



**greater WELLINGTON**  
**THE REGIONAL COUNCIL**

**Report 02.790**  
10 December 2002  
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**Record of the Special Meeting of the Policy, Finance and Strategy Committee held in the Wellington Regional Council Chamber, The Regional Council Centre, 142-146 Wakefield Street, Wellington on Tuesday, 10 December 2002 at 9.30am**

**Matters for Council Decision are shown in bold type and enclosed in a box.**  
*Matters for Information of Council are in italic type.*

**Present**

Councillors Shields (Chairperson), Aitken, Barr, Buchanan, Evans, Kirton, Laidlaw, McDavitt, Thomas, Turver, Werry and Yardley

**Officers Present**

Messrs Allard, Benham, Cutler, Darroch, Forlong, Schollum, Stone, Wright and Drs Bradbury, Hastie and Watson

**Public Business**

**Procedural Items**

PF&S 85    **Apologies**

*Resolved*

*(Chairperson/Cr McDavitt)*

*That the apology from Councillor Long be confirmed.*

## Matters for Consideration

PF&S 86 **Proposal to Exchange Land Between the Wellington Regional Council and the Hutt City Council - Variations**

Report 02.777

File: CFO/22/1/1

<b>Resolved to Recommend</b>	<b>(Cr Laidlaw/Cr Kirton)</b>
<b>(1)</b>	<b>That the report be received and the contents noted.</b>
<b>(2)</b>	<b>That the exchange proposal, as previously submitted, with the following modifications, be approved:</b> <ul style="list-style-type: none"> <li>• <b>removal of the provision for Hutt City Council to grant the Wellington Regional Council a right of way over the land comprising the Pencarrow Road;</b></li> <li>• <b>removal of the provision for the Wellington Regional Council to grant Hutt City Council a network utility agreement to regularise existing, and cater for future water, wastewater and stormwater pipes within the Hutt River corridor;</b></li> <li>• <b>removal of the provision granting the Wellington Regional Council control and management of Hutt City Council owned and administered land within East Harbour Regional Park</b></li> </ul>
<b>(3)</b>	<b>That it is intended that Hutt City Council will grant access rights over the Pencarrow Coast Road to the Wellington Regional Council and at the same time the Wellington Regional Council will grant Hutt City Council a network utility agreement to regularise existing and cater for future water, waste water and storm water pipes within the Hutt River corridor, be noted.</b>
<b>(4)</b>	<b>That the transfer from the Hutt City Council of control and management of the Northern Block (East Harbour Regional Park) is conditional on the Wellington Regional Council having a method to allow Maori groups with an interest in the Park to contribute to its high level management and development, be noted.</b>
<b>(5)</b>	<b>That officers be instructed to consult with Hutt City Council and Tangata Whenua to determine the practical effect of the Hutt City Council condition noted in resolution (4) above, and to negotiate a suitable agreement for subsequent council approval.</b>

- (6) That officers, following the consultation, be instructed to report back with a recommendation on whether the Wellington Regional Council should accept control and management, and if so, the nature of any proposed agreement to give effect to the transfer.
- (7) Recommend that the Council's Common Seal be affixed to the necessary documents to give effect to the exchange transactions including the proposal outlined in resolution (2) above.

PF&S 87 **Decisions on Proposed Changes to Regional Plans**

**Report 02.779**

File: X/32/1/4

**Resolved to Recommend** (Cr Buchanan/Cr McDavitt)

**That Council approve the recommended decisions of the Hearings Committee for:**

- **Proposed Plan Change 2 to the Transitional Regional Plan**
- **Proposed Plan Change 1 the Regional Freshwater Plan**
- **Proposed Plan Change 1 the Regional Plan for Discharges to Land**
- **Proposed Plan Change 1 the Regional Air Quality Plan**
- **Proposed Plan Change 1 the Regional Soil Plan**

PF&S 88 **Regional Pest Management Strategy Subcommittee – 27 November 2002**

**Report 02.775**

File: E/6/12/2

Members noted that recommendation (5) in Report 02.758 should be replaced as follows:

*That the Subcommittee agrees that management of Old Man's Beard in Wellington City be undertaken on a complaints basis, with the following rule to be added to Sub-section 8.4.5 of the Regional Pest Management Strategy 2002-2022:*

**Resolved to Recommend** (Cr Buchanan/Cr Yardley)

**That the Report of the Regional Pest Management Strategy Subcommittee held on 27 November 2002, RPS 04 to RPS 06 inclusive, and the recommendation contained therein, be adopted.**

PF&S 89      **Scenarios and Contingencies – Suburban Rail Passenger Transport Services**

**Report 02.757**

File: CFO/43/1/1

Mr Schollum tabled a copy of a letter dated 3 December 2002 from Mr M J Beard, Managing Director, Tranz Rail Limited, about the Tranz Metro Wellington Sale and Purchase Negotiations. Mr Schollum also tabled a memorandum dated 5 December 2002, from himself, giving a Tranz Rail Update.

