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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, 30 April 2015 at 9.34am.

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### PRESENT

<b>Mayor</b>	Len Brown, JP	
<b>Deputy Mayor</b>	Penny Hulse	
<b>Councillors</b>	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	
	Cr Hon Christine Fletcher, QSO	
	Cr Denise Krum	From 10.40am, Item 11 Until 2.42pm, Item 15.1 Until 4.01pm, Item 16
	Cr Mike Lee	
	Cr Calum Penrose	
	Cr Dick Quax	Until 1.09pm, Item 14
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	Until 12.23pm, Item 14 Until 4.01pm, Item 16
	Cr John Watson	
	Cr George Wood, CNZM	

### ABSENT

Cr Penny Webster  
Cr Wayne Walker

### ALSO PRESENT

Mike Cohen, Devonport-Takapuna Local Board Chair

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**1 Affirmation**

His Worship the Mayor read the affirmation.

**2 Apologies**

Resolution number GB/2015/17

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

**That the Governing Body:**

- a) **accept the apologies from Cr DA Krum for lateness on council business, from Cr WD Walker for absence, and from Cr MP Webster for absence on council business.**

**CARRIED**

**3 Declaration of Interest**

Cr CM Casey declared a conflict of interest at Item 12 - Report of the Hearing Panel on the proposed Auckland Council Animal Management Bylaw 2015.

**4 Confirmation of Minutes**

Resolution number GB/2015/18

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, 26 March 2015, as a true and correct record.**

**CARRIED**

**5 Acknowledgements and Achievements**

**5.1 Acknowledgements**

His Worship the Mayor acknowledged the passing of:

Robert 'Bob' Duthie, OBE; Dorothy Jelich, QSO; Judge Mick Brown, CNZM; Sir John Ingram, CBE; John Rutherford, MC; and Frana Cardno. A moment of silence was observed.

**Achievements**

A document noting Auckland Council Group achievements 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 30 April 2015 - Governing Body - Item 5.1 - Auckland Achievements April 2015

**6 Petitions**

There were no petitions.

**7 Public Input**

**7.1 Public Input - Lexie Matheson - Establishment of a Rainbow Advisory Panel**

Lexie Matheson was present to address the meeting regarding the establishment of a Rainbow Advisory Panel.

Resolution number GB/2015/19

MOVED by Mayor LCM Brown, seconded by Cr LA Cooper:

**That the Governing Body:**

- a) **thank Lexie Matheson for her presentation regarding the establishment of a Rainbow Advisory Panel.**

**CARRIED**

**8 Local Board Input**

There was no local board input.

**9 Extraordinary Business**

**9.1 Extraordinary Business - Ports of Auckland Wharf Extensions**

The reason this item was not included on the agenda is that since the Governing Body agenda was published, there have been developments regarding the port which require urgent discussion.

The matter cannot be delayed because there is significant public interest regarding this subject.

Resolution number GB/2015/20

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

**That the Governing Body:**

- a) **consider the matter of the Ports of Auckland Wharf Extensions as Extraordinary Business under Item 15.1.**

**CARRIED**

**10 Notices of Motion**

There were no notices of motion.

**11 The Mayor's report on the Long-term Plan 2015-2025**

The Mayor's report on the Long-term Plan 2015-2025 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.

*Cr DA Krum entered the meeting at 10.40 am.*

*Cr LA Cooper left the meeting at 11.03 am.*

*Deputy Mayor PA Hulse left the meeting at 11.03 am.*

*Cr LA Cooper returned to the meeting at 11.07 am.*

*Deputy Mayor PA Hulse returned to the meeting at 11.07 am.*

The meeting adjourned at 11.16am, and reconvened at 11.26am.  
Cr C Darby and Deputy Mayor PA Hulse were not present.

*Cr C Darby returned to the meeting at 11.28 am.*

*Deputy Mayor PA Hulse returned to the meeting at 11.39 am.*

Resolution number GB/2015/21

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

**That the Governing Body:**

- a) **note the Mayor's report on the Long-Term Plan 2015-2025, which will be considered at the 7 May 2015 Budget Committee meeting.**

**CARRIED**

**Attachments**

A 30 April 2015 - Item 11 - The Mayor's report on the Long-term Plan 2015-2025

**12 Report of the Hearing Panel on the proposed Auckland Council Animal Management Bylaw 2015**

Cr CM Casey declared a conflict of interest, noting that she had been a member of the Hearings Panel, but took no part in discussion or voting on cats, as she is the Auckland Council Ambassador for the SPCA.

*Cr AJ Anae left the meeting at 12.16 pm.*

Resolution number GB/2015/22

MOVED by Cr WB Cashmore, seconded by Cr ME Lee:

**That the Governing Body:**

- a) **receive and adopt the recommendations of the hearing panel on the review of animal management bylaws contained in the report.**
- b) **determine pursuant to section 155 of the Local Government Act 2002, that the Animal Management Bylaw 2015 contained in Attachment A is the most appropriate way to address issues relating to the keeping of animals in Auckland, is the most appropriate form of bylaw, and is not inconsistent with the New Zealand Bill of Rights Act 1990.**

- c) make the Auckland Council Animal Management Bylaw 2015 contained in Attachment A to the agenda report, pursuant to the Local Government Act 2002 and the Health Act 1956, with effect from 1 September 2015.
- d) revoke the legacy bylaws contained in Section 1 of the document titled “Additional Information to the Animal Management Bylaw 2015” on 1 September 2015 pursuant to section 63 of the Local Government (Auckland Transitional Provisions) Act 2010.
- e) confirm the delegations contained in Section 3 of the document titled “Additional Information to the Animal Management Bylaw 2015”.
- f) authorise the Manager Social Policy and Bylaws, in consultation with the chair of the hearing panel, to make any minor edits or amendments to the bylaw and additional information (Attachment A to the agenda report) to correct any identified errors or typographical edits or to reflect decisions made by the Governing Body.
- g) direct the Manager Social Policy and Bylaws to report to the Regulatory and Bylaws Committee by 1 September 2015, on options for an amendment to the Keeping of Stock Control, to allow for the keeping of stock in rural-residential areas associated with events such as calf club and school agricultural days.

**CARRIED**

**13 Proposed changes to delegations on alcohol bans - Recommendations from the Regulatory and Bylaws Committee**

Resolution number GB/2015/23

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

**That the Governing Body:**

- a) agree that the delegations of the Regulatory and Bylaws Committee for decision-making on alcohol bans, adopted in resolution GB/2014/121, be amended to include recommendation i)c) below:
  - i) The Regulatory and Bylaws Committee has decision-making responsibility in relation to alcohol bans on:
    - a) any public place for which the Governing Body retains decision-making for non-regulatory activities as contained in the Long Term Plan.
    - b) any regional park, including any associated park, road, beach or foreshore area.
    - c) all Tūpuna Maunga over which the Tūpuna Maunga o Tāmaki Makaurau Authority is the Administering Authority, including the Tūpuna Maunga vested in the Tūpuna Taonga o Tāmaki Makaurau Trust under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

**CARRIED**

## 14 Establishment of a Rainbow Advisory Panel

*Cr JG Walker left the meeting at 12.23 pm.  
Cr AJ Anae returned to the meeting at 12.23 pm.  
Cr ME Lee left the meeting at 12.25 pm.  
Cr ME Lee returned to the meeting at 12.30 pm.*

MOVED by Cr RI Clow, seconded by Cr AJ Anae:

That the Governing Body:

- a) agree that, pursuant to Standing Order 3.13.1, the motion under debate now be put to a vote.

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 ME Lee
Mayor LCM Brown	Cr WB Cashmore	
Cr CM Casey	Cr C Darby	
Cr RI Clow	Cr AM Filipaina	
Cr LA Cooper	Cr DA Krum	
Cr CE Fletcher	Cr CM Penrose	
Deputy Mayor PA Hulse	Cr SL Stewart	
Cr D Quax	Cr J Watson	
	Cr GS Wood	

The motion was declared LOST by 8 votes to 9.

Resolution number GB/2015/24

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

**That the Governing Body:**

- a) **agree that a Rainbow Advisory Panel be established by August 2015, noting that budgetary support for the panel will be provided through the Mayor's Budget for the remainder of the term.**

**CARRIED**

The meeting adjourned at 1.09pm, and reconvened at 2.00pm.  
Cr CE Brewer and Cr D Quax were not present.

## 15 Consideration of Extraordinary Items

### 15.1 Ports of Auckland Wharf Extensions

*Cr CE Brewer returned to the meeting at 2.09 pm.  
Cr DA Krum left the meeting at 2.42 pm.*

Resolution number GB/2015/25

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

That the Governing Body:

- a) **agree, pursuant to standing order 3.3.7, that an extension of meeting time of thirty minutes be granted.**

**CARRIED**

Mike Cohen, Chair of the Devonport-Takapuna Local Board, was present and was invited to speak to this item.

A report on the Ports of Auckland wharf extensions was tabled, together with its Attachment A, a copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Secretarial Note: Changes to the original motion were incorporated as Chair's recommendations under recommendations e) and f).

Resolution number GB/2015/26

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

**That the Governing Body:**

- a) note the receipt of a response from Ports of Auckland Limited to the Chief Executives of Auckland Council and Auckland Council Investments Limited, which includes the following proposal:
  - that the B3 extension not proceed until the outcome of the Port Future Study is known
  - that the B2 extension proceed, noting that it will be removed should the Port Future Study find that it is not required
  - that the Port Future Study should be completed and a response finalised by 30 June 2016 to help inform future port infrastructure requirements.
- b) note that the proposal addresses a number of community concerns, especially around sight lines from Queens Wharf, while providing the port with sufficient additional berthage to respond to increased freight demand.
- c) request that the Chief Executive of Auckland Council, in consultation with the Chief Executive of Auckland Council Investments Limited, write to Ports of Auckland Limited confirming that this proposal has been accepted.
- d) note that the draft scope and terms of reference of the Port Future Study will be reported to the Auckland Development Committee on 14 May 2015.
- e) recognise the high level of public interest in development on or adjacent to the Waitemata Harbour and acknowledge that the B2 and B3 wharf extensions have generated significant public concern.
- f) ask the Council-Controlled Organisation Governance and Monitoring Committee to review its governance levers with the aim of achieving better alignment between Auckland Council expectations and Ports of Auckland Limited decision-making with respect to matters of significant public interest.

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	
Mayor LCM Brown	Cr CM Casey	
Cr WB Cashmore	Cr RI Clow	
Cr LA Cooper	Cr C Darby	
Cr AM Filipaina	Cr CE Fletcher	
Deputy Mayor PA Hulse	Cr ME Lee	
Cr CM Penrose	Cr J Watson	
Cr SL Stewart	Cr GS Wood	

The motion was declared EQUAL.



The chair exercised his casting vote for so the motion was Carried.

**CARRIED**

**Attachments**

- A 30 April 2015 - Item 15.1 - Ports of Auckland report
- B 30 April 2015 - Item 15.1 - Attachment A to Ports of Auckland report

**Extension of Meeting Time**

Resolution number GB/2015/27

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

That the Governing Body :

- a) **agree pursuant to standing order 3.3.7, that an extension of time of a further 30 minutes be granted.**

**CARRIED**

**16 Procedural motion to exclude the public**

Resolution number GB/2015/28

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.**

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 Additional New Special Housing Area Request - April 2015 Auckland Development Committee Recommendation**

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)(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.  In particular, the report contains commercially sensitive information in regards to development proposals.	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**

4.01pm The public was excluded.

The meeting adjourned at 4.01pm, and reconvened at 4.11pm.

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

4.19pm The public was re-admitted.

**RESTATEMENTS**

It was resolved while the public was excluded:

**C1 Additional New Special Housing Area Request - April 2015 Auckland Development Committee Recommendation**

That the Governing Body:

- c) agree that the minutes, report and attachments regarding the 'Additional New Special Housing Area Request – April 2015 Recommendation' remain confidential until all due processes have been concluded; and that the Mayor/Deputy Mayor be delegated responsibility to release information on the Special Housing Areas as may be required.

4.19 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:**.....