



Please note that these minutes remain unconfirmed until the meeting of the Council on 25 February 2014

Report 13.1045

12/12/2013

File: E/12/01/03

**Minutes of the Council meeting held in the Council Chamber,
Greater Wellington Regional Council, Harbour Quays, Wellington,
on Thursday, 12 December 2013 at 9.38am**

Present

Councillors Wilde (Chair), Aitken, Brash, Bruce, Donaldson, Greig, Kedgley, Laban, Laidlaw, Lamason, McPhee, Swain and Wilson.

Public Business

1 **Apologies**

There were no apologies.

2 **Conflict of Interest declarations**

There are no declarations of conflict of interest.

3 **Public Participation**

Bill Rozenburg and Simon Terry both spoke to agenda item 13 – Notice of Motion.

4 **Confirmation of Minutes**

Moved

(Cr Wilson/ Cr Brash)

That the Council confirms the minutes of the meeting of 30 October and 21 November 2013, Report 13.1014.

The motion was **CARRIED.**

Governance

5 Committee and advisory body terms of reference and delegations for the 2013-16 triennium

David Benham, Chief Executive, spoke to the report.

Report 13.1036

File: E/12/01/08

Moved

(Cr Wilde/ Cr Donaldson)

That the Council:

- 1. Receives the report.*
- 2. Notes the contents of the report.*
- 3. Adopts the committee and advisory group terms of reference, as detailed in Attachment 1 to this report.*
- 4. Delegates statutory powers to committees, as detailed in Attachment 1 to this report.*

The motion was **CARRIED**.

6 Sensitive Expenditure (Elected Members) Policy

Report 13.1028

File: E/12/01/04

Moved

(Cr Brash/ Cr Aitken)

That the Council:

- 1. Receives the report.*
- 2. Notes the contents of the report.*
- 3. Adopts the Sensitive Expenditure (Elected Members) Policy as outlined in Attachment 1 to this report.*

The motion was **CARRIED**.

7 2014 meeting schedule

Report 13.1034

File: E/12/01/04

Moved

(Cr Lamason/ Cr Greig)

That the Council:

1. *Receives the report.*
2. *Notes the contents of the report.*
3. *Adopts the 2014 meeting schedule as set out in Attachment 1 to this report.*
4. *Authorises the Manager, Democratic Services to circulate the schedule to key stakeholders, and to modify the schedule as and when required, in accordance with Standing Orders.*

The motion was **CARRIED**.

8 **Review of remuneration of appointed members**

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

Report 13.1031

File: E/12/01/04

Moved

(Cr Aitken/ Cr Donaldson)

That the Council:

1. *Receives the report.*
2. *Notes the contents of the report.*
3. *Approves a daily fee of \$235 for each appointed member's attendance at committee or advisory group meetings and workshops, for which they are not otherwise being remunerated.*
4. *Confirms that appointed members are eligible for a mileage allowance set at the same maximum rate payable to Councillors for the use of their own personal vehicle in attending meetings and workshops, and for the reimbursement of relevant parking and public transport costs when such costs are not being otherwise being reimbursed.*

The motion was **CARRIED**.

Strategy/Policy/Major Issues

9 **Reserves Act 1977 delegation from the Minister of Conservation**

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

Report 13.1015

File: E/01/01/09

Moved

(Cr Wilson/ Cr Bruce)

That the Council:

- 1. Receives the report.*
- 2. Notes the contents of the report.*
- 3. Notes that officer delegations will be updated to reflect the amendments set out in this report.*

The motion was **CARRIED**.

10 Resource Management Amendment Act 2013

Nigel Corry, General Manager, Environment Management, spoke to the report.

Report 13.1033

File: E/01/01/09

Moved

(Cr Laidlaw/ Cr Donaldson)

That the Council:

- 1. Receives the report.*
- 2. Notes the contents of the report.*
- 3. Notes that officer delegations will be updated to reflect the amendments set out in this report.*

Moved as an amendment

(Cr Laidlaw/ Cr Kedgley)

- 4. That the Council notes with concern the implications for local government contained within some provisions of the legislation.*

The amendment was withdrawn with the consent of the meeting.

The motion was **CARRIED**.

Noted: Councillors Aitken, Bruce, Kedgley and Wilson abstained from voting.

11 Maritime Transport amendment Act 2013

Mike Pryce, Harbourmaster, spoke to the report.

Report 13.1003

File: E/01/01/09

Moved

(Cr Wilde/ Cr Donaldson)

That the Council:

- 1. Receives the report.*
- 2. Notes the contents of the report.*

The motion was **CARRIED**.

12 **Appointment of Commissioners to consider Transmission Gully resource consent applications**

Report 13.1052

File: E/12/01/04

Moved

(Cr Lamason/ Cr Laidlaw)

That the Council:

- 1. Receives the report.*
- 2. Notes the contents of the report.*
- 3. Delegates to the Manager, Environmental Regulation, the power to appoint commissioners to decide on non-notified cross-jurisdictional resource consent applications.*
- 4. Appoints, pursuant to section 34A of the Resource Management Act 1991, Stewart Kinnear and David Forrest as independent commissioners to make decisions, when required, on behalf of GWRC in relation to cross-jurisdictional applications lodged with GWRC, WCC, PCC, KCDC and UHCC.*
- 5. Delegates to the appointed commissioners all those powers, functions and duties that are necessary to hear and decide on cross-jurisdictional resource consent applications.*
- 6. Resolves that the proposed resolutions of recommendations 3, 4 and 5 above relate only to cross-jurisdictional resource consent applications for the Transmission Gully state highway roading project.*

The motion was **CARRIED**.

The meeting adjourned for morning tea at 10.32am and reconvened at 10.47am.

13 **Notice of motion – Cr Paul Bruce**

Report 13.1049

File: E/12/01/04

Moved

(Cr Bruce/ Cr Wilson)

That the Council expresses concern at the lack of information available to it regarding the potential implications of the Trans-Pacific Partnership Agreement for the roles and responsibilities of local government in general, and the Wellington region in particular, and conditions its support for the agreement and other similar agreements on being satisfied, after effective consultations, that it complies with all the following conditions:

- 1. Continues to allow the Greater Wellington Regional Council and other Councils, if they so choose, to adopt procurement policies that provide for a significant degree of local preference; to choose whether particular services or facilities are provided in house, by council-controlled organisations (CCOs) or by contracting out; or to require higher health and safety, environmental protection, employment rights and conditions, community participation, animal protection or human rights standards than national or international minimum standards.*
- 2. Does not give overseas investors or suppliers any greater rights than domestic investors and suppliers, such as special protections for investments or access to Investor-State Dispute Settlement, or reduce our ability to control overseas investment or finance;*
- 3. Will be subject, before it is signed, to a full and independent social, environmental and economic impact assessment that is then opened for public submissions; and*
- 4. Will not be ratified until the text has been tabled in the House and the appropriate select committees, including the Local Government and Environment Committee, have had adequate time to consider the parts that are relevant to their responsibilities, call for and hear submissions, and report back to the House on whether any amendment is required, and for a vote.*

Moved as an amendment (to replace the original motion)

(Cr Laidlaw/ Cr Aitken)

That the Council expresses concern at the lack of information available on the potential implications of the Trans-Pacific Partnership Agreement for New Zealand and for local government and, while accepting that treaty negotiations are generally confidential:

- 1. Notes public reports that the New Zealand negotiators, along with those from other like-minded countries, do not agree with a number of proposed measures including those pertaining to pharmaceuticals, intellectual property protection and environmental measures;*
- 2. Notes that the TTP, as with all trade agreements, will go through the full parliamentary process and, once that is complete, any law changes necessary to ensure New Zealand's compliance with the Treaty must be passed by Parliament; and*
- 3. Urges the government to instruct its negotiating team to continue to oppose measures that would have unjustifiable negative impact on the ability of local government to make decisions on a range of options, including procurement, that are currently available under New Zealand Law.*

The amendment was **CARRIED** and became the substantive motion.

The substantive motion was then put to the vote and was **CARRIED**.

Noted: Councillors Bruce and Kedgley requested their votes against part 2 of the motion be recorded.

Noted: With the consent of the meeting Cr Wilde tabled information on the process that would be followed after any Cabinet decision that the Trans-Pacific Partnership Agreement should be signed.

Corporate

14 Finance report for period ending 31 October 2013

Warren Tocker, Chief Financial Officer, Wayne Hastie, General Manager, Public Transport, Nigel Corry, General Manager, Environment Management and David Benham, Chief Executive, all spoke to the report.

Report 13.1051

File: CFO/13/02/01

Moved

(Cr Aitken/ Cr Donaldson)

That the Council:

- 1. Receives the report.*
- 2. Notes the contents of the report.*

The motion was **CARRIED**.

15 Exclusion of the public

Moved

(Cr Wilde/ Cr Brash)

That the Council:

Excludes the public from the following part of the proceedings of this meeting namely:

- 1. Procurement of Public Transport Services under PTOM*
- 2. Ruamāhanga Whaitua Committee membership*
- 3. Appointment of external members to committees*

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:

General subject of each matter to be considered:	Reason for passing this resolution in relation to each matter	Ground under section 48(1) for the passing of this resolution
<i>1. Procurement of Public Transport Services under PTOM</i>	<i>Certain information contained in this report relates to potential future rail service contracting in the Wellington region. Release of this information would be likely to harm the commercial position of Greater Wellington Regional Council and also harm the commercial position of current providers as it sets out potential options which if adopted might expose current providers to commercial risks. Greater Wellington Regional 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.</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 under section 7(2)(b)(ii) of the Local Government Official Information and Meetings Act 1987 (i.e. to protect information where the making available of that information would be likely unreasonably to prejudice the commercial position of the person who supplied or is the subject of the information).</i>
<i>2. Ruamāhanga Whaitua Committee membership</i>	<i>The information contained in this report relates to the proposed appointment of members to the Ruamāhanga Whaitua Committee. Release of this information would prejudice the proposed members' privacy by disclosing the fact that they are being considered, and have expressed interest, in becoming a member of the Ruamāhanga Whaitua Committee. Greater Wellington Regional 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 privacy of the individuals concerned.</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 under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 (i.e. to protect the privacy of natural persons).</i>
<i>3. Appointment of external members to committees</i>	<i>The information contained in this report relates to the appointment of interim members to the Strategy and Policy Committee to represent</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</i>

the interests of the mana whenua disclosure of information for iwi of the Wellington region and the which good reason for appointment of external members to withholding would exist under the Hutt Valley Flood Management section 7(2)(a) of the Local Subcommittee. Release of this Government Official Information information would prejudice the and Meetings Act 1987 (i.e to privacy of the persons proposed for protect the privacy of natural appointment by disclosing the fact persons). that they have expressed interest in, and are being considered for, appointment to the committees. Greater Wellington Regional 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 their privacy.

2. *Permit to remain at this meeting, after the public has been excluded, Lyndon Hammond from New Zealand Transport Agency and Philip Crampton, Commercial Advisor, because of their knowledge relating to the procurement of public transport services, which is the subject of a report to be considered by Council.*

This resolution is made in reliance on section 48(1) 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 which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as specified above.

The motion was **CARRIED**.

The public part of the meeting closed at 11.50am.

FH Wilde
(Chair)

Date: