

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

MINUTE ITEM ATTACHMENTS

Time: 2:30 pm
Date: Tuesday, 8 December 2015
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

Business

Page No.

1.5.5 Michael Gibson

1. Michael Gibson

2

resolutions on
"Major Projects"

Tabled by Michael Gibson
at Extraordinary Council Meeting
on 8/12/15

- 1/ Email of today to Dr Lavery referring to my formal complaint to him regarding the Resolution introduced for today,
- 2/ Four pages from Scoop 2
- 3/ Appendix C (p.53) of the Council's Standing Orders.

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FW: My reluctance to speak at today's Council Meeting

From: **Michael Gibson** (michaelpcgibson@hotmail.com)
Sent: Tuesday, 8 December 2015 7:02:58 a.m.
To: kevin.lavery@wcc.govt.nz (kevin.lavery@wcc.govt.nz)
Cc: lindsayrshelton@hotmail.com (lindsayrshelton@hotmail.com)

Dear Dr Lavery - I note that you have not replied to my formal complaint about the proposed breaching of the Council's Standing Orders.

I draw your attention to the email I have sent this morning - see below.

Please play your part in providing the assurance which I am seeking.

With kind regards,

Michael Gibson

From: michaelpcgibson@hotmail.com
To: andy.foster@wcc.govt.nz
CC: helene.ritchie@wcc.govt.nz; jo.coughlan@wcc.govt.nz; simon.woolf@wcc.govt.nz; nmjyoung@gmail.com
Subject: My reluctance to speak at today's Council Meeting
Date: Tue, 8 Dec 2015 06:57:35 +1300

Dear Andy - you will recall the efforts of Wellingtonians to have the Council's Standing Orders written so as to make it absolutely clear that, in voting to exclude the public, the report to be considered must be specified and the subject identified.

You will also recall the more recent kerfuffle when the Council's new secretariat sought to sanction the failure to identify the subject to be considered when reports from your Committee to the Council did not specify the subject to be discussed in Public-Excluded business. (I am glad that, after a great deal of public effort, this failure was rectified.)

Because the Council's Public Notice about today's Extraordinary Meeting did not reflect the Council's Standing Orders there has been much dissatisfaction shown by those who have higher standards than those who are responsible for issuing Public Notices and the Agendas for Council Meetings - I draw your attention, for instance, to the comments and speculation which shown on Scoop at <http://wellington.scoop.co.nz/?p=84542>

I am therefore writing to you because I do not wish to have to go to the trouble of coming into town and filling my slot in "Public Participation" in order to comment on the resolution in question.

To this end I seek your assurance that you will be seeking to rectify this matter when the recommendation to exclude the public is proposed.

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What's its secret?

December 7, 2015 [Article](#), [Business](#), [Frontpage](#), [Opinion](#), [Politics](#) 21 comments

by Lindsay Shelton

The Wellington City Council has a secret. It's having an extraordinary meeting tomorrow afternoon. But why? The extraordinary subject to be discussed is a secret. The public are to be kept out of the meeting, and we're not even being told what's to be discussed.

Here's the agenda:

2. General Business
Nil
3. Committee Reports
Nil
4. Public Excluded

Resolution: that the council, 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 except for Adam Holloway and Kerry Anderson from DLA Piper because of their specialist knowledge of the matters under discussion.

General subject of the matter to be discussed:

- 4.1 Decisions on Major Projects

What is DLA Piper? Formerly known as DLA Phillips Fox New Zealand, it is a multinational law firm with offices in more than 30 countries. Its Wellington office is on Customhouse Quay.

What secret business can they be transacting with the council? What major projects are being represented by Adam Holloway and Kerry Anderson?

No prizes. But all suggestions, or even guesses, will be welcomed.

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21 comments:

1. Traveller, 7. December 2015, 9:16



The runway?

2. luke, 7. December 2015, 9:41



light rail back on the table.

3. Traveller, 7. December 2015, 10:38



Can i have a second guess? How about: public transport? Isn't the regional council's decision on the new bus contract (with Serco on the short list) due this week? Do they need approval from the city council?

4. Peter, 7. December 2015, 11:34



Are DLA Piper being called to account for the initial Environment Court decision on the Curtis Street District Plan Change (DPC 77) having to be rescinded because of the firm's failure to follow due process. DLA Piper conferred with the legal representatives of one appellant (that of the developer) on the 'final draft' of the plan change and failed to confer with the other parties to the appeal.

5. Rumpole, 7. December 2015, 11:51



The legal challenge from the Chamber of Commerce on the living wage awarded by the City Council to security staff?

6. Marion Leader, 7. December 2015, 13:10



I think it must include the Town Hall but what else? Have they made secret arrangements with the newspapers so that they can all try to feel smug when they read the front page on Wednesday morning? How many projects are they making decisions about? Surely the Council could at least say this even if they are playing the press as well as the rest of us Wellingtonians.

7. Curtis Nixon, 7. December 2015, 14:05



From the DLA Piper website:

"Kerry specialises in all aspects of local government and resource management law. She provides advice on resource consent issues, designations, plan drafting and interpretation, mediation, drainage, roading issues, elections, bylaws, Council hearings, Environment Court appeals, High Court proceedings, Board of Inquiry hearings and an extensive range of enforcement matters, including prosecutions across a wide variety of local government legislation."

"Adam Holloway's practice centres on civil litigation and public law advice. He acts for both commercial

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and public sector clients, including in Court, at mediations and arbitrations. Adam's areas of expertise include healthcare, commercial disputes, local government and public law."

8. [Ian Apperley](#), 7. December 2015, 15:39



Here we go again. Zero transparency. Honestly, I'm getting to the point where I wish I had supported amalgamation just to see this Council vanish.

9. KB, 7. December 2015, 15:57



I'm guessing the living wage decision that is supposedly going to be challenged in court?

10. Esjay, 7. December 2015, 17:18



The runway and the inexplicable loss of money with the Call Centre "investment"

11. Nora, 7. December 2015, 17:54



How about the 8 storey building on Jack Hott Green. Or the bulldozing of the amphitheatre at Frank Kitts Park. Or (fingers crossed) the restoration of the Town Hall....

12. Concerned Wellingtonian, 7. December 2015, 17:58



Thank you, Curtis Nixon. If "Kerry specialises in all aspects of local government" surely she should be advising the Council that their secrecy on the subject to be discussed completely flouts their own Standing Orders. But perhaps she wants to give them proper advice after they've begun their secret meeting. Why not advise them openly and in public?

13. Andrew, 7. December 2015, 18:09



Agreeing on the sausage roll budget for tomorrow night's 'thanks volunteers' do at Zealandia. They have left it a bit late.

14. City Lad, 7. December 2015, 19:16



This contest brings back memories of Selwyn Toogood's "It's In The Bag". Could be a booby prize. What do you think customers?

15. Sekhmet Bast Ra, 7. December 2015, 22:38

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<http://www.wellington.scoop.co.nz/>



As it is an extraordinary meeting and they are keeping it secret, that would suggest whatever the subject is, it's something they are embarrassed about. Anything is possible with this circus. One thing the present Council has managed to do in recent weeks is draw attention to themselves and fair to say they are not 'flavor of the month'. Hats off to Wellington.Scoop for the coverage. The mainstream media appears to be keeping a total lid on this one.

16. Alana, 7. December 2015, 22:51



Legality of importing pandas?

17. greenwelly, 8. December 2015, 7:04



Or not so secret

<http://www.stuff.co.nz/business/74838599/wellington-movie-museum-and-convention-centre-set-to-get-green-light-from-council>

18. Curtis Nixon, 8. December 2015, 7:25



A convention centre and film museum

19. Nora, 8. December 2015, 8:23



Thank you Wellington.Scoop, now all has been revealed: re Convention Centre and Film Museum in Cable Street, but I understand that the Public will still be excluded. A pity some of the millions quoted on the radio are not being allocated to the Town Hall restoration.

20. City Lad, 8. December 2015, 8:59



And who will be the developer? Because the answer is too easy there's no prize for this one.

21. Michael Gibson, 8. December 2015, 9:28



The Public Notice and the Order Paper both state that "major projects" are on the agenda. What other major projects is the Council planning to discuss?

I really resent having to go into town today to take up my slot in "Public Participation" in order to remind Councillors that they belong to a statutory body and that they should have regard to their own Standing Orders. Or is the relevant Standing Order tucked away on P. 53 by the Council powers-that-be in the hope that nobody will notice what is required of them?

APPENDIX C

SAMPLE RESOLUTION TO EXCLUDE THE PUBLIC

(Informative)

Section 48, Local Government Official Information and Meetings Act 1987.

"I move that the public be excluded from the following parts of the proceedings of this meeting."

The general subject of each matter to be considered while the public is excluded, the reason 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:

Item no	Minutes/report of:	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.	Report of the Chair of the Strategy and Finance Committee	Appointment of Directors – City Services Limited	Good reason to withhold exists under section 7	Section 48(1)(a)
2.	Report of the Sustainable Transport and Utilities Committee Meeting of 24/12/2003	North Connection to Smith Road. Purchase of Land	Good reason to withhold exists under section 7	Section 48(1)(a)
3.	Report of the Chairperson of the Parks, Gardens and Waterways Committee	Property Purchase – 20 Smith Street	Good reason to withhold exists under section 7	Section 48(1)(a)
4.	Report of the Council Hearings Panel	Recommendation on Submissions to Variation 100 to City Proposed District Plan	Good reason to withhold exists under section 7	Section 48(1)(a)

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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item No:		
1	Protection of privacy of natural persons	(Section 7(2)(a))
2, 3	Conduct of negotiations	(Section 7(2)(i))
4	Prevention of improper advantage	(Section 7(2)(j))

NOTE –

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- "(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):**
- (a) shall be available to any member of the public who is present; and**
 - (b) shall form part of the minutes of the local authority."**