
Governing Body

OPEN MINUTES

Minutes of a meeting of the Governing Body held in the Council Chamber, Manukau Civic Building, 31-33 Manukau Station Road, Manukau on Thursday, 25 September 2014 at 9.36am.

PRESENT

Deputy Mayor Councillors	Penny Hulse	
	Cr Anae Arthur Anae	Until 12.38pm, Item C1
	Cr Cameron Brewer	
	Cr Dr Cathy Casey	
	Cr Bill Cashmore	
	Cr Ross Clow	Until 12.22pm, Item 19
	Cr Linda Cooper, JP	
	Cr Chris Darby	
	Cr Alf Filipaina	
	Cr Hon Christine Fletcher, QSO	
	Cr Denise Krum	
	Cr Mike Lee	
	Cr Calum Penrose	
	Cr Dick Quax	Until 12.34pm, Item C1
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	
	Cr Wayne Walker	
	Cr John Watson	
	Cr Penny Webster	
Cr George Wood, CNZM		

APOLOGIES

Mayor Len Brown

ALSO PRESENT

Stephen Grey, Otara-Papatoetoe Local Board
Mary Gush, Otara-Papatoetoe Local Board
Lydia Sosene, Chair Mangere-Otahuhu Local Board
Christine O'Brien, Mangere-Otahuhu Local Board
Sandra Coney, Chair World War 1 Steering Group

IN ATTENDANCE

Lyn Provost, Auditor General

1 Affirmation

The Deputy Mayor said an affirmation.

2 Apologies

Resolution number GB/2014/100

MOVED by Deputy Mayor PA Hulse, seconded by Cr AJ Anae:

That the Governing Body:

- a) **accept the apology from Mayor LCM Brown for non-attendance.**

CARRIED

3 Declaration of Interest

Councillor Clow and Councillors Cooper declared an interest in Item 12.

4 Confirmation of Minutes

Resolution number GB/2014/101

MOVED by Deputy Mayor PA Hulse, seconded by Cr DA Krum:

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 28 August 2014, including the confidential section, as a true and correct record.**

CARRIED

5 Acknowledgements and Achievements

5.1 Acknowledgments

A document acknowledging the retirement of Chief Executive of Watercare, Mark Ford and the recent passing of pioneering winemaker, Alex Corban was tabled.

A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Achievements

A document noting Auckland Council Group achievements for September 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 25 September 2014, Governing Body, Item 5.1 - Acknowledgements and Achievements, tabled Acknowledgements September 2014
B 25 September 2014, Governing Body, Item 5.1 - Acknowledgements and Achievements, tabled Auckland Achievements September 2014

6 Petitions

There were no petitions.

7 Public Input

There was no public input.

8 Local Board Input

There was no local board input.

9 Extraordinary Business

There was no extraordinary business.

10 Notices of Motion

There were no notices of motion.

11 Adoption of the Auckland Council Annual Report 2013/2014 and Summary Auckland Council Annual Report 2013/2014

Auditor General, Lyn Provost addressed the Governing Body.

Resolution number GB/2014/102

MOVED by Cr MP Webster, seconded by Cr CE Fletcher:

That the Governing Body:

- a) **adopt the Auckland Council Annual Report 2013/2014.**
- b) **adopt the Summary Auckland Council Annual Report 2013/2014.**

CARRIED

Secretarial Note: Pursuant to Standing Order 3.15.5, Councillor Brewer requested his dissenting vote be recorded.

12 Local Board Involvement In Alcohol Applications

Cr Clow and Cr Cooper declared an interest in this item and left the meeting at 10.21am.

Otara-Papatoetoe Local Board members Stephen Grey and Mary Gush spoke to the item and tabled information from the Local Board.

Mangere-Otahuhu Local Board Chair, Lydia Sosene and Local Board member Christine O'Brien spoke to the item and tabled information from the Local Board.

A copy of the documents have been place on the official minutes and are available on the Auckland Council website as a minutes attachment.

Cr CE Fletcher left the meeting at 10.22 am.

Cr CE Fletcher returned to the meeting at 10.30 am.

MOVED by Cr CM Penrose, seconded by Cr GS Wood:

That the Governing Body:

- a) notes that the Sale and Supply of Alcohol Act (2012) gives the governing body and local boards various roles and powers in the development of alcohol policy and in the alcohol licensing process, including the standing to object to licence applications;
- b) notes that the governing body has developed a draft Local Alcohol Policy in consultation with local boards and that local board members have been appointed to sit on District Licensing Committees;
- c) agrees that local boards have a significant role in understanding, representing and advocating for community priorities and preferences around alcohol policy and licensing;
- d) notes that although local boards are 'persons with a greater interest than the general public' under the Sale and Supply of Alcohol Act (2012) they do not have the authority to exercise the power to object to licence applications unless the governing body either allocates or delegates that authority to them;
- e) agrees the recommended approach of establishing a reporting mechanism for local boards to provide their views on applications to the District Licensing Committee as this approach provides an appropriate and robust method for local boards to fulfil their governance role and the role anticipated for them under the Sale and Supply of Alcohol Act (2012) in terms of licence applications;
- f) notes that council staff have commenced work aimed at making it easier for communities to access information and receive advice and support with respect to alcohol licence applications.

Resolution number GB/2014/103

MOVED by Cr CM Casey, seconded by Cr AM Filipaina: an amendment by way of replacement to clauses d) and e) of the original recommendation as follows:

- d) delegate to local boards the power to object to licence applications.**

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr WB Cashmore	
Cr CE Brewer	Deputy Mayor PA Hulse	
Cr CM Casey	Cr CM Penrose	
Cr C Darby	Cr MP Webster	
Cr AM Filipaina	Cr GS Wood	
Cr CE Fletcher		
Cr DA Krum		
Cr ME Lee		
Cr D Quax		
Cr SL Stewart		
Cr JG Walker		
Cr WD Walker		
Cr J Watson		

The division was declared CARRIED by 13 votes to 5.

CARRIED

The Substantive Motion was put.

Resolution number GB/2014/104

MOVED by Cr CM Penrose, seconded by Cr GS Wood:

That the Governing Body:

- a) notes that the Sale and Supply of Alcohol Act (2012) gives the governing body and local boards various roles and powers in the development of alcohol policy and in the alcohol licensing process, including the standing to object to licence applications;
- b) notes that the governing body has developed a draft Local Alcohol Policy in consultation with local boards and that local board members have been appointed to sit on District Licensing Committees;
- c) agrees that local boards have a significant role in understanding, representing and advocating for community priorities and preferences around alcohol policy and licensing;
- d) delegate to local boards the power to object to licence applications.
- e) notes that council staff have commenced work aimed at making it easier for communities to access information and receive advice and support with respect to alcohol licence applications.

CARRIED

Secretarial Note: Pursuant to Standing Order 3.15.5, Councillor Wood requested his dissenting vote be recorded.

Attachments

- A 25 September 2014, Governing Body, Item 12 - Local Board Involvement in Alcohol Applications, tabled Otara-Papatoetoe Local Board Submission
- B 25 September 2014, Governing Body, Item 12 - Local Board Involvement in Alcohol Applications, tabled Mangere-Otahuhu Local Board Submission

Cr R Clow returned to the meeting at 11.32am.
Cr L Cooper returned to the meeting at 11.32am.

13 Local board decisions on local dog access rules

A document containing resolutions from the Hibiscus and Bays Local Board was tabled.

A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number GB/2014/105

MOVED by Cr CM Penrose, seconded by Cr WB Cashmore:

That the Governing Body:

- a) receive the local board decisions on changes to local dog access rules in the Maungakiekie-Tamaki and Puketapapa, Kaipatiki, and Hibiscus and Bays local board areas (Attachments A to C of the agenda).
- b) make the necessary amendments to the Auckland Council Policy on Dogs 2012 pursuant to section 10 of the Dog Control Act 1996 in relation to the summer beach end time on specified beaches in Kaipatiki Local Board area as contained in Attachments C with a commencement date of 25 October 2014 (the Saturday of Labour Weekend).
- c) make the necessary amendments to the Auckland Council Dog Management Bylaw 2012 in accordance with section 20 of the Dog Control Act 1996 as contained in Attachments A, B and C of the agenda, with a commencement date of 25 October 2014 (the Saturday of Labour Weekend).
- d) authorise the Manager Policies and Bylaws in consultation with His Worship the Mayor and the relevant chair of the local board hearing panel to make any minor edits or amendments to Attachment A to C in (b) and (c) of the agenda, to correct any identified errors or typographical edits.

CARRIED

Attachments

- A 25 September 2014, Governing Body, Item 13 - Local board decisions on local dog access rules, tabled Hibiscus and Bays Local Board decision

Cr CM Penrose left the meeting at 11.33am.
Cr AM Filipaina left the meeting at 11.33am.

14 Delegations from the Tūpuna Maunga o Tāmaki Makaurau Authority to Auckland Council

Resolution number GB/2014/106

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

That the Governing Body:

- a) **note the delegations made to the Auckland Council by the Tūpuna Maunga o Tāmaki Makaurau Authority in its “Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands”.**
- b) **note that all such delegations are operational in nature.**
- c) **sub-delegate all delegations made to the council by the Authority in its “Operating Procedures and Delegations for the Routine Management of the Maunga and Administered Lands”, including any future operational delegations, to:**
 - i) **Manager Regional and Specialist Parks**
 - ii) **Manager Volcanic Cones**
- d) **request that the report be forwarded to all affected local boards for their information.**

CARRIED

15 World War 1 Centenary Memorial: Update on council led First World War Centenary Commemorations in Auckland and Centenary Memorial developed by an interdisciplinary team

Sandra Coney, Chair of the World War 1 Steering Group addressed the Governing Body and gave a brief presentation.

A copy of the presentation has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr CM Penrose returned to the meeting at 11.39am.

Cr AM Filipaina returned to the meeting at 11.43am.

Cr AJ Anae left the meeting at 11.52 am.

Resolution number GB/2014/107

MOVED by Cr CE Fletcher, seconded by Cr CE Brewer:

That the Governing Body:

- a) **receive the update on the council led activities to commemorate the First World War in the Auckland region.**

CARRIED

Resolution number GB/2014/108

MOVED by Cr CE Fletcher, seconded by Cr CE Brewer:

- b) **endorse the First World War Political Steering Group’s recommendation to appoint a working party of the political steering group to scope the feasibility of a First World War Centenary Memorial.**

CARRIED

Secretarial Note: Pursuant to Standing Order 3.15.5, Councillor Cooper requested her dissenting vote be recorded.

Resolution number GB/2014/109

MOVED by Cr CE Fletcher, seconded by Cr CE Brewer:

- c) **note the requirement for a 'world class inter-disciplinary team' to undertake the project and ensure a transformational outcome.**

CARRIED

Attachments

- A 25 September 2014, Governing Body, Item 15 - World War 1 Centenary Memorials: Update on Council led First World War Centenary Commemorations in Auckland and Centenary Memorial developed by an interdisciplinary team, tabled Presentation

The meeting adjourned at 11.54am.

The meeting reconvened at 12.01pm.

Councillors Lee, W Walker, Fletcher and Brewer were not present when the meeting reconvened.

16 2016 Elections - Review of Electoral System and Review of Representation Arrangements - Recommendations from the 11 September 2014 Auckland Development Committee

Cr Fletcher returned to the meeting at 12.04pm.
Cr Brewer returned to the meeting at 12.04pm.
Cr Lee returned to the meeting at 12.05pm.
Cr W Walker returned to the meeting at 12.06pm.

Resolution number GB/2014/110

MOVED by Cr MP Webster, seconded by Cr GS Wood:

That the Governing Body:

- a) **approve the recommendations from the Auckland Development Committee and:**
- i) **establish a working party to look at options for conducting the next representation review and whether legislative changes are warranted, particularly in regard to the fixed membership of the Governing Body and processes for aligning local board boundaries with ward boundaries**
 - ii) **approve the appointment of Councillors Cooper, Filipaina, Quax and Wood to the working party**
 - iii) **invite the Local Board Chairs Forum to nominate four local board members to the working party**
 - iv) **invite the IMSB to nominate two members to the working party**
 - v) **request the working party report back by 30 June 2015**
 - vi) **take no further action on the matter of Māori wards until after the working party has reported back.**

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr CE Brewer	
Cr WB Cashmore	Cr CM Casey	
Cr RI Clow	Cr ME Lee	
Cr LA Cooper	Cr WD Walker	
Cr C Darby		
Cr AM Filipaina		
Cr CE Fletcher		
Deputy Mayor PA Hulse		
Cr DA Krum		
Cr CM Penrose		
Cr D Quax		
Cr SL Stewart		
Cr JG Walker		
Cr J Watson		
Cr MP Webster		
Cr GS Wood		

The division was declared CARRIED by 16 votes to 4.

CARRIED

17 Traffic and Parking Bylaws Review - Statement of Proposal - Recommendations from the 16 September 2014 Regulatory and Bylaws Committee

Resolution number GB/2014/111

MOVED by Cr CM Penrose, seconded by Cr LA Cooper:

That the Governing Body:

- a) **approve the recommendations from the Regulatory and Bylaws Committee as follows:**
 - i) **agree that a bylaw made under the powers of section 22AB of the Land Transport Act 1998 is the most appropriate way for the council to control vehicle use on roads, beaches, off street parking areas and other public places under its control**
 - ii) **agree that the proposed bylaw included in the attached “Statement of Proposal – Introduction of a new Traffic Bylaw” (attachment A of the report) is the most appropriate form of the bylaw**
 - iii) **agree that the proposed bylaw included in the attached statement is not inconsistent with the New Zealand Bill of Rights Act 1990**
 - iv) **adopt the statement of proposal for public consultation and this consultation process commence in October 2014**

- v) pursuant to section 63 of the Local Government (Auckland Transitional Provisions) Act 2010, Auckland Council revokes the current seven (legacy) traffic control and parking bylaws as outlined below when the new Auckland Council Traffic Bylaw 2014 comes into force:
 - (a) Auckland City Council Bylaw Number 25 - Traffic 2006
 - (b) Franklin District Council Traffic Control Bylaw 2006
 - (c) Chapter 13 of the Manukau City Consolidated Bylaw: Parking and Traffic
 - (d) Part 9 of the North Shore City Bylaw 2000: Traffic Control
 - (e) Papakura District Council Parking and Traffic Bylaw 2009
 - (f) Chapter 25 of the Rodney District Council General Bylaw 1998: Parking and Traffic Control
 - (g) Waitakere City Council Use of Roads and Parking Bylaw 2010
- vi) agree that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the statement of proposal to correct any identified errors or to reflect decisions made by the Governing Body prior to notification of the bylaw.

CARRIED

18 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

19 Procedural motion to exclude the public

Cr RI Clow retired from the meeting at 12.22 pm.

Resolution number GB/2014/112

MOVED by Deputy Mayor PA Hulse, seconded by Cr AM Filipaina:

That the Governing Body:

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 Briefing to the Incoming Government

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.	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). In particular, this report contains information to be used in discussion/negotiations with Government.	s48(1)(a) 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.

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

Secretarial Note: Pursuant to Standing Order 3.15.5, Councillors Fletcher, Brewer, Quax and Stewart requested their dissenting votes be recorded.

12.20 pm 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.

1.10 pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Briefing to the Incoming Government

Resolution number GB/2014/113

That the Governing Body:

- a) endorse the Briefing to the Incoming Government which will be sent to relevant Ministers on their appointment.
- b) request that councillors provide their feedback by way of memorandum to the author by close of business Friday 26 September 2014 and that final changes be approved by a delegated working party comprising the Mayor, Deputy Mayor and Councillors Casey, Darby, Fletcher, Webster and Wood
- c) agree that the resolutions be restated in the open minutes but the report and attachments remain confidential until such time as the briefing is provided to the government.

1.11 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:.....