

## **Confirmed Public minutes of the Council meeting on Thursday 23 September 2021**

All members participating remotely via Microsoft Teams at 9.31am.

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### **Members Present**

Councillor Ponter (Chair)  
Councillor Staples (Deputy Chair)  
Councillor Blakeley  
Councillor Brash  
Councillor Connelly  
Councillor Gaylor  
Councillor Hughes (from 10.45am)  
Councillor Kirk-Burnnand  
Councillor Laban  
Councillor Lamason  
Councillor Lee  
Councillor Nash  
Councillor van Lier

All members participated at this meeting remotely via Microsoft Teams, and counted for the purpose of quorum, as per clause 25B of Schedule 7 to the Local Government Act 2002.

### **Public Business**

#### **1 Apologies**

Moved: Cr Kirk-Burnnand / Cr Blakeley

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

The motion was **carried**.

## **2 Declarations of conflicts of interest**

There were no declarations of conflicts of interest.

## **3 Public participation**

There was no public participation.

## **4 Confirmation of the Public minutes of the Council meeting on 19 August 2021 – Report 21.382**

Moved: Cr Brash / Cr Nash

That the Council confirms the Public minutes of the Council meeting on 19 August 2021  
- Report 21.382

The motion was carried.

## **5 Update on Progress of Action Items from Previous Council Meetings – September 2021 – Report 21.430 [For Information]**

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

### **6 Te Whanganui-a-Tara Whaitua Implementation Plan and Te Mahere Wai o te Kāhui Taiao – Report 21.422**

Whaitua Te Whanganui-a-Tara Committee Co-Chair Louise Askin, and Kara Puketapu Dentice, presented the Te Whanganui-a-Tara Whaitua Implementation Programme to Council.

Hikitia Ropata, Ngāti Toa, presented Te Mahere Wai o Te Kāhui Taiao to Council.

Moved: Cr Connelly / Cr Blakeley

That the Council:

- 1 Receives the Te Whanganui-a-Tara Whaitua Implementation Programme.
- 2 Receives Te Mahere Wai o Te Kāhui Taiao.
- 3 Requests officers to develop a two-staged response to the receipt of the Te Whanganui-a-Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao, namely:
  - a Stage 1: A process that will take place over approximately six weeks, setting out the initial Council response to the Te Whanganui-a-Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao.
  - b Stage 2: A process that will take place over approximately six months. This will involve the establishing of a reference group and a whaitua implementation structure. This step will translate recommendations into deliverables, and specifically examine both timing and resourcing implications.

- 4 Agrees to refer the regulatory proposals within the Te Whanganui-a-Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao incorporation into the Regional Policy Statement and Regional Plan through a plan change process.
- 5 Agrees to further develop the non-regulatory proposals within the Te Whanganui-a-Tara Whaitua Implementation Programme and Te Mahere Wai o Te Kāhui Taiao in conjunction with mana whenua and relevant external organisations, and to consider them in the development of the next Annual Plan round and next Long-Term Plan.
- 6 Records its appreciation for the dedicated work of the Whaitua Te Whanganui-a-Tara Committee and Te Kāhui Taiao in preparing the Whaitua Implementation Programme and Te Mahere Wai.

The motion was **carried**.

The meeting adjourned at 10.33am and resumed 10.45am.

Councillor Hughes arrived at the meeting at 10.45am.

## **7 Three Waters Reform – Report 21.413**

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

Moved: Cr Blakeley / Cr Nash

That the Council:

- 1 Notes the Government's 30 June and 15 July 2021 Three Waters Reform announcements, which include the 'better-off' funding package.
- 2 Notes officers' advice on the accuracy of the information provided to Council in June and July as a result of the request for information and Water Industry Commission for Scotland modelling process.
- 3 Notes that in August 2020 Council agreed to enter into a Three Waters Reform Memorandum of Understanding and Funding Agreement with the Government.
- 4 Notes officers' high level analysis of the impacts of the Government's proposed three water service delivery model.
- 5 Notes the analysis of three waters service delivery options available to Council based on information available at this time.
- 6 Notes that a decision to support the Government's preferred three waters service delivery option is not lawful (would be ultra vires) at present due to section 130 of the Local Government Act 2002, which prohibits Council from divesting its ownership or interest in a water service except to another local government organisation, and what we currently know (and don't know) about the Government's preferred option.
- 7 Notes that Council cannot make a formal decision on a regional option for three waters service delivery without doing a Long Term Plan amendment and ensuring it meets section 130 of the Local Government Act 2002.

