and has issued its own Statement of Expectations to CentrePort for the 2022 year.

#### CentrePort

CentrePort is at the heart of New Zealand's freight and transport system and is a key strategic asset for central New Zealand. It facilitates economic growth and trade throughout the region. Ensuring the port is sustainable and recognising our part in the guardianship of Wellington Harbour (Te Whanganui a Tara) are major drivers for our activities and will continue to be as CentrePort looks to the future in its Regeneration Plan.

CentrePort's Regeneration Plan is central to the way it conducts its business. It aims to deliver a 21st century logistics asset that benefits the economy and connects with the city and the region.

Operational performance measures for CentrePort are set within the Statement of Corporate Intent. The draft measures are included below

	Objective	Performance Measure	FY20 Target	FY20 Result	FY20 Result Status	Performance targets		
						FY22	FY23	FY24
Our Community	Strengthen Iwi relationships	Formal relationships with Taranaki Whānui ki Te Upoko o Te Ika (Port Nicholson Block Settlement Trust) and Ngāti Toa Rangatira mana whenua iwi			New Measure	Agreed protocol or MOU with Iwi for ongoing partnership	Ongoing partnership	Ongoing partnership
	Engagement with stakeholders on Major Regeneration Initiatives	Engagement with Environmental Consultative Committee meeting frequency			New measure	Engagement plans for all major initiatives. 3 meetings per annum	3 meetings per annum	3 meetings per annum
Our People	A zero-harm workplace	Lost Time Injury Frequency (per 200,000 hours worked)	3.5	2.69	Achieved	≤ 2.6	≤ 2.5	≤ 2.4
		Lost Time Injury Severity (per 200,000 hours worked)	10	8.0	Achieved	≤ 8	≤ 7.75	≤ 7.5
		bSafe reports (incidents and near miss reports)	>900p.a.	1,059	Achieved	1,080	1,130	1,180
	Improve health and safety, staff wellbeing and engagement at work	Health & Safety and employee engagement culture surveys – score improving every survey (18 months)			New Measure	Improvement on FY20 result	No survey	Improvement on FY22 result
	Increase gender diversity	Proportion of females employed by CentrePort			New Measure	Increase on 2021	Increase on 2022	Increase on 2023

	Objective	Performance Measure	FY20 Target	FY20 Result	FY20 Result Status	Performance targets		
						FY22	FY23	FY24
Our Customers	Improved productivity across port	Gross crane rate (as measured by Ministry of Transport)		24.9	New Measure	28.0	30.0	32.0
	Manage the safety of marine activities	Operate in accordance with the current Port and Harbour Marine Safety Code (PHSC)	No breaches of the PHSC	No breaches of the PHSC	Achieved	Compliant with standard	Compliant with standard	Compliant with standard
		Risk assessments of new tasks or reviews post incident completed	All new task risk assessments and post incident reviews complete	All new task risk assessments and post incident reviews complete	Achieved	All new task risk assessments and post incident reviews complete	All new task risk assessments and post incident reviews complete	All new task risk assessments and post incident reviews complete
Our Environment	Operate in a sustainable manner	Net zero emissions by 2040. 30% emission reduction by 2030 relative to 2019 (excluding growth)	FY19 base year 4,435 CO2 tonnes		New Measure	7% reduction on base year, excluding growth	9% reduction on base year excluding growth	11% reduction on base year excluding growth
Investments	Financial performance <sup>1</sup>	Group EBITDA	\$21.2m	\$22.8m	Achieved	\$23.9m	\$29.7m	\$32.5m
		Underlying Net Profit After Tax	\$12.6m	\$14.7m	Achieved	\$10.4m	\$12.8m	\$13.0m
		Underlying NPAT Return on Group Equity	3.6%	3.9%	Achieved	2.3%	2.9%	2.9%
		Dividend	\$5.0m	\$5.0m	Achieved	\$21.0m	\$6.0m	\$6.0m

## b. Financial Information

### i. Shareholder Funds to Assets

2022	2023	2024
73.6%	80.3%	76.9%

## ii. Prospective statement of comprehensive income

<b>Year ended 30 June</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>\$000</b>	<b>WRCH GROUP</b>	<b>WRCH GROUP</b>	<b>WRCH GROUP</b>
Operating grant income	14,995	14,893	15,765
Rental income	6,357	6,452	6,639
Interest income	2,136	1,255	923
Other revenue	70,081	80,301	84,767
<b>Total revenue</b>	<b>93,791</b>	<b>102,901</b>	<b>108,094</b>
Interest expense	383	798	1,258
Depreciation & amortisation	29,815	30,476	33,226
Other expenditure	71,402	73,892	75,004
<b>Total expenditure</b>	<b>101,822</b>	<b>105,166</b>	<b>109,488</b>
<b>Surplus/(deficit) before tax</b>	<b>(8,031)</b>	<b>(2,265)</b>	<b>(1,394)</b>
Taxation expense (credit)	(1,628)	(139)	(341)
<b>Total comprehensive income</b>	<b>(6,403)</b>	<b>(2,126)</b>	<b>(1,053)</b>
Comprehensive income applicable to non-controlling interest	1,828	2,580	2,991
<b>Total comprehensive income applicable to parent</b>	<b>(8,231)</b>	<b>(4,706)</b>	<b>(4,044)</b>

