

Māngere-Ōtāhuhu Local Board OPEN MINUTES

Minutes of a meeting of the Māngere-Ōtāhuhu Local Board held in the Mangere-Otahuhu Local Board Office, Shop 17B, 93 Bader Drive, Mangere on Wednesday, 19 February 2014 at 5.00pm.

PRESENT

Chairperson Carrol Elliott, JP
Members Nick Bakulich
Tafafuna'i Tasi Lauese, JP
Christine O'Brien (*from 5.34pm*)
Walter Togiamua

APOLOGIES

Lydia Sosene
Leau Peter Skelton
Cr Arthur Anae (*attended a pre-meeting with the local board*)

ALSO PRESENT

Cr Alf Filipaina

1 Welcome

Nick Bakulich led the meeting in prayer.

2 Apologies

Resolution number MO/2014/12

MOVED by Deputy Chairperson CM Elliott, seconded by Member TW Togiamua:

That the Māngere-Ōtāhuhu Local Board accept the apologies from Lydia Sosene and Leau Peter Skelton for absence and Christine O'Brien for lateness.

CARRIED

Secretarial Note: Cr Arthur Anae attended the pre meeting but tabled his apology for the meeting.

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number MO/2014/13

MOVED by Member NL Bakulich, seconded by Member TW Togiamua:

That the Māngere-Ōtāhuhu Local Board confirm the ordinary minutes of its meeting, held on Wednesday, 29 January 2014, as a true and correct record.

CARRIED

5 Leave of Absence

There were no leaves of absence.

6 Acknowledgements

There were no acknowledgements.

7 Petitions

There were no petitions.

8 Deputations

8.1 Deputation - Auckland Regional Migrant Services (ARMS Trust)

Resolution number MO/2014/14

MOVED by Member CF O'Brien, seconded by Member TF Lauese:

That the Māngere-Ōtāhuhu Local Board thanks Mary Dawson for her attendance and presentation.

CARRIED

Secretarial Note: Item 8.1 was taken after Item 8.3

8.2 Deputation - Auckland War Memorial Museum

Resolution number MO/2014/15

MOVED by Deputy Chairperson CM Elliott, seconded by Member NL Bakulich:

That the Māngere-Ōtāhuhu Local Board thanks Roy Clare and Stacey Read for their attendance and presentation.

CARRIED

Secretarial Note: Item 8.2 was taken after Item 7

8.3 Deputation - Find your Field of Dreams

Christine O'Brien entered the meeting at 5.34pm

Resolution number MO/2014/16

MOVED by Member TW Togiamua, seconded by Member NL Bakulich:

That the Māngere-Ōtāhuhu Local Board thanks Rick Pickard for his attendance and presentation.

CARRIED

Secretarial Note: Item 8.1 was taken after Item 8.3

9 Public Forum

9.1 Public Forum – Submission Draft Local Board Plan 2014/2017

Resolution number MO/2014/17

MOVED by Deputy Chairperson CM Elliott, seconded by Member CF O'Brien:

- a) **That the Māngere-Ōtāhuhu Local Board thanks Roger Fowler for his submission on the proposed new community centre and public hub for Mangere East.**
- b) **That the Māngere-Ōtāhuhu Local Board refer the Mangere East Community Centre and public transport hub proposal to Community Policy and Planning and Auckland Transport officers for assessment, with a view of enabling the Local Board's consideration of this project in its Local Board Plan process.**

CARRIED

MOVED by Member NL Bakulich, seconded by Member TW Togiamua:

- c) **That the Māngere-Ōtāhuhu Local Board suspends the presentation from Roger Fowler for his submission on the proposed one year trial of free public transport for all routes in the Māngere-Ōtāhuhu area until further information has been received.**

CARRIED

9.2 Public Forum - Future Streets & Literacy Aotearoa

Resolution number MO/2014/18

MOVED by Deputy Chairperson CM Elliott, seconded by Member NL Bakulich:

That the Māngere-Ōtāhuhu Local Board thanks Tuiloma Lina Samu for her attendance and presentation.

CARRIED

10 Extraordinary Business

There was no extraordinary business.

11 Notices of Motion

11.1 Notice of Motion - Objections to Off-Licence Applications

The document tabled at the meeting is attached to the back of the minutes.

Resolution number MO/2014/19

MOVED by Deputy Chairperson CM Elliott, seconded by Member CF O'Brien:

- a) **That the Notice of Motion: Objections to Off-Licence Applications report be received.**
- b) **That the Māngere-Ōtāhuhu Local Board lodges objections to liquor licences in its local board area for:**
 - i) **all new off-licence applications, in line with the local board's intent to reduce harm from alcohol abuse through a reduction in outlet numbers**
 - ii) **all renewals of existing off-licences, including new owners of existing premises with the exception of applications with appropriate conditions such as limited hours of operation**
- c) **delegates authority to the local board portfolio-holders of Local planning, policy and governance; regulatory, bylaws and compliance (Lydia Sosene – lead and Carrol Elliott – alternate) to consider liquor licence applications in the local board area, and to make objections and present evidence on behalf of the local board.**
- d) **allocate \$20,000 from its Community Response Fund to develop a consistent local board framework for response to liquor licence applications, including the compilation of technical evidence and preparatory support for hearings.**

CARRIED

12 Manukau Ward Councillors Update

Cr Arthur Anae's report is attached to the back of the minutes.

Resolution number MO/2014/20

MOVED by Deputy Chairperson CM Elliott, seconded by Member TF Lauese:

That the verbal report from Cr Alf Filipaina and the report from Cr Arthur Anae be received.

CARRIED

13 Moana-Nui-a-Kiwa Outdoor Pools Upgrade - Developed Design

Resolution number MO/2014/21

MOVED by Member TF Lauese, seconded by Member TW Togiamua:

That the Māngere-Ōtāhuhu Local Board:

- a) **Approves the developed design prepared by Jasmax Ltd for stages 1 and 2 of the Moana-Nui-a-Kiwa outdoor pools upgrade.**
- b) **Approves progression through the detailed design, consenting and tender documentation and construction phases.**
- c) **Supports the prioritisation of investment developed with stakeholders and outlined in paragraph 17 of this report that would inform any design response to opportunities or challenges arising through the remainder of the project.**
- d) **Notes that the proposed development of stage 3, which includes the future new plant room, associated filtration services and its relative priority, will be considered as part of the citywide Community Facilities Network Plan, the progress of which will be reported to the board later in 2014.**

CARRIED

14 Mangere Bridge Library courtyard concept design

Resolution number MO/2014/22

MOVED by Deputy Chairperson CM Elliott, seconded by Member NL Bakulich:

That the Māngere-Ōtāhuhu Local Board endorse the completion of a courtyard at Mangere Bridge Library within the current 2013/14 financial year.

CARRIED

15 Request For Memorial Plaque Seat - Kiwi Esplanade

Resolution number MO/2014/23

MOVED by Member NL Bakulich, seconded by Member TF Lauese:

That the Māngere-Ōtāhuhu Local Board approve the application to Local Sports Parks - South from Mangere Bridge resident, Marie Clark, for the installation of a Memorial Plaque seat opposite 23A Kiwi Esplanade, Mangere Bridge.

CARRIED

16 Quarterly Performance Report for the Mangere-Otahuhu Local Board to the period ended December 2013

Resolution number MO/2014/24

MOVED by Member CF O'Brien, seconded by Member TF Lauese:

That the Māngere-Ōtāhuhu Local Board:

- a) **Receive the Quarterly Performance Report for the Māngere-Ōtāhuhu Local Board for the period ended December 2013.**
- b) **requests that the Governance Director of Auckland Council ensures that the local board receives a clear and comprehensive report on the transfer of ownership of land around Mangere Maunga which includes an assessment of the policies, principles and implications for governance of local facilities and activities from the Mangere-Otahuhu Local Board perspective.**
- c) **requests that council's Regional Parks officers engage with the Local Board on key local impact aspects of future Ambury Farm Day events, including how traffic will be managed and how the event will be promoted locally.**
- d) **circulate the Deputy Chair's quarterly report questions to all local board members for consideration, compilation and forwarding to relevant officers by Local Board Advisors.**

CARRIED

17 Auckland Transport Monthly Update Report - January 2014

Resolution number MO/2014/25

MOVED by Deputy Chairperson CM Elliott, seconded by Member TW Togiamua:

That the Māngere-Ōtāhuhu Local Board receives the Auckland Transport Monthly Update Report – January 2014.

CARRIED

18 Greater Tamaki Stormwater Network Discharge Consent - Stormwater Priorities Consultation

Resolution number MO/2014/26

MOVED by Deputy Chairperson CM Elliott, seconded by Member CF O'Brien:

That the Māngere-Ōtāhuhu Local Board:

- a) **receive the Greater Tamaki Stormwater Network Discharge Consent - Stormwater Priorities Consultation report.**
- b) **request that officers from the stormwater team work with board portfolio-holders to facilitate compilation of the Local Board's feedback by presenting the issues in an accessible way and highlighting implications for the Mangere-Otahuhu Local Board area and catchments.**
- c) **request that officers from the stormwater team share early feedback from the Tamaki Estuary Environmental Forum with the local board portfolio-holders to help inform the local board's views.**

CARRIED

19 Lapsing of Auckland City Council Hazardous Substances Bylaw

Resolution number MO/2014/27

MOVED by Member CF O'Brien, seconded by Member TW Togiamua:

That the Māngere-Ōtāhuhu Local Board recommends to the Regulatory and Bylaw Committee that the Auckland City Council Hazardous Substances Bylaw 2008 not be confirmed, amended or revoked so that on 31 October 2015 the bylaw is revoked by section 63 of the Local Government (Auckland Transitional Provisions) Act 2010.

CARRIED

20 Local board feedback on animal management issues

Resolution number MO/2014/28

MOVED by Member CF O'Brien, seconded by Deputy Chairperson CM Elliott:

That the Māngere-Ōtāhuhu Local Board:

- a) **Approve feedback as in attachment A to this report, on the animal management issues and options paper.**
- b) **Note that the local boards will have another opportunity to provide feedback following the public notification of a draft bylaw on animal management in mid-2014.**
- c) **Request that council officers keep the local board updated on progress towards finalisation of the animal management by-law.**

CARRIED

21 Consideration of conference attendance: New Zealand's first disaster communications conference, 22-23 May 2014

Resolution number MO/2014/29

MOVED by Deputy Chairperson CM Elliott, seconded by Member TW Togiamua:

That the Māngere-Ōtāhuhu Local Board approves Nick Bakulich and Walter Togiamua as their representatives to New Zealand's first disaster communications conference held on 22-23 May 2014 in Auckland at a cost of \$750 each to come from the local board's professional development budget.

CARRIED

22 Mangere-Otahuhu Local Board Action/Reports Pending

Resolution number MO/2014/30

MOVED by Member CF O'Brien, seconded by Member TW Togiamua:

That the Māngere-Ōtāhuhu Local Board Action/Reports Pending report be received.

CARRIED

23 Mangere-Otahuhu Local Board Workshop Notes

Resolution number MO/2014/31

MOVED by Member NL Bakulich, seconded by Member TF Lauese:

That the Māngere-Ōtāhuhu Local Board workshop notes from the workshops held on 22 January and 5 February 2014 be received.

CARRIED

24 Chairpersons Announcements

There are no chairpersons announcements.

25 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

Walter Togiamua closed the meeting in prayer.

7.45pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE MĀNGERE-ŌTĀHUHU
LOCAL BOARD HELD ON

DATE:.....

CHAIRPERSON:.....

Item 11

Māngere-Ōtāhuhu Local Board

Sale and Supply of Alcohol - Off-Licence Objections

Introduction

One of the main aims of the Sale and Supply of Alcohol Act 2012 ('SSAA') is to give communities more of a voice over the sale and supply of alcohol in their area. In particular, it expands the criteria upon which communities may object to a licence application. However, without a strong voice, their concerns may have less impact than the legislation allows.

Māngere-Ōtāhuhu Local Board

The Māngere-Ōtāhuhu Local Board has been very concerned about the effects of alcohol on its community since it was established. The Māngere-Ōtāhuhu Local Board Plan 2011 (page 21) notes that: *"Alcohol abuse is the cause of many of our communities' social and medical ills which in many cases impact on both the families of problem drinkers and the wider community. Heavy drinkers cause considerable collateral damage that can be observed at the local hospital emergency department, a visit to Women's Refuge or to an addiction clinic."* The Plan also notes the Board's *"communities have told us very clearly that we should be an advocate and leader, particularly on our significant social and economic issues"* and states that the Board will *"have input on liquor"* (pages 21 and 22).

The 2014/15 Māngere-Ōtāhuhu Local Board Agreement states that a key advocacy area for 2014/2015 is: *"Alcohol harm minimisation through reducing proliferation of off-licences."*

Research prepared by Auckland Council for the Māngere-Ōtāhuhu Local Board clearly shows that alcohol has a profound effect on communities in Māngere-Ōtāhuhu (Auckland Council Local Alcohol Research Project). In particular, the ratio of off-licences to on-licences/clubs is high compared to other local boards across Auckland.

Objections to licence applications

Under the SSAA, any person can object to the granting of a new licence or licence renewal if they have a 'greater interest' in the application than the public generally. I understand that Local Boards have such an interest and are able to make objections in their area.

The criteria for lodging an objection includes whether the licence is likely to increase alcohol-related harm and whether granting the licence will negatively impact the community and neighbourhood (for example, proximity to sensitive sites). Conditions relating to factors, such as limiting opening hours, can also be sought through objections. Arguably, these are matters within the scope of the purpose of local boards, and objections focused on these matters could be presented 'objectively' irrespective of the licence applicant.

Objections are filed with the District Licensing Committee (DLC) and where an application is contested, the DLC will hold a hearing similar to an RMA hearing before Commissioners. Objectors are entitled to give written or oral evidence and cross-examine applicants.

While the 'community-related' criteria broaden the scope of matters to be considered by the DLC, one of the difficulties for individual or community-based objectors is that the information is relatively difficult to collate and present. It requires a degree of technical expertise, ongoing research and resourcing. By contrast, Local Boards are well placed to do this – and have a mandate to present views on these matters on behalf of their communities. Furthermore, views on appropriate conditions that should be applied generally (such as opening hours, CCTV requirements, etc) might also be expressed by a Local Board through an objection irrespective of the licence applicant.

Objections

From 18 December 2013, the new regime under the SSAA came into effect and applicants must now publicly notify their applications for licenses. Applications are being made for all types of licences in our area, but of most concern to our communities are Off-Licences.

As Deputy Chair, I have already lodged two objections on behalf of the Māngere-Ōtāhuhu Local Board to an application for a new Off-Licence and an Off-Licence renewal, but I expect many other Off-Licence applications and renewals will be notified as the year progresses.

Proposal

To support the Māngere-Ōtāhuhu Local Board's advocacy for alcohol harm minimisation, I suggest that the Board resource support for objections to be made to Off-Licence applications and renewal applications on behalf of the Board. Resource is required for:

- Scanning public notices and notifying the board of any off-licence applications or renewals in the board's area
- Reviewing the applications;
- Drafting and filing an objection;
- Drafting submissions for the Hearing (including submissions to be made by myself as the Deputy Chair, or by the Chair, of the local board and technical submissions);
- Support at the Hearing to support myself as the Deputy Chair, or the Chair, to make the technical submissions, and possibly examine the applicant (and any witnesses);
- Reporting to the board on the outcomes of the Hearing.

I expect that the submissions made by myself as the Deputy Chair, or by the Chair, would cover the role of the local board (noting the Board's Local Board Plan, Local Board Agreement), prior advocacy of the local board (noting, for example, input from the Board to Auckland Council alcohol policy development), and setting out high level statements concerning the negative effects of alcohol on the Māngere-Ōtāhuhu community. Support will be required to draft these submissions and assistance required at Hearings. However, the general nature of the submissions means they will be able to be used (with minor adjustment) for subsequent objections and Hearings.

In addition, I suggest that technical submissions be made. These would cover

- The Statutory Framework
- The Objection made by the Local Board
- Local Alcohol Policy (LAP)
 - Auckland Council *Preferred Position Paper*
 - Manukau City Council's *Alcohol Strategy*
- Trading Days And Hours
- Amenity and Good Order
 - noise, nuisance and vandalism;
 - the number or density of licensed premises;
 - compatibility with other activities ; and
 - location by reference to the wider area
- Excessive and Inappropriate Consumption of Alcohol, and
- Conditions

Resource will also be required to draft these submissions and present them at the Hearings. Again, while these submissions would be more specific to the off-licence applications being made, the general framework of the submissions will be able to be used for subsequent objections and Hearings. There will need to be an upfront investment in developing the first set of submissions, but the costs will reduce for subsequent ones.

Budget

To ensure that the Māngere-Ōtāhuhu Local Board and myself as Deputy Chair (or similarly the Chair) are supported professionally to make objections and participate in Hearings, I recommend that the board set aside a budget to engage external expertise to provide this support.

The Māngere-Ōtāhuhu Local Board has an operational fund called the Community Response Fund with a current balance of \$92,475 available to undertake projects that are important to the local board.

I would ask that the board allocates \$20,000 from its Community Response Fund to develop a consistent local board framework for response to liquor licence applications, including the compilation of technical evidence and preparatory support for licence objections and Hearings. I would also ask that Local Board Services provides a contract for service for this work.

Carrol Elliott

Deputy Chair and alternate portfolio holder: Planning, policy & governance; regulatory, bylaws and compliance

Māngere-Ōtāhuhu Local Board

Item 12

Notes for Councillor Arthur Anae

Economic Development Committee Meeting – Chair AJ Anae
18 Dec. 2013, Wed., 9:30-11:30AM – Town Hall

Highlights:

- This is the first meeting after the 2013 election
- Committee noted the 2012/13 achievements against the Auckland Economic Development Strategy which will be further strengthened through the 2013/14 work programme
- The way forward includes
 - Supporting the Food Bowl industry
 - Enhance information and communication technology (ICT) hub
 - Attract more shows and international events, e.g., NRL Nines, Eminem
 - Attract business and investments, e.g., China nutraceutical business came and was received by Mayor Len Brown, Clr. Anae and senior Council staff
 - Promote a business-friendly Council; this had been closely followed up by Clr. Anae noting improvement opportunities and anticipates a report on how the business-friendly priority is being pursued within the Council
 - Grow a skilled workforce
 - Attract international students
 - Develop the tourism sector
 - Position Auckland as business events and conventions destination
 - Engage Maori to develop as economic powerhouse to lift social and economic well-being

Community Development and Safety Committee Meeting – Clr. Anae as member
18 Dec. 2013, Wed., 1:00-4:00PM, Town Hall

Highlights:

- First meeting after the 2013 election
- Noted the contribution of older people (seniors) to the City. Thanked Bill Rayner, Zone Director, Greypower for his presentation
- Received report about the issue of homelessness and 'rough sleeping' in the City; also the report on the 5 ways to wellbeing
- Idea of ethnic safety patrols raised by Clr. Filipaina
- Clr. Anae's motion was accepted, i.e.,
 - To receive the Establishment of the Seniors Advisory Panel
 - Recommend to the Governing Body that:
 1. competencies for advisory panel members include knowledge of the Treaty of Waitangi and Māori cultural values;
 2. a minimum of one seat on the Seniors Advisory Panels is provided for a Māori representative with appropriate competencies
 - Hold a workshop in February 2014 to identify key focus areas for 2014

Regional Strategy and Policy Committee Meeting – Acting Chair – Clr. Anae
4 Feb. 2014, Tues., 9:30AM-1:13PM – Town Hall

Highlights:

- Meeting was chaired by Clr. Anae due to illness of Clr. G. Wood
- Received report from AT about the management of berms
- Berms mowing issue was discussed and Clr. Lee moved that the berm mowing policy be reviewed which was defeated by majority vote (12:7)
- Clr. Anae voted with the majority on the motion that Auckland Council suggest that a restriction be included in the Bill and LGACA limiting successful local board candidates to membership of a single local board
- Clr. Anae also voted with the majority that Auckland Council support the removal of the mandatory requirement to use the special consultative procedure in most circumstances
- Committee accepted Clr. Anae's motion

- That Council approve the draft submission on the Local Government Act (2002) Amendment Bill (No 3)
- That Council seek clarification of matters on potential legal challenges to the mana whenua selection body for membership of the Independent Maori Statutory Board
- That the Committee note the urgent decision 'Auckland Council submission on the legal framework for burial and cremation in New Zealand – A First principles review' presented to the Law Commission
- Clr. Anae also raised questions about 'development contributions'

CCO Governance and Monitoring Committee Meeting – Clr. Anae as member
5 Feb. 2014, Mon., 9:30-11:30AM – Town Hall

Highlights:

- N.B. Matters discussed were mostly considered by the Committee as confidential

Tenders and Procurement Committee Meeting – Clr. Anae as member
11 Feb. 2014, Tues., 8:30-9:45AM – Town Hall

Highlights:

- N.B. Notes were not taken. CSA was working at Civic 14.

Hearings Committee Meeting – Clr. Anae as member
11 Feb. 2014, Tues., 10:00AM-11:45PM – Town Hall

Highlights:

- Clr. Anae raised the point observed by some concerned individuals and business entities about the cost of time and money that may be incurred through the resource consents processes and the attraction to many of the cost and time advantage of going directly to the environment court. An example of this is the case of the Ahuareka Trustees application for a direct referral to the environment court which upon motion had been approved by this Hearings Committee.