- 8 Notes that the Government intends to make further decisions about the three waters service delivery model after 1 October 2021.
- 9 Notes that it would be desirable to gain an understanding of the community's views once Council has further information from the Government on the next steps in the reform process, and that this would be done by supporting territorial authorities in their engagements.
- 10 Requests the Chief Executive to give feedback to and seek guidance from the Government reflecting that the Council:
  - a Supports the need for reform but suggests the model needs to be adjusted to respond to the issues being raised by local government, including by:
    - i Ensuring that both local accountability and mana whenua governance is fundamental in the adopted model
    - ii Expanding the membership of the 'regional representative groups' to include all councils in the relevant entity (for Entity C, 22 rather than six), and all mana whenua
    - iii Establishing subgroups in Entity C (e.g. C1 and C2), allowing a more direct interest to be taken in a smaller geographical area
    - iv alternatively, adjusting the model by taking an approach more akin to extending the Wellington Water model, with assets transferred
    - v ensuring that communities, mana whenua and councils have a decision-making voice in the system, and guide and influence local investment decisions and clarity of how to raise concerns with three waters issues impacting on them. There needs to be more work on ensuring mechanisms are in place to ensure that water services entities meet their obligations under relevant legislation and regional spatial plans.
  - b Seeks that Greater Wellington and other councils are more involved in developing the model further.
  - c Is disappointed in Government's inconsistent engagement with mana whenua and questions how the model ensures that Te Tiriti o Waitangi and Te mana o te Wai will be given effect to.
  - d Seeks that further consideration is given to how the stormwater aspects might interface with our flood protection functions.
  - e Is concerned that Government needs establish a structure and process to ensure alignment and oversight across the Three Waters, Resource Management Act and Future for Local Government reforms processes, as well as coordination of any consultation, and suggests that the three waters reform process is slowed down to ensure alignment across the reform programmes.
  - f Seeks confirmation that 'better off' funding is available for Greater Wellington, and the amount of that funding.
- 11 Requests that the Chief Executive report back further once they have received further information from Government and/or guidance from Local Government New Zealand and Taituarā on what the next steps look like and how these should be managed.

The motion was **carried**.

**8 Proposed Variation to the Wellington Regional Land Transport Plan 2021: Legacy Property Acquisition – Wellington – Report 21.434**

Grant Fletcher, Manager, Regional Transport, spoke to the report.

Moved: Cr Staples / Cr Lamason

That the Council:

- 1 Adopts the proposed variation to the Wellington Regional Land Transport Plan Programme 2021, as set out in Attachment 1, to include Legacy Property Acquisition – Wellington.
- 2 Agrees to the adopted variation being forwarded to Waka Kotahi NZ Transport Agency, requesting that the variation is included in the National Land Transport Programme.

The motion was **carried**.

## **Governance**

**9 Updated Wellington Regional Leadership Committee Agreement and Terms of Reference – Report 21.432**

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

Moved: Cr Kirk-Burnnand / Cr Nash

That the Council:

- 1 Notes that on 25 February 2021 Council approved the Wellington Regional Leadership Joint Committee Agreement, and the Council's entry into it, and appointed and established the Wellington Regional Leadership Committee as a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 on the terms set out in the Joint Committee Agreement.
- 2 Notes that since the Wellington Regional Leadership Joint Committee Agreement was approved by each of the ten council partners, the Wellington Regional Leadership Committee has recommended changes to the Wellington Regional Leadership Joint Committee Agreement to reflect changes in circumstance and direction that warrant a change to the Agreement.
- 3 Notes that, under the Local Government Act 2002, each council that is party to the Wellington Regional Leadership Joint Committee Agreement must approve the updated Agreement.
- 4 Approves the updated Wellington Regional Leadership Committee Joint Agreement dated July 2021 (Attachment 1).

The motion was **carried**.

## **10 Power of Attorney to sign deeds – Report 21.115**

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

Moved: Cr Lamason / Cr Gaylor

That the Council:

- 1 Revokes the Power of Attorney granted to Dave Humm, General Manager.
- 2 Revokes the Power of Attorney granted to Greg Campbell, Chief Executive.
- 3 Revokes the Power of Attorney granted to Nigel Corry, General Manager.
- 4 Grants a Power of Attorney to Nigel Corry, Chief Executive, to sign deeds on behalf of Council.
- 5 Confirms the Power of Attorney granted to Samantha Gain, General Manager, on 13 June 2019.
- 6 Authorises two Councillors to sign the Power of Attorney document (Attachment 1) as a deed.

The motion was carried.

## **11 Civil Defence Emergency Management meeting – Report 21.395 [For Information]**

## **12 Regional Transport Committee Meeting – Report 21.426 [For Information]**

## **Corporate**

## **13 Issue of unpaid share capital to fund Greater Wellington Rail Limited Capital Expenditure for 2021/22**

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

Moved: Cr Lamason / Cr Hughes

That the Council:

- 1 Notes that the amount of \$17.6 million is required to fund Greater Wellington Regional Rail Limited's budgeted 2021/22 year capital expenditure.
- 2 Notes that Greater Wellington Regional Rail's budgeted 2021/22 capital expenditure will be funded by:
  - a The issue of 17.3 million unpaid ordinary \$1 shares by Greater Wellington Regional Rail to WRC Holdings Limited.
  - b The issue of 17.3 million unpaid ordinary \$1 shares by WRC Holdings Limited to Council.
  - c The utilisation of 0.3 million unpaid ordinary \$1 shares issued by Greater Wellington Regional Rail Limited to WRC Holdings Limited in prior periods but not yet called.
  - d The utilisation of 0.3 million unpaid ordinary \$1 shares issued by WRC Holdings Limited to Council in prior periods but not yet called.