## iii. Prospective statement of financial position

<b>As at 30 June</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
<b>\$000</b>	<b>WRCH GROUP</b>	<b>WRCH GROUP</b>	<b>WRCH GROUP</b>
<b><u>Prospective statement of financial position</u></b>			
Opening equity	787,307	793,074	803,587
Opening equity non-controlling interests	(102,163)	(102,606)	(103,801)
New equity	17,655	18,024	27,045
Total comprehensive income applicable to parent	(8,231)	(4,706)	(4,044)
	<b>694,568</b>	<b>703,786</b>	<b>722,788</b>
Dividends distributed	(4,100)	(4,000)	(4,000)
Closing Equity Non-controlling interest	102,606	103,801	105,407
<b>Closing equity</b>	<b>793,074</b>	<b>803,587</b>	<b>824,195</b>
Equity applicable to parent	690,468	699,786	718,787
Non-controlling interest	102,606	103,801	105,408
<b>Closing equity</b>	<b>793,074</b>	<b>803,587</b>	<b>824,195</b>
Cash & cash equivalents	132,214	55,406	50,257
Current assets	21,761	22,352	22,411
Non-current assets	761,291	872,089	969,685
Investment property	61,289	61,289	61,289
Investments	190	570	970
<b>Total assets</b>	<b>976,746</b>	<b>1,011,706</b>	<b>1,104,612</b>
Current liabilities	17,696	18,249	18,925
Borrowings	44,000	44,000	44,000
Non-current liabilities	121,976	145,870	217,492
<b>Total liabilities</b>	<b>183,672</b>	<b>208,120</b>	<b>280,417</b>
<b>Net assets</b>	<b>793,074</b>	<b>803,587</b>	<b>824,195</b>

## iv. Prospective statement of changes in equity

<b>As at 30 June</b> \$000	<b>2021/22</b> <b>WRCH</b> <b>GROUP</b>	<b>2022/23</b> <b>WRCH</b> <b>GROUP</b>	<b>2023/24</b> <b>WRCH</b> <b>GROUP</b>
<b><u>Prospective statement of changes in equity</u></b>			
Opening equity	787,307	793,074	803,587
Shares to be issued during the year	17,655	18,024	27,045
Total comprehensive income for the year	(6,403)	(2,126)	(1,053)
Dividend to be paid - Equity holders	(4,100)	(4,000)	(4,000)
Dividend to be paid - Non controlling Interests	(1,385)	(1,385)	(1,385)
<b>Closing Equity</b>	<b>793,074</b>	<b>803,587</b>	<b>824,195</b>
Total comprehensive income attributed to:			
Equity holders - Parent	(8,231)	(4,706)	(4,044)
Non - controlling interest	1,828	2,580	2,991
<b>Total comprehensive income for the year</b>	<b>(6,403)</b>	<b>(2,126)</b>	<b>(1,053)</b>

## v. Prospective statement of cash flow

<b>As at 30 June</b> \$000	<b>2021/22</b> <b>WRCH</b> <b>GROUP</b>	<b>2022/23</b> <b>WRCH</b> <b>GROUP</b>	<b>2023/24</b> <b>WRCH</b> <b>GROUP</b>
<b><u>Prospective statement of cash flow</u></b>			
<b>Cash flows from operations</b>			
Receipts from operations	110,035	123,965	133,621
Interest received	1,952	1,255	923
Payments to suppliers/employees	(92,572)	(97,237)	(101,849)
Taxes paid	(3,732)	(5,348)	(5,300)
Interest paid	(467)	(660)	(1,119)
<b>Net cash from operating activities</b>	<b>15,216</b>	<b>21,975</b>	<b>26,275</b>
<b>Cash flows from investing activities</b>			
Purchase of Fixed Assets - Rail	(17,655)	(18,024)	(27,045)
Development - Port and property	(97,088)	(123,091)	(103,622)
<b>Net cash from investing activities</b>	<b>(114,743)</b>	<b>(141,115)</b>	<b>(130,667)</b>
<b>Cash flows from financing activities</b>			
Borrowings	5,000	30,000	78,000
Dividends paid	(5,485)	(5,385)	(5,385)
Issue of shares	17,655	18,024	27,045
Current Account movement	150	(5)	(110)
Lease Payments	(348)	(303)	(307)
<b>Net cash from financing activities</b>	<b>16,973</b>	<b>42,332</b>	<b>99,244</b>
Net increase/(decrease) in cash & cash equivalents	(82,555)	(76,808)	(5,148)
Cash & cash equivalents at beginning of the year	214,769	132,214	55,406
<b>Cash and cash equivalents at year end</b>	<b>132,214</b>	<b>55,406</b>	<b>50,258</b>

