



Please note that these minutes remain unconfirmed until the meeting of the Council on 1 November 2011

Report 11.491
28 September 2011
File: E/11/01/03

Minutes of the Wellington Regional Council meeting held in the Council Chamber, Regional Council Centre, 142 Wakefield Street Wellington, on Wednesday 28 September 2011 at 9.30am

Present

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

Public Business

1 **Apologies**

Moved

(Cr Wilde / Cr Glensor)

That Council accepts the apology for absence from Councillor Brash.

The motion was **CARRIED**.

The Chair advised that item 6 had been withdrawn from the agenda.

2 **Conflict of Interest declarations**

There were no declarations of conflicts of interest.

3 **Public Participation**

There was no public participation.

4 **Additional Agenda item**

Moved

(Cr Wilde / Cr Glensor)

That under Standing Order 23.5, Report 11.509 Appointment to Economic Wellbeing Committee be added to the Agenda.

The motion was **CARRIED**.

5 **Confirmation of Minutes**

Moved

(Cr Aitken / Cr Donaldson)

That the Council confirms the minutes of 27 July 2011 and the minutes of 7 September 2011, Report 11.389 and Report 11.466.

The motion was **CARRIED**.

Strategy/Policy/Major Issues

6 **Financial report for the two months ending 31 August 2011**

Report 11.446

Chris Gray, Manager, Finance & Support, introduced the report.

Moved

(Cr Aitken / Cr Lamason)

That the Council:

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

The motion was **CARRIED**.

7 **Adoption of the Wellington Harbour Safety Management System**

Report 11.477

Moved

(Cr Donaldson / Cr Aitken)

That the Council:

- 1. Receives the report.*

2. *Notes the content of the report.*
3. *Adopts the Wellington Harbour Safety Management System, appended as Attachment 1 to this report.*
4. *Notes that the Wellington Harbour Safety Management System will be submitted to Maritime New Zealand for formal approval.*

The motion was **CARRIED**.

Governance

8 Code of Conduct for elected members

Report 11.479

Moved

(Cr Lamason / Cr Greig)

That the Council:

1. *Receives the report.*
2. *Notes the content of the report.*
3. *Notes that any amendment to an existing Code of Conduct or the adoption of a new Code of Conduct requires a vote in support of not less than 75% of the members present.*
4. *Adopts the Code of Conduct for Elected Members included as Attachment 1 to this report.*

The motion was **CARRIED**.

Noted: In discussion on the report the Council agreed on several minor changes to the proposed Code prior to the report recommendations being moved.

Committees/Meetings

9 Report on the Environmental Wellbeing Committee meeting held on 6 September 2011

Report 11.457

Moved

(Cr Donaldson / Cr Laidlaw)

That the Council:

1. *Receives the report.*

2. *Notes the content of the report.*

The motion was **CARRIED**.

10 **Report on the Social and Cultural Committee meeting held on 7 September 2011**

Report 11.459

Moved

(Cr Wilson / Cr Bruce)

That the Council:

1. *Receives the report.*

2. *Notes the content of the report.*

The motion was **CARRIED**.

11 **Report on the Economic Wellbeing Committee meeting held on 8 September 2011**

Report 11.473

Moved

(Cr Glensor / Cr Ponter)

That the Council:

1. *Receives the report.*

2. *Notes the content of the report.*

The motion was **CARRIED**.

12 **Report on the Audit and Risk Committee meeting held on 22 September 2011**

Report 11.482

Moved

(Cr Aitken / Cr Glensor)

That the Council:

1. *Receives the report.*

2. *Notes the content of the report.*

The motion was **CARRIED**.

13 **Appointment to the Economic Wellbeing Committee**

Report 11.482

Moved

(Cr Wilde / Cr Glensor)

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 by increasing the Councillor membership provision to nine Councillors.*
4. *Appoints Councillor Jenny Brash to the Economic Wellbeing Committee.*

The motion was **CARRIED**.

14 **Exclusion of the public**

Report 11.452

Moved

(Cr Greig / Cr Wilson)

That the Council:

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

1. *Confirmation of public excluded minutes from the 27 July 2011 meeting of the Council*
2. *Confirmation of public excluded minutes from the 7 September 2011 meeting of the Council*
3. *Ngāti Toa Treaty Settlement negotiations update*
4. *Stuart Macaskill Lakes upgrade*
5. *Chief Executive's report to the Chair and Councillors for the year ended 30 June 2011*
6. *Review of the Chief Executive's performance for the year ended 30 June 2011*

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:

<i>General subject of each matter to be considered:</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground under section 48(1) for the passing of this resolution</i>
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<i>1. Public excluded minutes from the 27 July 2011 meeting of the Council</i>	<i>The information contained in these minutes relates to Greater Wellington entering into a land purchase agreement. The minutes outline the terms of the purchase which were negotiated. Having this part of the meeting open to the public would disadvantage Greater Wellington if further negotiations were to take place as it would reveal Greater Wellington's negotiation strategy. 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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<i>2. Public excluded minutes from the 7 September 2011 meeting of the Council</i>	<i>The information contained in these minutes relates to negotiations on a redress proposal from the Office of Treaty Settlements in relation to Ngāti Toa Rangatira. Having this part of the meeting open to the public would disadvantage the Council if further negotiations were to take place as it would reveal the Council's stance. The 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 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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3. *Ngāti Toa Treaty Settlement negotiations update* *The information contained in this report relates to negotiations on a redress proposal from the Office of Treaty Settlements in relation to Ngāti Toa Rangatira. Having this part of the meeting open to the public would disadvantage the Council if further negotiations were to take place as it would reveal the Council's stance. The 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 this prejudice.* *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).*
4. *Stuart Macaskill Lakes upgrade* *Information contained in this report relates to a tender that Greater Wellington has not yet accepted. The report outlines the tenders received by Greater Wellington and the terms of the proposed contract, which may still be negotiated. Having this part of the meeting open to the public would disadvantage the Council if further negotiations were to take place as it would reveal the Council's negotiation strategy. It would also reveal tender strategies. The 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 these prejudices.* *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).*
5. *Chief Executive's report to the Chair and Councillors for the year ended 30 June 2011* *The information contained in this report contains information relating to the Chief Executive's performance agreement. Release of this information would prejudice David Benham's privacy by disclosing details of his performance agreement with the Council. Greater Wellington has* *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 sections 7(2)(a) of the Local Government Official Information*

not been able to identify a public interest favouring disclosure of this particular information in public proceedings of the meeting that would override his privacy and Meetings Act 1987 (i.e to protect the privacy of natural persons).

6. Review of the Chief Executive's performance for the year ended 30 June 2011

The information contained in this report contains information relating to the Chief Executive's performance agreement. Release of this information would prejudice David Benham's privacy by disclosing details of his performance agreement with the Council. 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 his privacy.

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 sections 7(2)(a) of the Local Government Official Information and Meetings Act 1987 (i.e to protect the privacy of natural persons).

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 10.10am.

Cr F H Wilde
(Chair)

Date: