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## Governing Body

# OPEN MINUTES

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Minutes of a meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 18 December 2014 at 9.30am.

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### PRESENT

<b>Mayor</b>	Len Brown, JP	
<b>Deputy Mayor</b>	Penny Hulse	
<b>Councillors</b>	Cr Anae Arthur Anae	From 9.47am, Item 11
	Cr Cameron Brewer	
	Cr Dr Cathy Casey	
	Cr Bill Cashmore	
	Cr Ross Clow	Until 1.02pm, Item C1
	Cr Linda Cooper, JP	
	Cr Chris Darby	
	Cr Alf Filipaina	
	Cr Hon Christine Fletcher, QSO	
	Cr Denise Krum	
	Cr Mike Lee	From 9.35am, Item 5.1
	Cr Calum Penrose	
	Cr Dick Quax	
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	
	Cr Wayne Walker	
	Cr John Watson	
	Cr Penny Webster	From 9.35am, Item 5.1
	Cr George Wood, CNZM	

### APOLOGIES

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**1 Affirmation**

His Worship the Mayor read the affirmation.

**2 Apologies**

There were no apologies.

**3 Declaration of Interest**

There were no declarations of interest.

**4 Confirmation of Minutes**

Resolution number GB/2014/151

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

**That the Governing Body:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 27 November 2014 and the extraordinary minutes of its meeting, held on Tuesday, 9 December 2014, as true and correct records.**

**CARRIED**

**5 Acknowledgements and Achievements**

**5.1 Acknowledgements**

*Cr ME Lee entered the meeting at 9.35 am.*

*Cr MP Webster entered the meeting at 9.35 am.*

His Worship the Mayor acknowledged the passing of Cr Alf Filipaina's father, Aleni Filipaina, and a moment of silence was observed.

His Worship the Mayor acknowledged the work of Auckland Council staff during the past year.

**Achievements**

A document noting Auckland Council Group achievements for December 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 18 December 2014 - Governing Body - Item 5.1 Auckland Achievements December 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.

**Precedence of Business**

Resolution number GB/2014/152

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

**That the Governing Body:**

- a) **agree that Items 15 and 16 be accorded precedence at this time.**

**CARRIED**

**15 Report of the Hearings Panel on the proposed Outdoor Fire Safety Bylaw 2014**

Resolution number GB/2014/153

MOVED by Cr WB Cashmore, seconded by Cr RI Clow:

**That the Governing Body adopt the following recommendations of the Hearings Panel and:**

- a) **confirm that pursuant to section 155 of the Local Government Act 2002, the proposed Outdoor Fire Safety Bylaw 2014 is the most appropriate way of addressing problems relating to outdoor fires and fire risk in Auckland, and that the proposed bylaw is the most appropriate form of bylaw and is not inconsistent with the New Zealand Bill of Rights Act 1990.**
- b) **make the proposed Outdoor Fire Safety Bylaw 2014 (Attachment A to the agenda report) pursuant to section 145 and 146 of the Local Government Act 2002, with effect from 20 December 2014.**
- c) **revoke the following legacy bylaws relating to outdoor fires in full with effect from 20 December 2014:**
- (i) **Franklin District Council: Fires in the Open Air Bylaw 2008**
  - (ii) **Manukau City Council Consolidated Bylaw 2008: Chapter 15 Rural Fires**
  - (iii) **North Shore City Bylaw 2000: Part 14 Fire Prevention Involving Open Air Fires**
  - (iv) **Rodney District Council General Bylaw 1998: Chapter 3 Fires in the Open Air.**

- d) authorise the Manager Social Policy and Bylaws to make any minor edits or amendments to the Outdoor Fire Safety Bylaw 2014 to correct any identified errors or typographical edits or to reflect decisions made by the Governing Body.

**CARRIED**

**16 Review of Water Supply and Wastewater Network Bylaw proposed by Watercare Services Limited and revocation of Legacy Bylaws - Recommendations from the Regulatory and Bylaws Committee**

Resolution number GB/2014/154

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

**That the Governing Body:**

- a) agree that the statement of proposal, determination analysis and the proposed Water Supply and Wastewater Network Bylaw 2015 provided by Watercare Services Limited meet section 61(2) of the Local Government (Auckland Council) Act 2009.
- b) approve that, pursuant to sections 61 and 62 of the Local Government (Auckland Council) Act 2009, Watercare Services Limited commence the special consultative procedure on the making of the proposed Water Supply and Wastewater Network Bylaw 2015.
- c) approve, pursuant to section 63 of the Local Government (Auckland Transitional Provisions) Act 2010, the commencement of the special consultative procedure, based on the statement of proposal and determination analysis provided by Watercare Services Limited, for the following proposed revocations:
- i) the full revocation of the following five legacy bylaws relating to water supply and wastewater services:
- Auckland City Council Bylaw No. 26 – Water Supply 2008
  - Franklin District Council Water Supply Bylaw 2008
  - North Shore City Bylaw 2000: Part 18 Water Supply
  - Papakura District Council Water Supply Bylaw 2008
  - Rodney District Council General Bylaw 1998: Chapter 11 Water Supply.
- ii) the revocation in part of the following three legacy bylaws relating to water supply and wastewater services:
- Papakura District Council Wastewater Bylaw 2008
  - Rodney District Council General Bylaw 1998: Chapter 20 Wastewater Drainage
  - North Shore City Bylaw 2000: Part 20 Wastewater.
- d) delegate its functions, under section 63 of the Local Government (Auckland Transitional Provisions) Act 2010, to the Regulatory and Bylaws Committee for further delegation to Watercare Services Limited, specifically to conduct the special consultative procedure with respect to the proposed revocations of the legacy bylaws relating to water supply and wastewater services.
- e) delegate its functions referred to in d) to Watercare Services Limited with effect from 18 December 2014, subject to the approval of the Governing Body.

- f) authorise the Manager, Social Policies and Bylaws or his delegate 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**

**Attachments**

- A 18 December 2014 - Governing Body - Item 16 - report to and decision of the 16 December 2014 Regulatory & Bylaws Committee - Review of Water Supply and Wastewater Network Bylaw proposed by Watercare Services Ltd and revocation of Legacy Bylaws

**11 Allocation of additional funding to specific Māori transformational shift priorities from years four to ten of the Long term Plan 2015-2025**

*Cr AJ Anae entered the meeting at 9.47 am.*

Resolution number GB/2014/155

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

**That the Governing Body:**

- a) approve the allocation of an additional \$49million budget (\$42million capex, \$7million opex) to the identified Māori transformational shift priorities for years four to ten of the Long-Term Plan 2015-2025.

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

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

The motion was declared **CARRIED** by 13 votes to 8.

**CARRIED**

**12 Long-Term Plan 2015-2025 - Adoption of Consultation Document and Supporting Information**

*Cr C Darby left the meeting at 10.31 am.  
Cr C Darby returned to the meeting at 10.37 am.*

The Auditor-General, Lyn Provost, was present for this item. The Auditor-General's Independent Auditor's Report on the Long-Term Plan 2015-2025 consultation document was tabled.

A document noting changes to the consultation document, together with Local Boards supporting information for Henderson-Massey, Orākei and Upper Harbour local boards were tabled.

Copies of the tabled documents have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

Resolution number GB/2014/156

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

**That the Governing Body receive the Auditor-General's Independent Auditor's Report and thank the Auditor-General for her attendance.**

**CARRIED**

Secretarial note: Clauses e) and f) were incorporated into the motion with the agreement of the meeting.

The motion was put in parts.

Resolution number GB/2014/157

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

**That the Governing Body:**

- a) agree capex amendments to local activity budgets as outlined in Attachment A to the agenda report and minor budget adjustments as outlined in the report.**

**CARRIED**

Secretarial note: Pursuant to Standing Order 3.15.5, Cr CE Brewer, Cr CE Fletcher, Cr DA Krum, Cr D Quax, Cr SL Stewart and Cr J Watson, requested that their dissenting votes against clause a) be recorded.

Resolution number GB/2014/158

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

**That the Governing Body:**

- b) adopt the Supporting Information (Attachment C to the agenda report) for the Long-term Plan 2015-2025 to support the consultation process, noting that:**
- i) financial projections have been updated to reflect all budget decisions**
  - ii) updates have been made to levels of service statements, performance measures and targets for some CCO group of activities (Section 5)**

- iii) minor improvements have been made to the 'Decision-making allocation for non-regulatory activities' to improve clarity of alignment to the LTP activity structure (section 10.2)
- iv) permit fees for community events (excluding those funded by the council) are set at a level that recovers 50 per cent of the permit related cost (Section 8).

**CARRIED**

Secretarial note: Pursuant to Standing Order 3.15.5, Cr CE Brewer, Cr CE Fletcher, Cr D Quax, Cr SL Stewart, Cr WD Walker and Cr J Watson requested that their dissenting votes against clause b) be recorded.

Resolution number GB/2014/159

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

**That the Governing Body:**

- c) adopt the Consultation Document for the Long-term Plan 2015-2025 to support the consultation process (Attachment B to the agenda report).

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

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

The motion was declared **CARRIED** by 13 votes to 8.

**CARRIED**

Resolution number GB/2014/160

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

- d) delegate responsibility to the Chair and Deputy Chair of the Budget Committee and also to the Chief Finance Officer to approve any final edits required to the Consultation Document and Supporting Information in order to finalise the documents for printing and distribution.

**CARRIED**

Resolution number GB/2014/161

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

**That the Governing Body:**

- e) agree, under question 2b in the feedback form, to note that both options would require legislative change.

**CARRIED**



Resolution number GB/2014/162

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

**That the Governing Body:**

- f) **agree that, following the Auditor-General's observations, Auckland Council now better highlights the real proposition of introducing a new targeted rate for households in 2015/2016 to fund the Auckland Plan Transport Programme Option.**

**CARRIED**

**Attachments**

- A 18 December 2014 - Governing Body - Auditor-General's Independent Auditor's Report
- B 18 December 2014 - Governing Body - Item 12 - Changes to the LTP 2015-2025 Consultation Document
- C 18 December 2014 - Governing Body - Item 12 - Henderson-Massey Local Board supporting information
- D 18 December 2014 - Governing Body - Item 12 - Orakei Local Board supporting information
- E 18 December 2014 - Upper Harbour Local Board - Item 12 - Upper Harbour Local Board supporting information

The meeting was adjourned at 11.39am.

The meeting reconvened at 11.47am.

**13 Long-term Plan 2015-2025 - Consultation process**

A replacement to Agenda Attachment A – Overview of the relevant changes to the Local Government Act 2002 - was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Secretarial note: Amendments to clause a) and a(ii) were incorporated with the agreement of the meeting.

*Cr MP Webster left the meeting at 12.27 pm.*

*Deputy Mayor PA Hulse left the meeting at 12.27 pm.*

Resolution number GB/2014/163

MOVED by Mayor LCM Brown, seconded by Cr C Darby:

**That the Governing Body:**

- a) **approve the public consultation approach for the Long-Term Plan and Regional Land Transport Plan noting that:**
- (i) **the public consultation period will run for seven and a half weeks from 23 January through to 16 March 2015**
  - (ii) **feedback can be provided through written, in person, and digital channels channels (as per Table Two), including qualitative and quantitative research on the transport programme and funding options.**
  - (iii) **traditional style hearings have been replaced with Have Your Say events across the region. At these events, Aucklanders can provide feedback and have their views heard by decision makers (or their delegates)**
  - (iv) **staff will prepare regional and local briefing reports to provide a full summary of public feedback received across all channels**

- (v) Auckland Council will participate in a joint deliberations meeting with the Maunga Authority on their Annual Operational Plan to be held in 2015
- (vi) a summary of the final decisions made and how Aucklanders views were considered in the decision-making process will be made publicly available in July and widely communicated.
- b) delegate to the following elected members and staff the power and responsibility to hear from the public through “spoken interaction/NZ sign language interaction” at the “Have Your Say” events for the LTP:
  - (i) Councillors;
  - (ii) Local Board Chairs and Local Board Members for events in their local board area;
  - (iii) Tier 2 and Tier 3 staff and any additional staff selected by the Chief Executive.
- c) delegate to the Deputy Mayor and the Deputy Chair of the Budget Committee the power to make any required process decisions for the events, including Council representative attendance.

**CARRIED**

**Attachments**

- A 18 December 2014 - Item 13 Replacement Agenda Attachment A - Overview of the relevant changes to the Local Government Act 2002

**14 Off-street parking - discussion document and further interim delegation**

*Cr WD Walker left the meeting at 12.31 pm.*

*Cr MP Webster returned to the meeting at 12.32 pm.*

*Cr WD Walker returned to the meeting at 12.38 pm.*

Resolution number GB/2014/164

MOVED by Mayor LCM Brown, seconded by Cr C Darby:

**That the Governing Body:**

- a) note that Auckland Transport has legislative responsibility for on-street parking and that Auckland Council is legislatively responsible for off-street parking, and council has delegated certain off-street parking powers to Auckland Transport.
- b) note that Auckland Transport has engaged extensively with the community and local boards towards the completion of an integrated on and off street parking strategy which attracted 5,500 submissions. This process included a total of 21 workshops with local boards, resident and business groups and one with councillors.
- c) note that on 25 November 2014 the Auckland Transport Board approved certain aspects of a Parking Discussion Document, including the Off-street Parking Price Adjustment Policy and Parking Triggers Table.
- d) approve the Off-Street Parking Price Adjustment Policy (Attachment A to the agenda report) for the management of all council-owned off-street carparking assets across the region except those associated with community facilities.
- e) approve the off-street and general policy aspects of the Parking Triggers Table (Attachment B to the agenda report) for incorporation into the final parking strategy and for use as a guideline for changes to parking restrictions until the parking strategy is completed.
- f) revoke and replace all existing delegations from Auckland Council to Auckland Transport in relation to the management and control of off-street parking

- facilities owned by the Auckland Council with this new delegation. Without limitation, this includes the following:
- i) delegations from the Regional Development and Operations Committee:
    - in relation to Dove-Myer Robinson, Pt Erin and Victoria Parks dated 16 August 2012;
    - in relation to Council parks dated 14 March 2013;
    - in relation to New Lynn town centre dated 14 March 2013;
    - in relation to Anzac Street carpark dated 17 April 2013;
    - in relation to Claris Airport dated 24 July 2013;
  - ii) delegation from the Council's Chief Executive in relation to off-street parking dated 31 January 2014
  - iii) delegation in relation to libraries and the Central Business District from the Regional Strategy and Policy Committee dated 3 July 2014.
- g) delegate to Auckland Transport its responsibilities, duties and powers relating to the management and control of off-street parking facilities owned by the Auckland Council, including all regulatory and enforcement powers related to that function, as set out in the November 2014 Off-street Parking Delegation Terms, and also on the basis:
- i) that Auckland Transport will actively engage with local boards and reflect their views and preferences in decisions relating to off-street parking charges and restrictions
  - ii) that this delegation takes effect immediately, remains in force until further decision by Auckland Council and may be reviewed or revoked by Auckland Council at any time.
- h) note that the November 2014 Off-street Parking Delegation Terms require the delegation to be exercised in accordance with the Triggers Table. The Triggers Table has a cascading series of interventions with paid parking as a measure of last resort.
- i) hereby ratify all decisions made and actions undertaken by or on behalf of Auckland Transport in relation to the management and control of off-street parking facilities owned by the Council, in the period from 1 November 2010 to 27 November 2014, including (without limitation) all regulatory and enforcement decisions.

**CARRIED**

Secretarial note: Pursuant to Standing Order 3.15.5, Cr D Quax requested that his dissenting vote against d) be recorded.

## 17 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

**18 Procedural motion to exclude the public**

Resolution number GB/2014/165

MOVED by Mayor LCM Brown, 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 Special Housing Areas Tranche 4 deferrals and new proposals - Recommendations from the Auckland Development Committee**

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)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>s7(2)(c)(i) - 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 prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</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>

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**

12.43pm 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.

1.08pm The public was re-admitted.

### **RESTATEMENTS**

It was resolved while the public was excluded:

#### **C1 Special Housing Areas Tranche 4 deferrals and new proposals - Recommendations from the Auckland Development Committee**

Resolution number GB/2014/166

That the Governing Body:

- j) agree that the decisions, report and attachments regarding Special Housing Areas Tranche 4 deferrals and new proposals remain confidential, and that the Mayor / Deputy Mayor be delegated responsibility to release information on Tranche 4 Special Housing Areas as may be required.

1.08 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:**.....