
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, 27 August 2015 at 9.30am.

PRESENT

Mayor
Deputy Mayor
Councillors

Len Brown, JP
Penny Hulse
Cr Anae Arthur Anae
Cr Cameron Brewer
Cr Dr Cathy Casey
Cr Bill Cashmore
Cr Linda Cooper, JP
Cr Chris Darby
Cr Alf Filipaina
Cr Denise Krum
Cr Mike Lee
Cr Calum Penrose
Cr Dick Quax
Cr Sharon Stewart, QSM
Cr Wayne Walker
Cr John Watson
Cr Penny Webster
Cr George Wood, CNZM

Until 1.45 pm, Item C3

From 1.02 pm, Item C2

ABSENT

Cr Ross Clow
Cr Hon Christine Fletcher, QSO
Cr Denise Krum
Cr Sir John Walker, KNZM, CBE

For absence
On council business
For lateness
For absence

1 Affirmation

His Worship the Mayor read the affirmation.

2 Apologies

Resolution number GB/2015/86

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

That the Governing Body:

- a) **accept the apologies from Cr C Fletcher for absence on council business, Cr D Krum for lateness on council business and Cr J Walker and Cr R Clow for absence.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number GB/2015/87

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, 30 July 2015, including the confidential section, as a true and correct record.**

CARRIED

5 Acknowledgements and Achievements

5.1 Acknowledgement

His Worship the Mayor acknowledged the passing of George Gair, Logan Brewer, Alwyn (Gordon) Vette and Basil Thomas Silcock and a moment of silence was observed.

Achievements

A document noting Auckland Council Group's achievements was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website.

Attachments

A 27 August 2015 - Item 5.1 - Acknowledgements and Achievements August 2015

6 Petitions

6.1 Save Our Unique Landscapes - petition relating to Cr Casey's Notice of Revocation

Waimarie McFarland, Anya Tahere, Haki Wilson, Pania Newton, Moana Waa and Brendan Corbett, representing 'Save Our Unique Landscape' were in attendance to address the meeting and to present a petition containing 1,121 signatures relating to 2 Oruarangi Road, Mangere.

Petition Prayer:

Stop the Special Housing Area (SHA) in Ihumatao-Mangere!

An area of land on Oruarangi Road, Ihumatao Mangere has been added as one of the three Special Housing Areas in the Mangere-Otahuhu community. Foreign-owned Fletchers Residential Ltd are proposing a development of 500 houses on this piece of farmland. This location is adjacent to the Otuaataua Stonefields Historic Reserve, a public green space with rich historical, environmental and cultural significance and, Ihumatao Pa, one of the last remaining original and liveable papakainga in New Zealand.

Save Our Unique Landscape campaign recognises there is a housing shortage in Auckland and do not oppose the other two locations for SHA in the Mangere-Otahuhu Area. But, a development of this magnitude, in this location, will have huge, negative effects. It will be detrimental to the residents of Ihumatao, community members of Mangere and other interested parties, from a historical, cultural, spiritual, social and environmental perspective.

This proposed SHA will not contribute to making Auckland a liveable city, but destroy one of the few significant and unique spaces Auckland has left.

In 2012 the Environment Court ordered the land be re-zoned to Future Urban. The developers are now in pre-application discussions to rezone the land to Residential, and apply for a subdivision to develop this SHA.

Join us in telling Mayor Len Brown and Housing Minister Nick Smith that the Auckland Council must revoke its support for the SHA in this location and all applications for rezoning the land and future developments of this sort, must be rejected.

A copy of the petition has been placed on the official minutes.

Resolution number GB/2015/88

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

That the Governing Body:

- a) **receive the petition from Save Our Unique Landscapes.**

CARRIED

Attachments

- A 27 August 2015 - Item 6.1 - Save Our Unique Landscapes - petition relating to Cr Casey's Notice of Revocation.

7 Public Input

7.1 Special Housing Area - 2 Oruarangi Rd, Mangere - Te Warena Taua, Chair of Te Kawerau Iwi Authority and Te Ahiwaru Iwi (Makaurau Marae Trust)

Te Warena Taua, Chair of Te Kawerau Iwi Authority and Te Ahiwaru Iwi (Makaurau Marae Trust), Emily Karaka and Edward Ashby were present and tabled documents in support of their presentation.

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

Resolution number GB/2015/89

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

That the Governing Body:

- a) receive the verbal presentation from Te Warena Taua, Chair of Te Kawerau Iwi Authority and Te Ahiwaru Iwi (Makaurau Marae Trust) regarding the Special Housing Area in relation to 2 Oruarangi Rd, Mangere.

CARRIED

Attachments

- A 27 August 2015 - Governing Body - Item 7.1 - Special Housing Area - 2 Oruarangi Rd, Mangere - Te Warena Taua, Chair of Te Kawerau Iwi Authority and Te Ahiwaru Iwi (Makaurau Marae Trust)

8 Local Board Input

There was no local board input.

9 Extraordinary Business

There was no extraordinary business.

10 Notices of Motion

10.1 Notice of Revocation - Cr Cathy Casey

MOVED by Cr CM Casey, seconded by Cr ME Lee:

That the Governing Body:

- a) agree pursuant to Standing Order 1.9.1, to revoke part of Resolution number GB/2014/43 of 1 May 2014 in relation to a Tranche 3 Special Housing Area at Oruarangi Road, Mangere:

‘In accordance with sections 77, 78 and 79 of the Local Government Act 2002 and pursuant to section 17 of the Housing Accords and Special Housing Areas Act 2013, recommend to the Minister of Housing that the areas identified below and shown in Attachments A and B of the report, be established as Special Housing Areas: Oruarangi Road 2, Mangere.’

- b) agree that the Minister of Housing be advised that the Governing Body has revoked this Special Housing Area recommendation.

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

For

Cr AJ Anae
Cr CM Casey
Cr ME Lee
Cr WD Walker
Cr J Watson

Against

Cr CE Brewer
Mayor LCM Brown
Cr WB Cashmore
Cr LA Cooper
Cr C Darby
Cr AM Filipaina
Deputy Mayor PA Hulse
Cr CM Penrose
Cr D Quax
Cr SL Stewart
Cr MP Webster
Cr GS Wood

Abstained

The motion was declared **LOST** by 5 votes to 12

LOST.

The meeting was adjourned at 11.42am.

The meeting reconvened at 11.47am.
Cr CE Brewer, Cr AM Filipaina and Cr WD Walker were not present.

11 Development Auckland - confirmation of prior approvals

Cr WD Walker entered the meeting at 11.54 am.
Cr AM Filipaina entered the meeting at 11.55 am.

Resolution number GB/2015/90

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

That the Governing Body:

- a) notes that effective from 1 September 2015, Development Auckland will be formed by the amalgamation of ACPL and Waterfront Auckland. Under the amalgamation ACPL is merged into Waterfront Auckland which is the surviving company.
- b) notes that upon amalgamation Waterfront Auckland will be renamed Development Auckland Limited and a new constitution will become effective.
- c) notes that by operation of law, Development Auckland will automatically have all the property, rights, powers, privileges, liabilities and obligations of ACPL and Waterfront Auckland including the rights and property vested in ACPL and Waterfront Auckland by the Local Government (Tamaki Makaurau Reorganisation) Council-controlled Organisations Vesting Order 2010 as they apply to those entities immediately before amalgamation.
- d) confirms that all prior resolutions, delegations, approvals, agreements, authorisations and requests by the Governing Body or any of its committees relating to ACPL or Waterfront Auckland apply to Development Auckland as if the references in those resolutions, delegations, approvals, agreements, authorisations or requests are to Development Auckland; including but not limited to:
 - i) prior approvals given by the Finance and Performance Committee or the Regional Strategy and Policy Committee to ACPL to acquire or dispose of land or property;
 - ii) agreements and delegations by the Finance and Performance Committee to the ACPL Board on 19 June 2014 concerning the Strategic Development Fund; and
 - iii) prior resolutions, approvals, agreements, authorisations and requests made by the Auckland Development Committee concerning ACPL.

CARRIED

12 Referendum on alternative transport funding working party - report back

Resolution number GB/2015/91

MOVED by Cr GS Wood, seconded by Cr AJ Anae:

That the Governing Body:

- a) does not hold a referendum on alternative transport funding in conjunction with the 2016 triennial elections
- b) requests further advice on options for public engagement on alternative transport funding, which may include a referendum, once the Auckland Transport Alignment Project has been completed.

CARRIED

Secretarial note: Pursuant to Standing Orders 1.8.6 Councillor Quax requested his dissenting vote be recorded.

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

14 Procedural motion to exclude the public

Resolution number GB/2015/92

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

That the Governing Body:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **agree that Tame Te Rangi, Chair of the Selection Panel be permitted to remain for Confidential Item C2: Funding for court action in relation to the selection process for Mataawaka representatives on the Independent Māori Statutory Board after the public has been excluded, because of his knowledge of the selection process, 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 Auckland Transport Alignment Project

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, the report contains the Terms of Reference for the Transport Alignment Project, which are still the subject of negotiation with Central 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.

C2 Funding for court action in relation to the selection process for Mataawaka representatives on the Independent Māori Statutory Board

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	s7(2)(g) - The withholding of the information is necessary to	s48(1)(a) The public conduct of the part of

result in the disclosure of information for which good reason for withholding exists under section 7.	maintain legal professional privilege. In particular, the report contains legal advice, as do the attachments.	the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
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C3 Recommendation for Appointments to the Rainbow Communities Advisory Panel

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)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains the names of people recommended for the Rainbow Communities Advisory Panel. This information should not be made public until the Governing Body has adopted the recommendations and the successful applicants have confirmed their acceptance of the appointment.	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.

C4 Recommendation for the Appointment of Additional Panel Members to the Ethnic Peoples Advisory Panel and to the Disability Advisory Panel

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)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains the names of members recommended for appointment to the Ethnic Peoples Advisory Panel and the Disability Advisory Panel. This information should not be made public until the Governing Body has adopted the recommendations and the successful applicants have confirmed their acceptance of the appointment.	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

11.59am 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.

1.53pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Auckland Transport Alignment Project

That the Governing Body:

- c) agree that the report and decisions are restated in the open section of the minutes once the Auckland Transport Alignment Project has been publicly announced by the Mayor and the Minister of Transport

C2 Funding for court action in relation to the selection process for Mataawaka representatives on the Independent Māori Statutory Board

That the Governing Body:

- a) approve funding for the costs incurred of an appeal against a ruling of the High Court that the Selection Body's process appointing Mr Tony Kake as a member of the Independent Māori Statutory Board in 2013 was invalid.
- b) agree that the Governing Body decisions be restated in the open section of the minutes but that the report remains confidential.
- c) agree that representations be made to the Minister of Māori Affairs and the Minister of Local Government seeking changes in legislation to obtain greater clarity and certainty of selection process and liability for costs.

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

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

The motion was declared CARRIED by 9 votes to 7.

C3 Recommendation for Appointments to the Rainbow Communities Advisory Panel

That the Governing Body:

- c) agree that the appointments be made public once all successful candidates have been advised and have confirmed they accept their appointment.

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr CM Casey	Cr CE Brewer	
Cr WB Cashmore	Cr DA Krum	
Cr LA Cooper	Cr CM Penrose	
Cr C Darby	Cr D Quax	
Cr AM Filipaina	Cr SL Stewart	
Deputy Mayor PA Hulse	Cr MP Webster	
Cr ME Lee	Cr GS Wood	

The motion was declared EQUAL.

The chair exercised her casting vote for so the motion was carried.

C4 Recommendation for the Appointment of Additional Panel Members to the Ethnic Peoples Advisory Panel and to the Disability Advisory Panel

That the Governing Body:

- d) agree that the appointments be made public once all successful candidates have been advised and have confirmed they accept their appointment.

1.53 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:.....