

**ORDINARY MEETING**

**OF**

**WELLINGTON CITY COUNCIL**

**AGENDA**

**Time:** 9:30 am  
**Date:** Wednesday, 25 September 2019  
**Venue:** Ngake (16.09)  
Level 16, Tahiwī  
113 The Terrace  
Wellington

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**MEMBERSHIP**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Fitzsimons  
Councillor Foster  
Councillor Free  
Councillor Gilberd  
Councillor Lee  
Councillor Marsh  
Councillor Pannett  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Have your say!**

*You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8334, emailing [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz) or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about.*

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**ACQUISITION OF LAND - MT COOK**  
Presented by Councillor Foster

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## 1. Meeting Conduct

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### 1.1 Karakia

The Chairperson will open the meeting with a karakia.

<b>Whakataka te hau ki te uru,</b>	Cease oh winds of the west
<b>Whakataka te hau ki te tonga.</b>	and of the south
<b>Kia mākinakina ki uta,</b>	Let the bracing breezes flow,
<b>Kia mātaratara ki tai.</b>	over the land and the sea.
<b>E hī ake ana te atākura.</b>	Let the red-tipped dawn come
<b>He tio, he huka, he hauhū.</b>	with a sharpened edge, a touch of frost,
<b>Tihei Mauri Ora!</b>	a promise of a glorious day

### 1.2 Apologies

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

### 1.3 Announcements by the Mayor

### 1.4 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### 1.5 Confirmation of Minutes

The minutes of the meeting held on 28 August 2019 will be put to the Council for confirmation.

### 1.6 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows:

***Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council***

The Chairperson shall state to the meeting.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Wellington City Council.

***Minor Matters relating to the General Business of the Wellington City Council***

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

**1.7 Public Participation**

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

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## **2. General Business**

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### **END OF TRIENNIUM REPORT**

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#### **Purpose**

1. The purpose of this report is to note the legal implications of the pending elections on Council and Committee meetings and to provide the appropriate delegations to the Chief Executive between the final Council meeting and the inaugural meeting of the new Council.

#### **Summary**

2. Following the election, newly elected members come into office the day following the official public declaration of the result, which is likely to be a date between 17-23 October 2019.
3. Current elected members' term of office expires when new members come into office, the day after the official declaration of results. Elected members cannot act as members until they have made their statutory declarations at the inaugural meeting on 30 October 2019.
4. All committees, subcommittees and subordinate decision-making bodies are discharged at the time new members come into office, except for the Joint Committee of the Wellington Region Waste Management and Minimisation Plan, District Licensing Committee, Wellington Civil Defence Emergency Management Group and Wellington Regional Amenities Fund.
5. Interim delegations to the Chief Executive are therefore appropriate to cover the intervening period.

#### **Recommendation/s**

That the Council:

1. Receive the information.
2. Note that the last scheduled Council meeting of the current triennium will be held on 25 September 2019 and that all formal meetings will cease until the new Council is sworn in on 30 October 2019.
3. Agree that, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, the Chief Executive (in consultation with the Mayor-elect) be authorised to make decisions over and above his normal delegations in respect of urgent matters for the period from the day following the Electoral Officer's declaration of election results until the new Council is sworn in.
4. Note that any decisions made under this delegation will be reported to the first ordinary meeting of the Council.
5. Note that the District Licensing Committee will continue to meet in October as provided for in the Sale and Supply Alcohol Act 2012.
6. Agree to delegate the Chief Executive, in consultation with the Chief City Planner, the

authority to appoint hearings panels if required to consider any notified resource consent applications during the period between the existing Council going out of office and the new Council establishing its committee arrangements and delegations.

7. Note that the Wellington Regional Amenities Fund will continue to meet as required as provided in their Terms of Reference.

## **Background**

6. Clause 14 of Schedule 7 of the Local Government Act 2002 provides that a newly elected person to Council may not act until they have made the necessary declaration at the inaugural meeting of the incoming Council.
7. No meetings that are part of the current committee structure will be scheduled during October 2019.

## **Discussion**

### **Delegation to the Chief Executive**

8. Newly elected members come into office the day after the Electoral Officer's declaration but are unable to act formally until they have sworn a declaration at the first Council meeting of the triennium. Under statute, the Chief Executive cannot call the ordinary Council meeting until after the formal declaration of results has been made and must give seven days' notice of this meeting.
9. The public notice declaring the result will be around the week after the election (between 12-17 October 2019).
10. The first Council meeting (inaugural meeting) is scheduled on 30 October 2019.
11. There are two periods that can impact on Council's decision-making:
  - The period after the last Council meeting (25 September) until the day after the declaration of the elections results (e.g 14 October).
  - The period from the day after the declaration of results (e.g 14 October), when new members' terms of office commence, until the inaugural meeting on 30 October 2019, when new members will make their statutory declarations.
12. Note that the current Council is still able to make urgent decisions via an extraordinary Council meeting until the day of the Electoral Officer's declaration of results of the election in the unlikely event such a decision is required.
13. After the declaration of results until 29 October 2019, it is recommended that the Chief Executive deal with urgent matters, in consultation with the Mayor-elect. This approach has been adopted by the Council on previous occasions.
14. It is envisaged that the nature of any issues on which the Chief Executive may have to make a decision would be those normally requiring formal Council approval, under the current delegations, but with no significant political debate. The delegation is also limited to those issues requiring an urgent decision, and cannot, as a matter of law, include decisions that legislation requires must be made by Council.