- 3 Approves the issue of 17.3 million unpaid ordinary \$1 shares in WRC Holdings Limited to Council.
- 4 Approves WRC Holdings Limited authorising the issue of 17.3 million unpaid ordinary \$1 shares in Greater Wellington Regional Rail Limited to WRC Holdings Limited.
- 5 Authorises the Council Chair and Deputy Chair to sign the required Entitled Persons Agreement (Attachment 1) approving and consenting to the issue of shares on behalf of Council.
- 6 Authorises the Council Chair to sign the agreement (Attachment 2) for the issue of shares approving the basis upon which the respective WRC Holdings Limited and Greater Wellington Rail Limited boards may make calls for payment of the shares.
- 7 Requests that the Council Chair confirms the consent and approvals referred to in this report, in writing to WRC Holdings Limited.

The motion was **carried**.

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

The Council Chair advised that Council would need to deal with a report not on the published agenda – *Disestablishment of the Whaitua te Whanganui-a-Tara Committee* – Report 21.445.

Moved: Cr Connelly / Cr Staples

- 1 That under Standing Order 3.5.5, Report 21.445 – Disestablishment of the Whaitua te Whanganui-a-Tara Committee - 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 officers were still working through matters relating to the disestablishment of the Committee.
- 3 Discussion on matters contained in this report cannot be delayed until the Council's next meeting due to the need to put in place transitional disestablishment arrangements for the Committee.

The motion was **carried**.

#### **15 Disestablishment of the Whaitua te Whanganui-a-Tara Committee – Report 21.4445 [Tabled]**

Matthew Hickman, Acting General Manager, Environment Management, spoke to the report.

Moved: Cr Blakeley / Cr Connelly

That the Council:

- 1 Notes that the Whaitua Te Whanganui-a-Tara Committee has completed its substantive tasks, with a small number of wrap-up events scheduled before the end of 2021.

- 2 Determines that the honorarium payable to eligible external members of the Committee shall cease effective from 24 September 2021.
- 3 Determines that external members who were previously eligible to receive the honorarium shall be eligible to be paid Greater Wellington's standard meeting fee, mileage and reimbursement of public transport costs for the Committee's remaining wrap-up events.
- 4 Disestablishes the Whaitua Te Whanganui-a-Tara Committee, effective from 1 January 2022.

The motion was carried.

## Resolution to exclude the public

### 16 Resolution to exclude the public – Report 21.428 [Updated report tabled]

An updated report was tabled.

Moved: Cr Lamason / Cr Gaylor

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 19 August 2021 – Report PE21.384

Lower North Island Integrated Rail Mobility – detailed business case – Report PE21.408

Appointment to the Public Transport Advisory Group – Report PE21.369

Confirmation of the Restricted Public Excluded minutes of the Council meeting on 19 August 2021 – Report RPE21.391

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 on 19 August 2021 – Report PE21.384</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>
Information contained in these minutes includes personal and identifying information about the proposed candidate for appointment as trustee to the Wellington Regional Stadium Trust. Withholding this information	The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).



<p>prior to Council's decision is necessary to protect the privacy of that natural person as releasing this information would disclose their consideration as a Trustee of the Wellington Regional Stadium Trust.</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><b>Lower North Island Integrated Rail Mobility – detailed business case – Report PE21.408</b></p>	
<p><i>Reason/s for passing this resolution in relation to each matter</i></p>	<p><i>Ground/s under section 48(1) for the passing of this resolution</i></p>
<p>Certain information contained in this report relates to future rail service procurement and contracting in the Wellington Region. Release of this information would be likely to prejudice or disadvantage the ability of Greater Wellington Regional Council (Greater Wellington) to carry on negotiations.</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 holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)).</p>
<p><b>Appointment to the Public Transport Advisory Group – Report PE21.369</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 includes personal information provided by an applicant. Excluding the public from the proceedings of the meeting is necessary to protect the privacy of the application as holding this part of the meeting in public would release information that is private to the individual concerned.</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>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><b>Confirmation of the Restricted Public Excluded minutes of the Council meeting on 19 August 2021 – Report RPE21.391</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 these minutes relates to Greg Campbell's (former Chief Executive) full year performance and remuneration review, and the performance indicators for the new Chief Executive (Nigel Corry). Release of this information would prejudice the privacy of Greg Campbell and Nigel Corry by disclosing information pertaining to the employment relationship between the Mr Campbell and Council, and Mr Corry and Council.</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(a) of the Act (to protect the privacy of natural persons, including that of deceased natural persons).</p>

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

2. Authorises that the following persons be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the Lower North Island Integrated Rail Mobility detailed business case: representatives of Horizons Regional Council - Rachel Keedwell (Chair), Ged Shirley (General Manager, Regional Services and Information), Mark Read (Manager, Transport Services), and Rhona Hewitt (Principal Advisor, Transport); and Arnaud Deutsch, Regional Manager – Auckland, RPS Group. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because this procurement business case is a joint one between Greater Wellington Regional Council and Horizons Regional Council.

The motion was **carried**.

The public part of the meeting closed at 11.52am.



Councillor D Ponter

**Chair**

Date: 28/10/21