## vi. Financial Statements commentary

- The statement of comprehensive income (2021/2022 to 2023/2024) shows deficits after tax relating to the surplus from Centre Port being insufficient to offset the deficit from GWRL. GWRL has deficits due to depreciation not being funded.
- Interest income is declining as Centre Port runs down its cash from insurance proceeds and invests the funds in capital expenditure. The interest income is also low due to the prevailing interest environment.
- The depreciation increases as both Centre Port and GWRL invest in their rebuild and capex programmes respectively.
- The taxation credit / income represents the difference between Centre Port paying tax and GWRL having a tax credit from deferred tax.
- Equity increases by \$37 million over the period (2021/22 to 2023/24) mainly due to Council equity injections to fund GWRL capex of \$63 million partially offset by cumulative dividends of \$12 million and cumulative losses of \$17 million.
- Capital expenditure for the Group is significant at \$387 million, mainly due to GWRL capex programme (Matangi overhauls \$17 million, infrastructure improvements \$17 million & Wairarapa Carriage Replacement projects \$14 million) and the Port rebuild \$324 million.
- The reducing cash balances in the statement of cash flows represent funds Centre Port has on deposit from its insurance proceeds which will be used to invest in the capital expenditure programme.

### vii. Financial Performance targets

Year ended 30 June \$000	2021/22 WRCH GROUP	2022/23 WRCH GROUP	2023/24 WRCH GROUP
Earnings before Interest Tax & depreciation	20,031	27,754	32,167
Surplus/(deficit) before tax	(8,031)	(2,265)	(1,394)
Surplus/(deficit) after tax	(6,403)	(2,126)	(1,053)
Return on average assets (EBIT) - Performance indicator	-1.0%	-0.3%	-0.1%
Return on shareholder equity (NPAT)	-0.8%	-0.3%	-0.1%
Shareholders equity/Total assets	73.6%	80.3%	76.9%
Dividend distribution	4,100	4,000	4,000

### viii. Statement of Accounting Policies

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

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

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

### ix. Assumptions in preparing the prospective financial statements

The prospective financial statements information contained in this SOI is based on assumptions that WRC Holding Group could reasonably expect to occur in the future based on information that was current at the time this SOI was prepared. Actual results are likely to vary from the information presented and variations could be material.

The debt interest rate assumption for the WRC Holdings excluding Centre Port Limited is 0.53% for 2021/22, 0.63% for 2022/23 and 0.68% for the 2023/24 financial years after all margin costs. Interest rate hedging is put in place from time to time (as all debt borrowed is at floating rate) to protect against interest rate variability. The borrowing margin is fixed and is assumed to remain at this level going forward.

There will be no changes to key legislation affecting the Group activities.

Asset lives are in accordance with the Group's Accounting Policies.

Council  
29 June 2021  
Report 21.292



For Decision

## RESOLUTION TO EXCLUDE THE PUBLIC

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

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

Airport Service tender – Report PE21.274

Snapper – change in corporate ownership – Report PE21.194

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

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

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

<b>Confirmation of the Public Excluded minutes of the Council meeting on 10 June 2021 – Report PE21.261</b>	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>Information contained in the minutes relates to the proposed purchase of private properties. Having this part of the meeting open to the public would prejudice Greater Wellington's negotiating position when engaging with owners and lessees of the subject properties.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations).</p>

<b>Airport Service tender – Report PE21.274</b>	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>Information contained in this report relates to potential future bus service contracting in the Wellington Region. Release of this information would prejudice Greater Wellington’s negotiating position when engaging with tenderers, and would compromise probity of the Request for Proposal process.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).</p>
<b>Snapper – change in corporate ownership – Report PE21.194</b>	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>Certain information contained in this report relates to information which has been supplied under an obligation of confidence. Release of this information would likely prejudice the supply of similar information, or further from the same source.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(c)(i) of the Act (to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied).</p>



<b>Confirmation of the Restricted Public Excluded minutes of the Council meeting on 10 June 2021 – Report RPE21.252</b>	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>Information contained in the minutes includes the details on the negotiation parameters with the preferred candidate for appointment as Chief Executive. Release of this information would disadvantage the Council in its negotiations with the preferred candidate.</p> <p>Greater Wellington has considered whether the public interest outweighs the need to withhold the information and has determined that there is no public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority to carry on, without prejudice of disadvantage, negotiations (including commercial and industrial negotiations)).</p>
<b>Chief Executive performance indicators for 2021/22 – Report RPE21.196</b>	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>The information contained in this report relates to the Chief Executive's performance agreement for 2021/22. Release of this information would prejudice the Chief Executive's privacy by disclosing his performance agreement with Council.</p> <p>Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting would override his privacy.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons).</p>

This resolution is made in reliance on section 48(1)(a) of the 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.