**Moved**

(Cr Werry/Cr McDavitt)

That the Committee recommend to Council that it:

- (1) Receive the report and note its contents.
- (2) Request officers to update their earlier preliminary investigations on how the current Wellington rail based passenger transport services might be replaced, partially or wholly, with bus services and/or other alternatives.
- (3) Request officers to seek the view of the Government on the desirability of regulating urban passenger rail services, given the monopoly nature of the market.

**Amendment**

(Cr Turver/Cr Buchanan)

That recommendation (2) above be deleted and recommendation (3) be amended as follows:

“That the Mayors of the Region be approached with a view to including a joint approach to the Government on the desirability of regulating urban passenger rail services, given the monopoly nature of the market”.

**LOST**

**Amendment**

(Cr Barr/Cr Werry)

*That a recommendation (4) be added to the motion as follows:*

*“Request Tranz Rail to clarify whether it wishes to remain in the business of supplying passenger rail services for the Wellington Region in the long term”.*

**CARRIED**

**Amendment**

(Cr Aitken/Cr Buchanan)

*That the following recommendations be added as follows:*

- (1) *That Council confirm that it will be seeking a new non-assignable contract with Tranz Rail (or an alternate provider, should such a provider be in a position to respond to the Council’s tender for passenger rail services), including the following key features:*

- Requirement for the rail operator to be prepared to invest its own capital into the passenger rail business;
- Requirement for long-term asset management planning beyond the term of the ten-year contract;
- Requirement for tough sanctions in the event of failure to deliver agreed services;
- Requirement for the rate of return on the operator's equity to be capped;
- Requirement for vastly improved transparency and information disclosure.

(2) That Council seek, concurrently with the above resolutions and in conjunction with the Mayors of the Region, the views of the Government on the desirability of regulating urban passenger rail services, given the monopoly nature of the market.

**CARRIED**

Members requested the amended motion then be considered separately and resolved to recommend as follows:

**Resolved to Recommend**

**(1) That Council:**

**Receive the Report and note its contents.**

**Resolved to Recommend**

**(2) That Council:**

**Confirm that it will be seeking a new non-assignable contract with Tranz Rail (or an alternate provider, should such a provider be in a position to respond to the Council's tender for passenger rail services), including the following key features:**

- Requirement for the rail operator to be prepared to invest its own capital into the passenger rail business;
- Requirement for long-term asset management planning beyond the term of the ten-year contract;
- Requirement for tough sanctions in the event of failure to deliver agreed services;
- Requirement for the rate of return on the operator's equity to be capped;
- Requirement for vastly improved transparency and information disclosure.

**Resolved to Recommend**

**(3) That Council:**

**Request Tranz Rail to clarify whether it wishes to remain in the business of supplying passenger rail services for the Wellington Region in the long term.**

**Resolved to Recommend****(4) That Council:**

**Request officers to update their earlier preliminary investigations on how the current Wellington rail based passenger transport services might be replaced partially or wholly, with bus services and/or other alternatives.**

The above motion was passed in a Division 8 in favour and 4 opposed as follows:

**AYES**

Councillors Aitken  
Buchanan  
Evans  
Laidlaw  
McDavitt  
Shields  
Werry  
Yardley

**NOES**

Councillors Barr  
Kirton  
Thomas  
Turver

**Resolved to Recommend****(5) That Council:**

**Seek, concurrently with the above resolutions and in conjunction with the Mayors of the Region, the views of the Government on the desirability of regulating urban passenger rail services, given the monopoly nature of the market.**

PF&S 90 **Financial Report for the Quarter Ended 30 September 2002**

**Report 02.755**

File: G/4/1/5 & CFO/13/2/1

**Resolved to Recommend**

**(Cr Aitken/Cr Yardley)**

**That the Report be received and the contents noted.**

PF&S 91 **Financial Report for the Four Months ended 31 October 2002**

**Report 02.756**

File: G/4/1/5 & CFO/13/2/1

**Resolved to Recommend**

**(Cr Aitken/Cr Yardley)**

**That the Report be received and the contents noted.**

*Resolved**(Cr Laidlaw/Cr Kirton)*

*That the public be excluded from the following part of the proceedings of this meeting namely:*

*Permission to Seek a Declaration and Direction from the Environment Court*

*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><i>General subject of each matter to be considered:</i></b>	<b><i>Reason for passing this resolution in relation to each</i></b>	<b><i>Ground under section 48(1) for the passing of this resolution</i></b>
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<i>Permission to Seek a Declaration and Direction from the Environment Court</i>	<i>Because of the need to maintain legal professional privilege</i>	<i>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist (ie to maintain legal professional privilege)</i>
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*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 of 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 are as follows:*

*Wellington Regional Council*

Councillor Aitken abstained.

The open part of the meeting closed at 11.40am.

Cr MK SHIELDS  
Chairperson

Date: