

Upper Harbour Local Board

OPEN MINUTES

Minutes of a meeting of the Upper Harbour Local Board held in the Upper Harbour Local Board Office, 30 Kell Drive, Albany on Tuesday, 22 July 2014 at 7.00pm.

PRESENT

| | |
|--------------------|--|
| Chairperson | |
| Deputy | Lisa Whyte |
| Chairperson | |
| Members | Callum Blair Christine Rankin-MacIntyre |

APOLOGIES

| | | |
|--------------------|--------------------|---------------|
| Chairperson | Brian Neeson, JP | [for absence] |
| Member | John McLean | [for absence] |
| Member | Margaret Miles, JP | [for absence] |

ALSO PRESENT

| | |
|--------------------|-----------------------------|
| Councillors | Wayne Walker John Watson |
|--------------------|-----------------------------|

1 Welcome

The deputy chairperson, Lisa Whyte opened the meeting and welcomed those in attendance.

2 Apologies

Resolution number UH/2014/132

MOVED by Deputy Chairperson LM Whyte, seconded by Member C Blair:

That the Upper Harbour Local Board:

- a) **accept the apology from Chairperson Brian Neeson, Member John McLean and Member Margaret Miles for absence.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number UH/2014/133

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 8 July 2014, including the confidential section, 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 Neighbourly

A copy of the tabled documents have been placed on the file copy of the minutes and can be viewed at the Auckland Council website.

Resolution number UH/2014/134

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) **receive the deputation from Maureen Glassey, Community Partnerships**

Manager Neighbourly and thank Maureen Glassey for her attendance and presentation.

CARRIED

Attachments

A Item 8.1 Neighbourly Brochure

7.23pm Councillor Wayne Walker arrived at the meeting.

7.35pm Councillor John Watson arrived at the meeting.

9 Public Forum

9.1 Tom Jackson, Chairman, Shore to Shore Committee Fun Run/Walk was in attendance to give the board an update on the Shore Fun run. The board thanked Tom for his informative presentation.

A copy of the tabled documents have been placed on the file copy of the minutes and can be viewed at the Auckland Council website.

Resolution number UH/2014/135

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

a) receive the presentation from Tom Jackson, Chairman Shore to Shore Committee, and thank Mr Jackson for his attendance.

CARRIED

Attachments

A Item 9.1 Letter from Tom Jackson Chairperson Shore to Shore Committee

10 Extraordinary Business

There was no extraordinary business.

11 Notices of Motion

There were no notices of motion.

12 Allocation of Decision Making Review

Resolution number UH/2014/136

MOVED by Member CK Rankin-MacIntyre, seconded by Member C Blair:

That the Upper Harbour Local Board:

a) provide the following feedback on the decision-making allocation review:

Policy, planning and governance

i) The board would like to see more prescription in differentiating between regional and local policy and planning, i.e. just what constitutes a local policy vs what constitutes a regional policy. To this end, the allocation table should include criteria to quantify or prescribe what constitutes a

regional policy, strategy or plan.

- ii) There is no provision for “sub-regional” in this activity. The board would like to see flexibility for local boards to collaborate in governance, whilst acknowledging that the grey area of “sub-regional” decision-making is a real phenomenon. To that end, the local board allocation should include a provision to the effect that local boards should collaborate in joint decision-making in instances where s.16(3) of LG(AC)A applies.
- iii) Regional policies made under the regional allocation have been set at too prescriptive a level, in many instances leaving local boards with little scope to make local policies or carry out decision-making at the local level in a way consistent with the principles of LG(AC)A (e.g. Public Art Policy, Procurement Policy).
- iv) When making decisions under this activity the Governing Body should be required to demonstrate in its decision-making why and how a regional policy / plan / strategy is required and meets the regional tests for decision-making set out in s.17(2)(b) of LG(AC)A.
- v) Non-regulatory decision-making conferred on Auckland Council by a local act of Parliament, where the issue or land subject to the act is of no regional significance or on principle would not be allocated to the Governing Body elsewhere in the allocation, should be allocated to local boards;

Arts, culture and events

- vi) In general this allocation is largely working well and should be retained.
- vii) The allocation table includes ‘sub-regional events’ although the term ‘sub-regional’ does not appear elsewhere. Consider deleting this on the basis that the legislation makes provision only for local and regional, and there is no identified subregional budget, inserting a principled approach as per paragraph (ii).

Community services

- viii) Local boards should retain the decision-making power currently allocated to them under this activity.
- ix) The board has concerns about how community development programmes can be a regional activity. Consider inserting some guiding principles or examples in the Governing Body allocation for when a regional programme is needed and when it could be tailored to local needs.

Libraries

- x) The current allocation should be retained.

Recreation services

- xi) The current allocation should be retained.

Parks services

- xii) Responsibility for the acquisition and divestment of local parks lies with the Governing Body but the allocation makes no requirement for the Governing Body to follow direction from the respective local board. The Governing Body may therefore buy or sell any local park land without approval of the respective local board, and needs only consider the board's views under s.15(2)(c) of LG(AC)A. The allocation should be amended so that the Governing Body may only acquire or divest local parks with the agreement of the respective local board.

Built and natural environment

- xiii) The current allocation should be retained.

Economic development

- xiv) The current allocation should be retained.

Fees and charges

- xv) The current allocation should be retained.

Asset renewals

- xvi) Decision-making for local asset renewals should be retained by the respective local board and should not be moved to the Governing Body. Local decision-making on local assets is in line with the statutory principle that most decisions should be made locally, as local boards are best placed to make these decisions on behalf of their local communities.

Other issues

- xvii) In some instances the allocation table is right in principle but in practice local board decision-making is constrained in practice because budget allocation prevents boards making decisions (e.g. park maintenance, street environments and town centres).
- xviii) The allocation or procurement is correct in principle but the regional policy is too constraining and in many instances prevents local board decision-making (see para iii).
- xix) The board has general concerns around the lack of definition of, and differentiation between, what constitutes 'local' and 'regional' throughout the allocation table. Consider providing guidance at the start of the table that references the principles in the act, viz. that decision-making should be local unless it meets the tests set out in s.17(2)(b) of LG(AC)A.

CARRIED

13 Stormwater Management in the Vicinity of the Meadowood Reserve, Unsworth Heights

Resolution number UH/2014/137

MOVED by Deputy Chairperson LM Whyte, seconded by Member C Blair:

That the Upper Harbour Local Board:

- a) receive the **Stormwater Management in the Vicinity of the Meadowood Reserve, Unsworth Heights** report.
- b) endorse the decision to pursue the **Cabello Place/Meadowood Reserve overland flow project works independently (but in consideration) of the Caribbean Drive flood project.**

CARRIED

14 Approval of Scoping and Cost for the Tauhinu Road Upgrade

Resolution number UH/2014/138

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) approve the allocation of **\$337,000** from its **2014/2015 Local Board Transport Capital Fund.**
- b) approve the bringing forward of **\$39,000** from its **2015/2016 Local Board Transport Capital Fund budget**, in order to complete the **Tauhinu Road upgrade project.**
- c) request a report, as a matter of urgency, to identify possible solutions including scoping and costing to alleviate problems associated with parking on the grass berms outside 894 and 896 East Coast Road by 26 August 2014.

CARRIED

15 Proposed school bus stops - 75 and 80 Bush Road

Resolution number UH/2014/139

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) defer feedback to **Auckland Transport** on the proposed new school bus stops outside **75 and 80 Bush Road**, pending receipt of public comment from the consultation exercise which ended on **14 July 2014.**
- b) request that **Auckland Transport** do not do any further work on this project until the Board has had the opportunity to provide informed feedback.

CARRIED

16 Local Alcohol Policy Project - Draft Policy for Local Board Feedback

Resolution number UH/2014/140

MOVED by Member CK Rankin-MacIntyre, seconded by Member C Blair:

That the Upper Harbour Local Board:

a) **provide the following feedback on the draft Auckland Council Local Alcohol Policy, noting that the resolutions will be included in the officers' report to the Local Alcohol Policy Project Hearings Panel:**

i) **Location and density of licences**

The board supports:

- **The identification of three broad areas (the city centre, the remainder of the Auckland region, and the priority overlay for streets and areas experiencing greater levels of alcohol-related harm) in general, but would prefer that there was greater scope for local variation to address particular circumstances in local environments;**
- **The temporary freeze on new on-licences as proposed for Broad Area A and the Priority overlay, although we have concerns about this providing an unfair competitive advantage and market share to businesses currently operating in these areas;**
- **Requiring certain applications for new licences to undergo an Environmental and Cumulative Impacts Assessment although we would prefer that local boards have the ability to provide input in to these assessments;**
- **The rebuttable presumption against new off-licences.**

ii) **Trading hours**

The board supports:

- **The maximum trading hours proposed, with the exception that hours in metro centres and the CBD should be aligned to encourage people to stay locally and prevent migration to the CBD;**
- **Trial extensions of maximum trading hours for best practice on-licence operations as proposed.**

iii) **Discretionary conditions**

- **The board supports the application of discretionary conditions both on on-licences and off-licences as proposed by the policy, including the conditions proposed for all licences, (viz. an onsite incident register host responsibility policies for club and on-licences, and prohibition of single unit sales for off-licences).**
- **The board would like the policy to make provision for council to clean**

litter and mess in public places associated with licenced premises, and the cost for this service to be recouped via a local rate on the nearby premises.

iv) Special licences

- **The board supports the provisions for special licences as proposed by the draft policy.**

CARRIED

17 Local board role in alcohol licence applications

Resolution number UH/2014/141

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- support local boards having continued input into the development of the Local Alcohol Policy.**
- request that the chief executive be instructed to review the council's processes to make it easier for the community to access information and receive advice and support on alcohol licence applications.**
- does not support a formal role for local boards in objecting to licence applications.**

CARRIED

18 Upper Harbour Local Board submission to the Auckland Transport Parking Discussion Document

Resolution number UH/2014/142

MOVED by Member C Blair, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- approve the submission to Auckland's Draft Parking Discussion Document, to be forwarded to Auckland Transport by 31 July 2014.**

CARRIED

19 Upper Harbour Local Board Discretionary Funds Status as at the financial year end of June 2014

Resolution number UH/2014/143

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- receive the Upper Harbour Local Board Discretionary Fund Status as at the financial year end of June 2014 report.**

CARRIED

20 Summary of Actions and Reports Requested - Upper Harbour Local Board - July 2014

Resolution number UH/2014/144

MOVED by Deputy Chairperson LM Whyte, seconded by Member C Blair:

That the Upper Harbour Local Board:

- a) receive the **Summary of Actions and Reports Requested – Upper Harbour Local Board – July 2014 report.**

CARRIED

21 Records of the Upper Harbour Local Board Workshops held on 1 and 8 July 2014

Resolution number UH/2014/145

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) receive the records of the **Upper Harbour Local Board workshops held on 1 July 2014 and 8 July 2014.**

CARRIED

22 Granted Resource Consent Applications by Local Board Area

Resolution number UH/2014/146

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) receive the **Granted Resource Consent Applications by Local Board Area report.**

CARRIED

23 Governing Body Members' Update

Resolution number UH/2014/147

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) receive the **governing body members' verbal updates.**

CARRIED

24 Board Members' Reports

Resolution number UH/2014/148

MOVED by Deputy Chairperson LM Whyte, seconded by Member C Blair:

That the Upper Harbour Local Board:

- a) receive the **verbal board members' reports.**

CARRIED

25 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

26 Procedural motion to exclude the public

Resolution number UH/2014/149

MOVED by Deputy Chairperson LM Whyte, seconded by Member C Blair:

That the Upper Harbour Local Board:

a) exclude the public from the following part(s) 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 follows.

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, as follows:

C1 Confidential - Special Housing Areas: Tranche 4

| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
|---|---|--|
| <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p> | <p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.</p> <p>In particular, the report contains information which, if released, would potentially prejudice or disadvantage commercial activities..</p> | <p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p> |

CARRIED

8.39pm The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Confidential - Special Housing Areas: Tranche 4

Resolution number UH/2014/151

MOVED by Deputy Chairperson LM Whyte, seconded by Member CK Rankin-MacIntyre:

That the Upper Harbour Local Board:

- a) receive the confidential **Special Housing Areas: Tranche 4** report.
- b) request structure planning to be completed for the greater Whenuapai area, which incorporates planning for areas zoned future urban, with particular attention given to the need for future business and economic areas.
- c) agrees that resolutions a), b) and c) be restated in the open minutes but that the original report and associated attachments remain confidential.

CARRIED

9.10 pm

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 UPPER HARBOUR LOCAL
BOARD HELD ON

DATE:.....

CHAIRPERSON:.....