



greater WELLINGTON

REGIONAL COUNCIL

Te Pane Matua Taiao

Report 20.123

Confirmed public minutes of the Council meeting on Thursday 9 April 2020

All members participating by Zoom at 9.31am.

Members Present

Councillor Ponter (Chair)
Councillor Staples (Deputy Chair)
Councillor Blakeley
Councillor Brash
Councillor Connelly
Councillor Gaylor
Councillor Hughes
Councillor Kirk-Burnnand
Councillor Laban (from 9.34am)
Councillor Lamason
Councillor Lee
Councillor Nash
Councillor van Lier

All members participated at this meeting via Zoom, and counted for the purpose of quorum, in accordance with clause 25B of Schedule 7 to the Local Government Act 2002.

Public Business

1 Apologies

Moved: Cr Gaylor / Cr Staples

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

The motion was **carried**.

2 Declarations of conflicts of interest

There were no declarations of conflict of interest.

3 Public participation

There was no public participation.

4 Confirmation of the Public minutes of the Council meeting of 27 February 2020 – Report 20.80

Moved: Cr Blakeley / Cr Staples

That the Council confirms the Public minutes of the Council meeting of 27 February 2020 – Report 20.80.

The motion was **carried**.

Noted: Councillor Laban joined the meeting at 9.34am during the above item.

5 Confirmation of the Public minutes of the Emergency Council meeting of 24 March 2020 – Report 20.108

Moved: Cr Lamason / Cr Brash

That the Council confirms the Public minutes of the Emergency Council meeting of 24 March 2020 – Report 20.108.

The motion was **carried**.

Strategy, policy or major issues

6 Update on progress of action items from previous Council meetings – April 2020 – Report 20.91 [for information]

7 Crisis Management Team business continuity update – oral update

Greg Campbell, Chief Executive, and Nigel Corry, General Manager People and Customer, spoke to the report.

The Crisis Management Team (CMT) was stood up three weeks ago when the country entered COVID-19 alert level two. All staff are working remotely, and some operations have been curtailed. The set up for remote working has gone well.

Greater Wellington continues to resource the region's Emergency Coordination Centre with 25-30 officers deployed daily on a roster. This will continue over the Easter weekend.

Mr Campbell advised that he is proud of the successful implementation of remote working and how officers have supported one another. Greater Wellington has deployed its mental health first aiders.

Mr Corry advised that the CMT is meeting regularly and has discussed what return to office work will be, once the relevant alert level allows for it. This will follow the lead of the Government, its guidance, and the relevant alert level. There will be a transition to returning to the office, with staff welfare prioritised. There is greater flexibility for transition with most officers having remote access. Flexible working will be more deliberate and will embed different ways of working.

8 COVID-19: public transport commercial matters – Report 20.106

Scott Gallacher, General Manager Metlink, spoke to the report.

Moved: Cr Blakeley / Cr Brash

That the Council:

- 1 Notes that the New Zealand Transport Agency and the Ministry of Transport collective objective through the COVID-19 crisis is to ensure that public transport services continue to be provided to the extent possible, consistent with any advice received from the Ministry of Health, and that the public transport sector can recover quickly when we enter the recovery phase.
- 2 Endorses the actions taken to date by Greater Wellington and Metlink operators (as set out in paragraphs 9 to 15 of this report) in response to COVID-19.
- 3 Notes the additional actions that may be required by operators during Alert level 4.
- 4 Notes the guidance provided by the New Zealand Transport Agency and the Ministry of Transport regarding the additional financial support that will be provided from the National Land Transport Fund until 30 June 2020 and is subject to review.
- 5 Agrees that the additional funding from the National Land Transport Fund is based on the expectation that the Council will fund its pre-budgeted local share (rates) of the cost public transport service provision for the financial year to 30 June 2020.
- 6 Notes that Council will be required to fund the loss of fare revenue and any net increase in operator costs that are incurred after the move to Alert 2 and prior to 25 March 2020.
- 7 Notes that a Force Majeure Event has occurred under the Public Transport Operating Model (PTOM) contracts with each of the bus, rail and ferry operators.
- 8 Notes that the General Manager, Metlink has issued a letter to each of the Metlink operators regarding:
 - a in the case of the bus and rail operators, the declaration of a national state of emergency constituting a Force Majeure Event,
 - b in the case of the ferry operator, the Epidemic Notice issued by the Prime Minister constituting a Force Majeure Event,
 - c the approach that Greater Wellington intends to take to ensure that Metlink operators will continue to be funded in accordance with the New Zealand Transport Agency and Ministry of Transport guidance for any net increase in costs incurred by operators in response to COVID – 19, and
 - d in each case confirming that Greater Wellington specifically wants operators to maintain their respective workforce and assets so that

public transport is ready to play a key role in the recovery phase whenever that point is reached.