### **District Licensing Committee**

15. The District Licensing Committees are appointed to consider and determine applications to the Council for alcohol licences under the Sale and Supply of Alcohol Act 2012 (the Act).



16. The District Licensing Committee has all the powers conferred on it under the Act and all powers as may be reasonably necessary to enable it to carry out its functions.
17. Meetings of the District Licensing Committee are scheduled in accordance with the Act in consultation with the chairperson.
18. This committee will continue to meet during the month of October.

### **Resource Consent Hearings**

19. The Resource Management Act 1991 provides tight timeframes for the consideration of resource consent applications and it may be necessary to appoint hearings commissioners in the period between the existing Council going out of office and the new Council establishing its committee arrangements and delegations to committees.
20. It is proposed that the Chief Executive be authorised to appoint a hearings panel in consultation with the Chief City Planner.

### **Joint committees**

21. Two of the joint committees in the Wellington region are administered by Wellington City Council: Joint Committee of the Wellington Region Waste Management and Minimisation Plan and Wellington Regional Amenities Fund Joint Committee. The Terms of Reference of both joint committees states that the committees are not deemed discharged following each triennial election.
22. Other joint committees administered by other councils in the Wellington region, and not discharged following each triennial election, include Te Awarua o Porirua Harbour and Catchment Joint Committee, Wastewater Treatment Plant and Landfill Joint Committee, Wellington Regional Strategy Committee, Wellington Regional Transport Committee (terms of reference silent whether committee is discharged following each triennial election), and Wellington Water Committee.

### **Options**

23. If the recommendations in this report are not approved, there will be a lacuna between the declaration of results and the inaugural meeting. Therefore it is not necessary to consider alternative options.

### **Next Actions**

24. If the above recommendations are approved, they will be implemented by Democracy Services.

### **Attachments**

Nil

Author	Jennifer Parker, Democracy Services Manager
Authoriser	Anusha Guler, Head of Governance Stephen McArthur, Director, Strategy and Governance

## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

NA

### **Treaty of Waitangi considerations**

NA

### **Financial implications**

NA

### **Policy and legislative implications**

NA

### **Risks / legal**

If the inteirm delegations are not made there will be a lacuna between the declaration of results and the inaugural meeting.

### **Climate Change impact and considerations**

NA

### **Communications Plan**

NA

### **Health and Safety Impact considered**

NA

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## **VALEDICTORY SPEECHES AND REFLECTIONS**

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### **Purpose**

1. The purpose of this report is to provide elected members with the opportunity to make a brief end-of-term valedictory address.

### **Summary**

2. This is an opportunity for elected members who are not standing for Council to make their valedictory addresses before the Local Government elections.

### **Recommendations**

That the Council:

1. Receive the information.
2. Receive the valedictory speeches of elected members.

### **Attachments**

Nil

Author	Cyrus Frear, Senior Democracy Advisor
Authoriser	Anusha Guler, Head of Governance

## **SUPPORTING INFORMATION**

**Engagement and Consultation**

N/A

**Treaty of Waitangi considerations**

N/A

**Financial implications**

N/A

**Policy and legislative implications**

N/A

**Risks / legal**

N/A

**Climate Change impact and considerations**

N/A

**Communications Plan**

N/A

**Health and Safety Impact considered**

N/A

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### **3. Committee Reports**

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## **REPORT OF THE CITY STRATEGY COMMITTEE MEETING OF 25 SEPTEMBER 2019**

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**Members:** Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Dawson, Councillor Day, Councillor Fitzsimons, Councillor Foster, Councillor Free, Councillor Gilberd, Councillor Lee, Councillor Marsh, Councillor Pannett (Chair), Councillor Sparrow, Councillor Woolf, Councillor Young.

#### **The Committee recommends:**

#### **2018/2019 ANNUAL REPORT**

#### **Recommendation/s**

The Committee recommendations were not available at time of print and will be made available at <https://wellington.govt.nz/your-council/meetings/committees/council/2019/09/25> at the conclusion of the City Strategy Committee meeting of 25 September 2018.

The report to be considered by the Committee is available at <https://wellington.govt.nz/your-council/meetings/committees/city-strategy-committee/2019/09/25>.

#### **Attachments**

Nil

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## **REPORT OF THE REGULATORY PROCESSES COMMITTEE MEETING OF 18 SEPTEMBER 2019**

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**Members:** Mayor Lester, Councillor Calvert, Councillor Calvi-Freeman, Councillor Lee, Councillor Sparrow (Chair).

**The Committee recommends:**

### **APPOINTMENT OF ADDITIONAL DLC CHAIRPERSON AND TWO ADDITIONAL DLC LIST MEMBERS**

#### **Recommendation/s**

That the Council

1. Agree that an additional Chair and two additional list members be appointed.

Website link to Regulatory Processes Committee Meeting on 18 September 2019:  
<https://wellington.govt.nz/your-council/meetings/committees/regulatory-processes/2019/09/18>

#### **Attachments**

Nil

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## 4. Public Excluded

### Recommendation

That the Council:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 Public Excluded Report of the City Strategy Committee Meeting of 5 September 2019	7(2)(h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.