

Please note that these minutes remain unconfirmed until the meeting of the Council on 27 June 2012

**Report 12.283**

13/06/2012

File: E/11/01/03

**Minutes of the Council meeting held in the Council Chamber, Regional Council Centre, 142 Wakefield Street Wellington, on Wednesday 13 June 2012 at 9.30am**

**Present**

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

**Public Business**

**1 Apologies**

*Moved*

*(Cr Wilde / Cr Lamason)*

*That the Council accepts the apology for absence from Councillors Glensor and Ponter.*

**2 Conflict of Interest declarations**

There were no declarations of conflict of interest.

**3 Public Participation**

Gareth Hughes MP, Green Party Energy Spokesperson, and Jessie Dennis, Wellington resident, spoke in relation to Item 10.

**4 Confirmation of Minutes**

*Moved*

*(Cr Greig / Cr Donaldson)*

*That the Committee confirms the public, public excluded and restricted public excluded Council minutes of 2 May 2012, Reports, 12.159, PE12.160, RPE12.165.*

The motion was **CARRIED**.

5 **Confirmation of Minutes**

*Moved*

*(Cr Donaldson / Cr Aitken)*

*That the Committee confirms the minutes of the Long-Term Plan 2012-22 Hearing Committee of 21, 22 and 23 May 2012, Report 12.206.*

The motion was **CARRIED**.

6 **Confirmation of Minutes**

*Moved*

*(Cr Donaldson / Cr Lamason)*

*That the Committee confirms the public and public excluded Council minutes of 23 May 2012, Reports, 12.205, PE12.218.*

The motion was **CARRIED**.

**Strategy/Policy/Major issues**

7 **Report of the Long-Term Plan 2012-22 Hearing Committee**

**Report 12.225**

File: SP/05/03/03

*Moved*

*(Cr Donaldson / Cr Lamason)*

*That the Council:*

- 1. Receives the report.*
- 2. Notes the content of the report.*
- 3. Requests the officers to investigate and recommend options, including those relating to our buildings in Attachment 3 to Report 12.195, which would bring the average rate line below 5% in 2012/13.*

The motion was **CARRIED**.

8 **Report of the Wellington Regional Strategy Hearing Committee**

**Report 12.242**

File: WRS/09/01/01

*Moved*

*(Cr Wilde / Cr Brash)*

*That the Council:*

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Approves the Wellington Regional Strategy Proposal as set out in the draft Long-Term Plan 2012-2022 with no changes.*

The motion was **CARRIED**.

## 9 **Finalisation of the Long-Term Plan 2012-22**

### **Report 12.238**

File: CFO/13/02/01

*Moved*

*(Cr Wilde / Cr Laidlaw)*

*That the Council:*

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Approves the operating expenditure items listed within Attachment 1 of this report (or as amended by the Council) to be rebudgeted within the 2012/13 Annual Plan.*
4. *Approves the capital expenditure items listed within Attachment 2 of this report (or as amended by the Council) to be rebudgeted within the 2012/13 Annual Plan.*
5. *Approves the operating expenditure adjustments within this report (or as amended by the Council) for inclusion within the 2012/13 Annual Plan.*
6. *Notes that the impacts of the rebudgeting and other adjustments, as approved in recommendations 3-5 above, have been reflected in this report.*
7. *Approves the rate increase of 4.89% and the bulk water levy increase of 3% for the 2012/13 year (and the following nine years as contained in this report, or as amended by the Council) for inclusion in the LTP and Annual Plan 2012/13, to be considered by the Council on 27 June.*

The motion was **CARRIED**.

## 10 **Notice of motion – Councillor Paul Bruce**

### **Report 12.220**

File: E/11/01/04

*Moved*

*(Cr Bruce / Cr Wilson)*

*That the Council*

1. *Notes that preliminary work by the Parliamentary Commissioner for the Environment has resulted in a decision to examine more closely hydraulic fracturing issues.*
2. *Accepts that information on risks to the Environment and people of hydraulic fracturing in NZ remains unclear.*
3. *Directs Te Upoko Taiao - Natural Resource Management Committee to include policies and rules related to oil or gas hydraulic fracturing exploratory or production wells drilling as part of the single Regional Plan.*
4. *Expresses concern that Resource Consent applications for oil or gas hydraulic fracturing (“fracking”) exploratory or production wells received by GW are likely to suffer delays until sufficient information on environmental effects can be obtained.*
5. *Agrees that in consideration of any consent applications for hydraulic fracturing, the uncertainties in risks will be taken into account, that a precautionary approach will be taken, and where appropriate further information sought or consent declined.*

*Moved as an amendment to replace motions 2 to 5*

*(Cr Laidlaw / Cr Aitken)*

2. *That the Council welcomes the investigation into fracking activity within New Zealand by the Parliamentary Commissioner for the Environment, and notes that this investigation represents an essential prerequisite to an adequate understanding of the potential effects of this activity. The Council looks forward to the outcome of this investigation as a basis for deciding on suitable provisions relating to fracking in its new natural resources management plan.*

The amendment was **CARRIED**, and became part of the substantive motion, which was **CARRIED**.

## **Corporate**

### **11 Finance report for the nine months ending 31 March 2012**

#### **Report 12.182**

File: CFO/13/02/01

*Moved*

*(Cr Aitken / Cr Donaldson)*

*That the Council:*

1. *Receives the report.*
2. *Notes the content of the report.*

The motion was **CARRIED**.

12 **Finance report for the ten months ending 30 April 2012**

**Report 12.183**

File: CFO/13/02/01

*Moved*

*(Cr Aitken / Cr Donaldson)*

*That the Council:*

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

The motion was **CARRIED**.

13 **Transfer of Council rail assets to Greater Wellington Rail Limited and approval to issue of new shares**

**Report 12.193**

File: T/22/14//04

*Moved*

*(Cr Wilson / Cr Donaldson)*

*That the Council:*

- 1. Receives the report.*
- 2. Notes the content of the report.*
- 3. Agrees that Council's land based rail related assets, described in the Agreement for Sale and Purchase attached to this report (the Assets), be transferred to GWRL on 30 June 2012 at book value of \$5.3 million and in a fiscally neutral transaction.*
- 4. Notes that the transaction will be funded by the issue of 5,309,283 fully paid ordinary \$1 shares by GWRL to WRCHL and by the issue of 5,309,283 fully paid ordinary \$1 shares by WRCHL to Council.*
- 5. Authorises the Chief Executive on Council's behalf to execute the Agreement for Sale and Purchase.*
- 6. Notes that as WRC Holdings Limited sole shareholder and entitled person, Council must consent to the issue of shares by WRC Holdings Limited.*
- 7. Approves the issue of 5,309,283 fully paid ordinary \$1 shares in WRC Holdings Limited by signing Attachment 3, being the agreement of the sole shareholder and entitled person of the Company pursuant to section 107 of the Companies Act 1993 (Entitled Person's Agreement).*

8. *Authorises Councillors Fran Wilde and Prue Lamason to sign the Entitled Person's Agreement on behalf of Council.*
9. *Requests that the Chair of the Council confirms the consent and approvals referred to in this report, in writing to WRC Holdings Limited.*
10. *Agrees that rail commuter car park land remain in Council ownership.*
11. *Notes that it is not proposed that any lease or licence be established between Council and GWRL in regard to the rail commuter car park land at this time.*
12. *Notes that new leases/licences from the TLAs and NZTA in favour of GWRL in regard to TLA and NZTA owned car park land will be established as and when natural opportunities arise to do so.*

The motion was **CARRIED**.

## **Governance**

### **14 Initial representation proposal for the 2013 triennial elections**

#### **Report 12.72**

File: E/01/04/08

*Moved*

*(Cr Wilde / Cr Donaldson)*

*That the Council:*

1. *Receives the report.*
2. *Notes the content of the report.*

*Moved*

*(Cr Wilde / Cr McPhee)*

*That the Council:*

3. *Notes the four options outlined in section 3.1 of this report, and determines that with the inclusion of a fifth option, being an option of a 14 member Council based on the current constituencies, with two members elected from the Wairarapa Constituency, these options represent the range of reasonably practicable options for consideration.*
4. *Notes that any resolution to change the existing representation arrangements must include an explanation for the reasons for the proposed change.*
5. *Having assessed the five options in terms of the requirements for effective and fair representation, determines that it is necessary to depart from the population formula of section 19V(2) of the Local Electoral Act 2001 in order to provide:*