- 9 Notes that (in the absence of officer delegated authority) three specified Councillors (in accordance with, and subject to the conditions set out in the Council resolution passed on 24 March 2020) have the delegated authority to approve any further actions by PTOM operators or Greater Wellington (including by incurring expenditure and /or the forgoing of revenue) required in response to COVID –19.
- 10 Authorises the Chief Executive to extend the timetable for negotiation of variations to the NZ Bus and Tranzurban PTOM contracts to enable the purchase of electric vehicles due to COVID –19.
- 11 Notes the delay in the work required to implement the rest and meal break changes due to COVID-19.
- 12 Notes that exempt services (fully commercial services not contracted by Greater Wellington), including the Airport Flyer service and Wellington Cable Car, have been suspended.

Moved as an amendment (to be additional motions): Cr Nash / Cr Laban

2. Acknowledges the impacts of the pandemic on drivers and other public transport workers and welcomes the co-operation between Greater Wellington, unions, and operators to support and maintain the Region’s public transport workforce.

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

The substantive motion was put:

- 1 Notes that the New Zealand Transport Agency and the Ministry of Transport collective objective through the COVID-19 crisis is to ensure that public transport services continue to be provided to the extent possible, consistent with any advice received from the Ministry of Health, and that the public transport sector can recover quickly when we enter the recovery phase.
- 2 Acknowledges the impacts of the pandemic on drivers and other public transport workers and welcomes the co-operation between Greater Wellington, unions, and operators to support and maintain the Region’s public transport workforce.
- 3 Endorses the actions taken to date by Greater Wellington and Metlink operators (as set out in paragraphs 9 to 15 of this report) in response to COVID–19.
- 4 Notes the additional actions that may be required by operators during Alert level 4.
- 5 Notes the guidance provided by the New Zealand Transport Agency and the Ministry of Transport regarding the additional financial support that will be provided from the National Land Transport Fund until 30 June 2020 and is subject to review.

- 6 Agrees that the additional funding from the National Land Transport Fund is based on the expectation that the Council will fund its pre budgeted local share (rates) of the cost public transport service provision for the financial year to 30 June 2020.
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 - a in the case of the bus and rail operators, the declaration of a national state of emergency constituting a Force Majeure Event,
 - b in the case of the ferry operator, the Epidemic Notice issued by the Prime Minister constituting a Force Majeure Event,
 - c the approach that Greater Wellington intends to take to ensure that Metlink operators will continue to be funded in accordance with the New Zealand Transport Agency and Ministry of Transport guidance for any net increase in costs incurred by operators in response to COVID – 19, and
 - d in each case confirming that Greater Wellington specifically wants operators to maintain their respective workforce and assets so that public transport is ready to play a key role in the recovery phase whenever that point is reached.
- 10 Notes that (in the absence of officer delegated authority) three specified Councillors (in accordance with, and subject to the conditions set out in the Council resolution passed on 24 March 2020) have the delegated authority to approve any further actions by PTOM operators or Greater Wellington (including by incurring expenditure and /or the forgoing of revenue) required in response to COVID –19.
- 11 Authorises the Chief Executive to extend the timetable for negotiation of variations to the NZ Bus and Tranzurban PTOM contracts to enable the purchase of electric vehicles due to COVID –19.
- 12 Notes the delay in the work required to implement the rest and meal break changes due to COVID-19.
- 13 Notes that exempt services (fully commercial services not contracted by Greater Wellington), including the Airport Flyer service and Wellington Cable Car, have been suspended.

The motion was **carried**.

Noted: The Council Chair acknowledged Greg Pollock for his work over the last 18 months, as General Manager Public Transport, and thanked him for extending his time with Greater Wellington to assist with the COVID-19 response.

9 Financial update for 2019/20 – Report 20.122 [for information]

Alan Bird, Chief Financial Officer, spoke to the report.

10 Report on Wellington Water Committee meeting – 5 March 2020 – Report 20.92 [for information]

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

11 Report on the Emergency Civil Defence Emergency Management Group Joint Committee meetings of 30 March 2020 and 2 April 2020 – Report 20.115 [for information]

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

Climate Committee business

12 Design of the low carbon acceleration fund – Report 20.112

Jake Roos, Climate Change Advisor, spoke to the report.

Dr Maria Bargh, as an appointee to the Climate Committee, joined the meeting for the discussion on this item, but did not vote.

Moved: Cr Nash / Cr Laban

That the Council:

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

The motion was **carried**.

Environment Committee business

13 Stormwater – regulatory framework and monitoring – Report 20.95 [for information]

Al Cross, General Manager Environment Management, Shaun Andrewartha, Manager, Environment Regulation, Lucy Baker, Manager, Environmental Science, and Matt Hickman, Manager, Environmental Policy, spoke to the report.

Barbie Barton, as Chair of the Farming Reference Group and appointee to the Environment Committee joined the meeting for the discussion of this item, but did not vote.

Moved: Cr Gaylor / Cr Connelly

That the Council requests officers to report back to the next Council meeting on options including, but not restricted to, legal processes and enforcement tools, to require local councils to act on finding and stopping unplanned stormwater discharges.

The motion was **carried**.

Resolution to exclude the public

14 Resolution to exclude the public – Report 20.97

Moved: Cr Gaylor / Cr Connelly

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

Multi-user ferry terminal

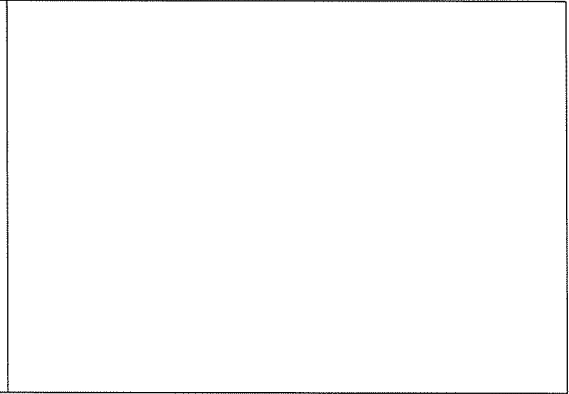
Confirmation of the public excluded minutes of the Council meeting of 27 February 2020

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

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

Multi-user ferry terminal – Report PE20.121	
<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
The information contained in this report includes commercially sensitive information about the likely business impacts of the site options for a Multi User Ferry Terminal (MUFT). Withholding this information is necessary to avoid unreasonably prejudicing the commercial position of CentrePort and its commercial partners as holding this part of the meeting in public would release information that is	The public conduct of this part of the meeting is excluded as per section 7(2)(b)(ii) of the Act, (to protect information where making available of the information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information).

detrimental to their commercial activities. Greater Wellington has not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override the need to withhold the information.



Confirmation of the public excluded minutes of the Council meeting of 27 February 2020 – Report PE20.81

<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<p>Information contained in these minutes relates to a proposed contractual arrangement regarding land owned by Greater Wellington, including details of the commercial terms. Having this part of the meeting open to the public would disadvantage Greater Wellington in that it would reveal Greater Wellington's expectations as to the final terms and conditions that would be acceptable to Greater Wellington. It also relates to due diligence information obtained in relation to the holder of the Forestry Rights, RMS FGI New Zealand Limited and the proposed new shareholder in RMS FGI New Zealand. The disclosure of this information would likely to unreasonably prejudice the commercial positions of the persons supplying or the subject of the information. It may also prejudice or disadvantage Council in the negotiation of the proposed Deed of Covenant and the Ancillary Deed that Council is seeking to secure as a condition of Council consenting to the Proposed Transaction.</p> <p>The minutes also contain information that relates to negotiations with the New Zealand Transport Agency and other public transport authorities in New Zealand. Release of this information would be likely to prejudice or disadvantage the ability of Council to carry on negotiations with the New Zealand Transport Agency and public transport authorities. In addition, information in the minutes relates to procurement processes for a ticketing</p>	<p>The public conduct of this part of the meeting is excluded as per section 7(2)(i) of the Act (to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)), 7(2)(b)(ii) of the Act (to protect information where making available of the information would be likely to unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information) and section 7(2)(g) of the Act (to maintain legal professional privilege).</p>

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

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

The motion was **carried**.

The public part of the meeting closed at 11.53am.

A handwritten signature in blue ink, appearing to be 'D Ponter', written in a cursive style.

Councillor D Ponter
Chair

Date: 25/06/2020

