
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, 26 February 2015 at 9.30am.

PRESENT

Mayor	Len Brown, JP	
Deputy Mayor	Penny Hulse	From 9.33am, Item 2
Councillors	Cr Anae Arthur Anae	
	Cr Cameron Brewer	
	Cr Dr Cathy Casey	
	Cr Bill Cashmore	
	Cr Ross Clow	
	Cr Linda Cooper, JP	
	Cr Chris Darby	
	Cr Alf Filipaina	From 9.46am, Item 6
	Cr Hon Christine Fletcher, QSO	From 10.24am, Item 11
	Cr Denise Krum	
	Cr Mike Lee	From 9.39am, Item 5.1
	Cr Calum Penrose	
	Cr Dick Quax	
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	From 9.54am, Item 7.1
	Cr Wayne Walker	
	Cr John Watson	
	Cr Penny Webster	
	Cr George Wood, CNZM	

APOLOGIES

Cr Hon Christine Fletcher, QSO	For lateness
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1 Affirmation

His Worship the Mayor read the affirmation.

2 Apologies

His Worship the Mayor acknowledged the absence of Jason Marris, Manager Governance Support, due to family bereavement, and asked the Chief Executive to convey the meeting's sympathies to Mr Marris.

Deputy Mayor PA Hulse entered the meeting at 9.33 am.

Resolution number GB/2015/1

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

That the Governing Body:

- a) **accept the apology from Cr CE Fletcher, Cr AM Filipaina, Cr ME Lee and Cr JG Walker for lateness.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number GB/2015/2

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

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 18 December 2014, including the confidential section, as a true and correct record.**

CARRIED

5 Acknowledgements and Achievements

5.1 Acknowledgements

Cr ME Lee entered the meeting at 9.39 am.

His Worship the Mayor acknowledged the passing of:

Maryanne Rapata
Ellen Wilson née Kaihau
Doug Armstrong
Sir Ian Athfield,
and moments of silence were observed.

Cr C Darby acknowledged:

Lucy Knight, Safer North Community Trust Bravery Award
Stephen Tindall, Kiwibank New Zealander of the Year

Achievements

A document noting Auckland Council Group achievements for January and February 2015 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 26 February 2015 - Governing Body - Item 5.1 Auckland Achievements
February 2015

6 Petitions

There were no petitions.

Cr AM Filipaina entered the meeting at 9.46 am.

7 Public Input

7.1 Public Input - Graeme Easte - Lack of progress on resolving suburban level crossings

A PowerPoint presentation was given in support of this item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr JG Walker entered the meeting at 9.54 am.

Resolution number GB/2015/3

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

That the Governing Body:

- a) receive the public input presentation from Graeme Easte regarding the lack of progress on resolving suburban level crossings.

CARRIED

Attachments

A 26 February 2015 - Governing Body - Item 7.1 - Public Input - Graeme Easte -
Lack of progress on resolving suburban level crossings

7.2 Public Input - Gaze Property Partnership - Special Housing Area deferred requests

Secretarial note: Public Input Item 7.2 was heard at the start of the confidential section of the meeting. The public input presenters left the confidential section of the meeting prior to any discussion on the confidential items.

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 Report of the Hearings Panel on the proposed Auckland Council Trading and Events in Public Places Bylaw 2015

*Deputy Mayor PA Hulse left the meeting at 10.12 am.
Cr CE Fletcher entered the meeting at 10.24 am.*

Resolution number GB/2015/4

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

That the Governing Body:

- a) receive and adopt the recommendations of the hearings panel on the Auckland Council Trading and Events in Public Places Bylaw 2015.
- b) confirm that pursuant to section 155 of the Local Government Act 2002, the proposed Trading and Events in Public Places Bylaw 2015 is the most appropriate way for managing trading activities and events in public places, 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.
- c) make the proposed Auckland Council Trading and Events in Public Places Bylaw 2015 (Attachment A to the agenda report) pursuant to Sections 145,146 and 149 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998 with effect from 1 July 2015.
- d) revoke in full the following legacy bylaws relating to trading and events in public places with effect from 1 July 2015:
 - i) Franklin District Council Trading in Public Places Bylaw 2007
 - ii) Manukau City Council Chapter 7- Events and Trading in Parks and Public Places 2008
 - iii) North Shore City Council - Trading in Public Places Bylaw 2007
 - iv) Papakura District Council - Trading in Public Places Bylaw 2008
 - v) Rodney District Council Chapter 9 – Trading in Public Places 1998
- e) revoke in part the following legacy bylaws relating to trading and events in public places with effect from 1 July 2015:
 - i) Auckland Regional Council Parks Bylaw 2007 (Part 2, clause 6(1)(f))
 - ii) Auckland City Council Public Places Bylaw 2007 (clauses 20.1, 20.6 and 20.7)
 - iii) Waitakere City Council Public Places Bylaw 2010 (Part 5, clauses 13 and 14)

- f) confirm the delegations proposed in Section 3 of the part entitled “Additional information to Auckland Council Trading and Events in Public Places Bylaw” in Attachment A to the agenda report.
- g) direct staff to:-
 - (i) commence the review of the Smokefree Policy during 2015, ahead of the scheduled 2016 timeline, to determine if a bylaw is the most appropriate way to achieve the outcomes of Phase 3 of that policy, which includes smokefree al fresco dining;
 - (ii) review the resources available to ensure the implementation of any smokefree initiatives.
- h) direct staff to report back to the Regulatory and Bylaws Committee on any guidelines or policies developed in consultation with key stakeholders to guide staff involved in the implementation of this bylaw.
- i) authorise the Manager, Social Policy and Bylaws, in consultation with Councillor Krum, as chair of the hearings panel, to make any minor edits or amendments to the Trading and Events in Public Places Bylaw 2015 to correct any identified errors or typographical edits or to reflect decisions made by the Governing Body.

CARRIED

12 Auckland Regional Amenities Funding Model Review

David Houldsworth, Chief Executive, Auckland Regional Amenities Funding Board, was in attendance.

Resolution number GB/2015/5

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

That the Governing Body:

- a) endorse the Terms of Reference for the Auckland Regional Amenities Funding Model Review.
- b) agree to involve the Chair and Deputy Chair of the Finance and Performance Committee in discussions to take place regarding the Auckland Regional Amenities Funding Model Review.

CARRIED

13 Recommendation from the Parks, Recreation and Sport Committee - Clarification of decision-making for Mangere Mountain

Deputy Mayor PA Hulse returned to the meeting at 10.42 am.

Secretarial note: Changes to the original recommendation were incorporated with the agreement of the meeting.

Resolution number GB/2015/6

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

That the Governing Body:

- a) **amend the decision-making allocation for land contiguous with Te Pane o Mataoho/Te Ara Pueru (Mangere Mountain), so that the following parcels of council-owned or administered contiguous land be removed from the definition of “regional park” and become “local park”, and thus under the responsibility of the Mangere-Otahuhu Local Board:**
- i) **Pt Allotment 202 PSH OF Manurewa**
 - ii) **Allotment 379 PSH OF Manurewa**
 - iii) **Allotment 262 PSH OF Manurewa**
 - iv) **Paper Road (Pt Mangere Mountain Education Centre grounds)**
 - v) **LOT 24 DP 10685**
 - vi) **Paper Road (Access to Ridgemount Road)**
 - vii) **Lot 1 DP 44558**
 - viii) **Lot 29 DP 57347**
 - ix) **Lot 1 P29452.**

CARRIED

14 Auckland Council submission to the Māori Affairs Committee on the Te Kawerau ā Maki Claims Settlement Bill

Resolution number GB/2015/7

MOVED by Cr GS Wood, seconded by Deputy Mayor PA Hulse:

That the Governing Body:

- a) **receive the Auckland Council submission to the Māori Affairs Committee in support of the Te Kawerau ā Maki Claims Settlement Bill.**

CARRIED

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

16 Procedural motion to exclude the public

Resolution number GB/2015/8

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

That the Governing Body:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **agree that Chris Jones, David Gaze and Anthony Flannery, of Gaze Property Partnership, Peter Turner of Sleepyhead Ltd, be permitted to remain for confidential Item 7.2 Public Input – relating to Item C2 Special Housing Area Deferred Requests after the public has been excluded.**
- c) **agree that Dave Wetherell and Mei Nah of Mayne Wetherell be permitted to remain for Confidential Item C1 Retail Bond Issue after the public has been excluded. because of their knowledge of the matter which will help the Governing Body in its decision-making.**

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 Retail bond Issue

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 6.	s6(a) - The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial. In particular, the report contains information relating to the offer of securities to the public and cannot be released until a decision is made to proceed with the offer. To do so would be in breach of the securities legislation.	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 6.

C2 Special Housing Area Deferred Requests

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). s7(2)(b)(ii) - The withholding of the information is necessary to protect	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.

	<p>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>In particular, the report contains commercially sensitive information in regards to the development proposal.</p>	
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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

10.59am The public was excluded.

The meeting adjourned at 10.59am and reconvened at 11.11am.

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

1.16pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Retail bond Issue

That the Governing Body:

- c) agree that the report and decision remain confidential until the offer is made public and after final settlement of the bond issue, expected to be 24 March 2015.

C2 Special Housing Area Deferred Requests

This item was deferred.

1.16 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:.....