- i. *effective representation for the distinct communities of interest of Kapiti Coast and Upper Hutt, and*
  - ii. *effective representation for the communities of interest of the Wairarapa through the election of two members for the Wairarapa Constituency, taking into account:*
    - a. *the large land area of the Wairarapa Constituency, being 74% of the area of the Wellington region*
    - b. *the significant amount of Greater Wellington work undertaken in the Wairarapa Constituency, together with the increased focus on water quality and land management issues in the Wairarapa Constituency via Government and other processes, which is requiring greater elected member involvement*
    - c. *the diverse, relatively sparsely populated and widely spread communities that make up the Wairarapa Constituency.*
6. *resolves its initial representation proposal for the 2013 triennial elections, providing for a Council of 14 members, elected from six constituencies, as follows:*

<b>Constituency</b>	<b>Number of members</b>	<b>Community of interest represented by the constituency</b>	<b>Population per Councillor</b> (Average: 34,836) (+/-10% range from the average: 31,352 to 38,320)
Wellington	5	The area of Wellington City, excluding the area of the Tawa Community	37,040
Porirua-Tawa	2	The area of Porirua City, and the area of the Tawa Community of Wellington City	33,800
Kapiti Coast	1	The area of the Kapiti Coast District	49,800
Lower Hutt	3	The area of Lower Hutt City	34,333
Upper Hutt	1	The area of Upper Hutt City	41,500
Wairarapa	2	The area of South Wairarapa District, Carterton District and Masterton District, and that part of the Tararua District that falls within the Wellington region.	20,300

7. *Resolves to establish the Representation Review 2012 Hearing Committee and adopts the terms of reference for the Committee, as set out in Attachment 3 to this report.*
8. *Appoints Crs Aitken, Bruce, Donaldson, Greig, Glensor, Laidlaw, Lamason, McPhee, Ponter, Swain, Wilde and Wilson to the Committee and appoints Cr Wilde as Chair.*

The motion was **CARRIED**.

15 **Amendment to Terms of Reference for Environmental and Economic Wellbeing Committees**

**Report 12.164**

File: E/01/04/08

*Moved*

*(Cr Wilde / Cr Wilson)*

*That the Council:*

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Amends the Terms of Reference of the Economic Wellbeing Committee and Environmental Wellbeing Committee as set out in section 3 of this report.*

The motion was **CARRIED**.

16 **Proposed overseas travel – Councillor Glensor**

**Report 12.196**

File: E/11/01/04

*Moved*

*(Cr Wilde / Donaldson)*

*That the Council:*

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Approves Cr Glensor's travel to Australia from 1 July to 6 July 2012 regarding contracting models for rail.*
4. *Notes that the cost of the travel, estimated at \$4,000, will be met by Greater Wellington Regional Council.*

The motion was **CARRIED**.

## **Committees/Meetings**

17 **Report on the Economic Wellbeing Committee meeting held on 29 May 2012**

**Report 12.200**

File: E/11/01/04

*Moved*

*(Cr Bruce / Cr Brash)*



*That the Council:*

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

The motion was **CARRIED**.

18 **Report on the Environmental Wellbeing Committee meeting held on 30 May 2012**

**Report 12.202**

File: E/11/01/04

*Moved*

*(Cr Donaldson / Cr McPhee)*

*That the Council:*

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

The motion was **CARRIED**.

19 **Report on the Te Upoko Taiao – Natural Resource Management Committee meeting held on 5 June 2012**

**Report 12.240**

File: E/11/05/04

*Moved*

*(Cr Laidlaw / Cr Donaldson)*

*That the Council:*

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

The motion was **CARRIED**.

20 **Exclusion of the public**

**Report 12.208**

File: E/11/01/04

*Moved*

*(Cr Wilde / Cr McPhee)*

*That the Council:*

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

## *1. Capital Connection*

*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 matter</i></b>	<b><i>Ground under section 48(1) for the passing of this resolution</i></b>
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<i>1. Proposal to initiate negotiations relating to the continuation of the Capital Connection train service.</i>	<i>Information contained within the report sets out a proposal to initiate negotiations with the Horizons Regional Council, the New Zealand Transport Agency and KiwiRail relating to the continuation of the Capital Connection rail service. The report sets out a proposed negotiation strategy. Release of the proposed negotiation strategy would disadvantage Greater Wellington in the event that negotiations take place. 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 this prejudice.</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)(i) of the Local Government Official Information and Meetings Act 1987 (i.e. to enable Greater Wellington to carry out, without prejudice or disadvantage, negotiations).</i>
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*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 11.43am.

FH Wilde  
(Chair)

Date: