

---

## Governing Body

# OPEN MINUTES

---

Minutes of a meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 28 August 2014 at 9.30am.

---

### PRESENT

|                     |                                |                       |
|---------------------|--------------------------------|-----------------------|
| <b>Mayor</b>        | Len Brown, JP                  |                       |
| <b>Deputy Mayor</b> | Penny Hulse                    |                       |
| <b>Councillors</b>  | Cr Anae Arthur Anae            | Until 4.20pm, Item C1 |
|                     | Cr Cameron Brewer              | Until 5.05pm, Item C1 |
|                     | Cr Dr Cathy Casey              | Until 4.54pm, Item C1 |
|                     | Cr Bill Cashmore               |                       |
|                     | Cr Ross Clow                   |                       |
|                     | Cr Chris Darby                 |                       |
|                     | Cr Alf Filipaina               |                       |
|                     | Cr Hon Christine Fletcher, QSO |                       |
|                     | Cr Denise Krum                 |                       |
|                     | Cr Mike Lee                    |                       |
|                     | Cr Calum Penrose               |                       |
|                     | Cr Dick Quax                   |                       |
|                     | Cr Sharon Stewart, QSM         |                       |
|                     | Cr Sir John Walker, KNZM, CBE  |                       |
|                     | Cr Wayne Walker                | Until 5.21pm, Item C1 |
|                     | Cr John Watson                 |                       |
|                     | Cr Penny Webster               |                       |
|                     | Cr George Wood, CNZM           |                       |

### APOLOGIES

|                 |             |
|-----------------|-------------|
| Cr Linda Cooper | For absence |
|-----------------|-------------|

### ALSO PRESENT

Mike Cohen, Devonport-Takapuna Local Board Chair  
David Collings, Howick Local Board Chair  
Michael Wood, Puketapapa Local Board Deputy Chair

---



**1 Affirmation**

His Worship the Mayor read the affirmation.

**2 Apologies**

Resolution number GB/2014/82

MOVED by Mayor LCM Brown, seconded by Cr CM Penrose:

**That the Governing Body:**

- a) **accept the apology from Cr LA Cooper for absence.**

**CARRIED**

**3 Declaration of Interest**

Cr CE Brewer declared an interest in Item C1 Confidential Special Housing Areas, Tranche 4 Recommendations.

**4 Confirmation of Minutes**

Resolution number GB/2014/83

MOVED by Mayor LCM Brown, seconded by Deputy Mayor PA Hulse:

**That the Governing Body:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 14 August 2014, as a true and correct record.**

**CARRIED**

**5 Acknowledgements and Achievements**

**5.1 Acknowledgements**

His Worship the Mayor acknowledged Andrew McKenzie, outgoing Auckland Council Chief Financial Officer.

**Achievements**

A document noting Auckland Council Group achievements for August 2014 was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

**Attachments**

- A 28 August 2014 - Item 5.1 - Auckland Council Group Achievements July 2014

**6 Petitions**

There were no petitions.

**7 Public Input**

**7.1 Craig Shearer - SHA Tranche 4 - Bayswater Marine Village**

**7.2 Gay Richards, representing the Bayswater Community Committee - SHA Tranche 4 - Bayswater Marine Village**

**7.3 Jodi Letica - SHA Tranche 4 - Bayswater Marine Village**

Public input Items 7.1, 7.2 and 7.3 were heard in the confidential section of the meeting, prior to Item C1 – Confidential: Special Housing Areas, Tranche 4 Recommendations, which they relate to. The public input presenters left the confidential section of the meeting prior to any discussion on the item.

**7.4 Penny Bright - Auckland Council exposure to the derivatives market since 1 November 2010**

*Cr J Watson left the meeting at 9.40 am.*

Resolution number GB/2014/84

MOVED by Cr CE Fletcher, seconded by Mayor LCM Brown:

**That the Governing Body:**

- a) **thank Penny Bright for her public input presentation regarding Auckland Council exposure to the derivatives market since 1 November 2010.**

**CARRIED**

**Attachments**

A 28 August 2014 - Item 7.4 Penny Bright tabled information

**8 Local Board Input**

Local Board input was heard at Item C1 – Special Housing Areas, Tranche 4 Recommendations.

**9 Extraordinary Business**

There was no extraordinary business.

**10 Notices of Motion**

There were no notices of motion.

*Cr J Watson returned to the meeting at 9.47 am.*

## 11 Long Term Plan 2015 - 2025 Mayoral Proposal

A copy of the Mayor's Proposal was tabled at the meeting. A copy has been placed on the official minutes and will be available on the Auckland Council website as a minutes attachment.

*Cr RI Clow left the meeting at 10.36 am.*

*Cr RI Clow returned to the meeting at 10.44 am.*

*Cr DA Krum left the meeting at 11.09 am.*

*Cr DA Krum returned to the meeting at 11.17 am.*

*Cr AM Filipaina left the meeting at 11.44 am.*

*Cr AM Filipaina returned to the meeting at 11.54 am.*

Resolution number GB/2014/85

MOVED by Mayor LCM Brown, seconded by Cr MP Webster:

**That the Governing Body:**

- a) **receive the Long Term Plan 2015 – 2025 Mayoral Proposal.**

**CARRIED**

### **Attachments**

- A 28 August 2014 - Item 9 - Long Term Plan 2015 - 2025 Mayoral Proposal
- B 28 August 2014 - Item 9 - Mayoral Proposal key financial information
- C 28 August 2014 - Item 9 - Historical capital spend by Local Board Area FY2011 - FY2014

11.58am The meeting was adjourned.

1.02pm The meeting reconvened.

## 12 Impact of Local Government Amendment Act 2014 on development contributions

This report was tabled at the meeting. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number GB/2014/86

MOVED by Mayor LCM Brown, seconded by Cr AM Filipaina:

**That the Governing Body consider this item.**

**CARRIED**

*Deputy Mayor PA Hulse left the meeting at 1.20 pm.*

Resolution number GB/2014/87

MOVED by Mayor LCM Brown, seconded by Cr WB Cashmore:

**That the Governing Body:**

- a) **agree to amend the development contributions policy to:**
- i) **include a schedule identifying the list of projects that will be funded from development contributions under the amended legislation, Attachment A to the agenda report.**

- ii) include a process for a reconsideration of the level of development contribution payable, Attachment B to the agenda report.

**CARRIED**

**Attachments**

- A 28 August 2014 - Item 12 Impact of Local Government Amendment Act 2014 on development contributions report

**13 Signage Bylaw Review - Statement of Proposal: Recommendations from the Regulatory and Bylaws Committee**

Resolution number GB/2014/88

MOVED by Cr CM Penrose, seconded by Cr CE Fletcher:

**That the Governing Body:**

- a) agree that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the issues relating to the display of signage that is on or visible from any road or from any public place under the management and control of the Auckland Council or a substantive council-controlled organisation and which is not part of the Auckland transport system.
- b) agree that pursuant to section 155(2)(a) of the Local Government Act 2002, the proposed draft Auckland Council signage bylaw is the most appropriate form of bylaw to address problems related to signage advertising commercial sexual services.
- c) agree that pursuant to section 155(2)(b) and section 155(3) of the Local Government Act 2002, as described in part 9 of the attached Statement of Proposal (Attachment A), the proposed draft combined Auckland Council and Auckland Transport signage bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- d) agree that pursuant to section 62 of the Local Government (Auckland Transitional Provisions) Act 2010 and 156 of the Local Government Act 2002, Auckland Council revokes those clauses of the existing eleven bylaws that deal with issues of signage (and replaces them with a new Auckland-wide signage bylaw).
- e) agree that pursuant to sections 145, 146 and 149 of the Local Government Act 2002 and section 22(AB)(1)(y) and (zk) of the Land Transport Act 1998, the proposed draft combined Auckland Council and Auckland Transport signage bylaw is for the purposes of:
  - i) providing for the safety of vehicular and pedestrian traffic on any road or public place under the management and control of the Auckland Council or a substantive council-controlled organisation and which is not part of the Auckland transport system, by limiting obstruction and distraction caused by signage;
  - ii) protecting the public from nuisance and from harm or damage caused by the poor maintenance or abandonment of signage;
  - iii) assist in enhancing, maintaining, and promoting the visual amenity value of Auckland's cultural character, and its built and natural environments;
  - iv) enabling the economic benefits to Auckland that are provided through signage;

- v) assist in protecting council-owned or controlled assets from damage or misuse.
- f) agree that pursuant to sections 83 and 86 of the Local Government Act 2002, Attachment A: Statement of Proposal (including a report on the expected impacts of the proposed bylaw and the scale of change (Attachment A: Appendix 1), a proposed Auckland Council Signage Bylaw (combined with an Auckland Transport signage bylaw(Attachment A; Appendix 2) and a revocation of the legacy signs bylaw provisions) be approved for public consultation (noting that portions of this Statement of Proposal relate to Auckland Transport and that decisions relating to those portions will be made by Auckland Transport's board).
- g) agree that pursuant to section 63 of the Local Government (Auckland Transitional Provisions) Act 2010 Auckland Council confirms the following legacy council bylaws remain in force until such time as the proposed new signage bylaw becomes operational:
  - i) Auckland City Council Signs Bylaw 2007;
  - ii) Franklin District Council Control of Signs Bylaw 2007;
  - iii) Chapter 19 (Temporary Signs) of the Manukau City Consolidated Bylaw 2008;
  - iv) North Shore City Part 12 (Control of Temporary Signs) Bylaw 2000;
  - v) Papakura District Council Control of Advertising Signs Bylaw 2008;
  - vi) Rodney District Council, Chapter 22 of the General Bylaw 1998, (Temporary Signs).
- h) authorise the Manager Policies and Bylaws to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the Governing Body.

**CARRIED**

**14 Stormwater Bylaw Review - Statement of Proposal: Resolutions from the Regulatory and Bylaws Committee**

Resolution number GB/2014/89

MOVED by Cr CM Penrose, seconded by Cr CE Fletcher:

**That the Governing Body:**

- a) agree that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way to:
  - manage the development and maintenance of the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network;
  - protect the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network, from damage, misuse or loss;
  - manage the use of the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained;

- prevent interference with the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network;
  - manage the stormwater and land drainage network, and the land, structures, and infrastructure associated with that network, so as to protect the public from nuisance and promote and maintain public health and safety;
  - provide measures to support the management and enhancement of the natural part of the stormwater network; and
  - ensure the maintenance and operation of private stormwater systems, the removal of redundant stormwater systems on private land and the management of hazardous materials to prevent damage to the stormwater network.
- b) agree that pursuant to section 155(2)(a) of the Local Government Act 2002, the proposed Stormwater Bylaw 2014 (*Appendix 1 to the Statement of Proposal*) is the most appropriate form of bylaw to address problems related to the management of stormwater identified as in scope
- c) agree that pursuant to section 155(2)(b) and section 155(3) of the Local Government Act 2002, the proposed Stormwater Bylaw 2014 is not inconsistent with the New Zealand Bill of Rights Act 1990
- d) agree that pursuant to section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to revoke the following legacy stormwater bylaws (and replace them with a new region-wide stormwater):
- Auckland City Council Bylaw No 18 Stormwater Management 2008;
  - Papakura District Council Stormwater Bylaw 2008; and
  - Chapter 21 (Stormwater drainage) of the Rodney District Council General Bylaw 1998.
- e) agree that pursuant to sections 83 and 86 of the Local Government Act 2002, Attachment A: *Statement of proposal - Review of stormwater bylaws* be adopted for public consultation
- f) authorise the Manager Policies and Bylaws to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the Governing Body.

**CARRIED**

**15 Outdoor Fires Bylaw Review - Statement of Proposal: Resolutions from the Regulatory and Bylaws Committee**

Resolution number GB/2014/90

MOVED by Cr CM Penrose, seconded by Cr DA Krum:

**That the Governing Body:**

- a) agree that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing certain issues relating to outdoor fires as identified in Attachment A to the agenda report.
- b) agree that under section 155(2)(b) of the Local Government Act 2002, the proposed Outdoor Fire Safety Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.



- c) agree that under section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to revoke in full the four bylaws relating to outdoor fires (to be replaced with a new Auckland-wide bylaw on outdoor fire safety).
- d) agree that under sections 83 and 86 of the Local Government Act 2002, Attachment A: Statement of Proposal “Outdoor Fire Safety Bylaw, August 2014” be adopted for public consultation using the special consultative procedure.
- e) authorise the Manager Policies and Bylaws to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the Governing Body.

**CARRIED**

**16 2016 Local Government Elections - Review of Electoral System and Review of Representation Arrangements**

*Deputy Mayor PA Hulse returned to the meeting at 1.29 pm.  
Cr CE Brewer left the meeting at 1.40 pm.  
Cr CE Brewer returned to the meeting at 1.46 pm.*

Chair’s recommendation

Resolution number GB/2014/91

MOVED by Mayor LCM Brown, seconded by Deputy Mayor PA Hulse:

**That the Governing Body:**

- a) refer the 2016 Local Government Elections - Review of Electoral System and Review of Representation Arrangements report to the Auckland Development Committee for consideration at its meeting on 11 September 2014.
- b) delegate to the Auckland Development Committee, the power to make a decision regarding the electoral system and to make a recommendation to the Governing Body in October 2014, regarding electoral wards and representation.

**CARRIED**

Secretarial note: Pursuant to Standing Order 3.15.5, Cr WD Walker requested that his dissenting vote against clause b) be recorded.

**17 Guidelines - elected members' access to information**

Resolution number GB/2014/92

MOVED by Cr C Darby, seconded by Cr WB Cashmore:

**That the Governing Body:**

- a) approve the “Confidential Information – Guidelines for Elected Members and Staff” document (Attachment A to the agenda report).

**CARRIED**

**18 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**19 Procedural motion to exclude the public**

Resolution number GB/2014/93

MOVED by Mayor LCM Brown, seconded by Cr CE Fletcher:

**That the Governing Body:**

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Craig Shearer, David Gibbs, Gay Richards, Michele Copeland, Ron Copeland, Graham Pettersen and Jodi Letica be permitted to remain to provide public input for Confidential Item C1 – Special Housing Areas, Tranche 4 Recommendations after the public has been excluded, because their input relates to this confidential item.

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 Recommendations**

| 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 commercially sensitive information and information that could potentially give certain parties a commercial advantage if released..</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> |

**C2 Confidential: Draft Memorandum of Understanding**

| 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   |
|--|--|--|
| 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>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>In particular, the report contains a draft Memorandum of Understanding with Housing New Zealand Corp, the draft of which has not yet been reported to HNZA Board..</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> |

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

**CARRIED**

1.57pm 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.

5.35pm The public was re-admitted.

**RESTATEMENTS**

It was resolved while the public was excluded:

**C1 Confidential: Special Housing Areas, Tranche 4 Recommendations**

- l) agree that the report and decisions not be restated at this time; and that the Mayor / Deputy Mayor be delegated responsibility to release information on Tranche 4 Special Housing Areas as may be required.

**C2 Confidential: Draft Memorandum of Understanding**

- b) agree that the resolutions, report and attachments remain confidential until the Housing New Zealand Corporation Board has also approved the memorandum of understanding and that any public release be jointly approved by Council's and Housing New Zealand Corporation's Chief Executives.

5.35 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 GOVERNING BODY HELD  
ON

**DATE:**.....

**CHAIRPERSON:**.....