
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, 31 March 2016 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 Ross Clow
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
Cr Sharon Stewart, QSM
Cr Sir John Walker, KNZM, CBE
Cr Wayne Walker
Cr John Watson
Cr Penny Webster
Cr George Wood, CNZM

From 9.39am, Item 5
From 9.36am, Item 5
Until 11.56, Item 10
From 9.37am, Item 5

1 Affirmation

His Worship the Mayor read the affirmation.

2 Apologies

Resolution number GB/2016/19

MOVED by Mayor LCM Brown, seconded by Cr W Cashmore:

That the Governing Body:

- a) **accept the apology from Cr W Walker for lateness.**

CARRIED

Note: An apology for lateness was subsequently received from Cr AM Filipaina.

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number GB/2016/20

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, 18 February 2016 and the extraordinary minutes of its meeting, held on Wednesday, 24 February 2016, as true and correct records.**

CARRIED

5 Acknowledgements and Achievements

5.1 Acknowledgements

Cr CE Fletcher entered the meeting at 9.36 am.

Cr WD Walker entered the meeting at 9.37 am.

Cr AM Filipaina entered the meeting at 9.39 am.

His Worship the Mayor acknowledged the passing of Dr Ranganui Walker, Harry O'Rourke, Tahuna Minhinnik and Martin Crowe and a moment of silence was observed.

The text of the acknowledgements 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's Group achievements for March was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Note: Cr C Darby requested that the achievement of more than 100,000 cycle journeys made over Te Ara I Whiti – Auckland's Lightpath – since its opening in December be noted.

Cr MP Webster acknowledged the Ballance Environmental Farm Awards which took place on Wednesday 30 March 2016 and congratulated Helensville farmers, Richard and Dianne Kidd, on their award.

Attachments

- A 31 March 2016 - Item 5.1 - Acknowledgements
- B 31 March 2016 - Item 5.1 - Auckland Council's Group achievements - March 2016

6 Petitions

There were no petitions.

7 Public Input

7.1 Public Input - Penny Bright – Item 10.1 – Notice of Motion – Auckland Council's Corporate Membership in the Property Council NZ and Item 11- City Rail Link and Auckland Transport Alignment Project Update

Penny Bright was in attendance to address the meeting regarding Items 10.1 and 11.

7.2 Public Input - Lisa Prager – Item 10.1 – Notice of Motion – Auckland Council's Corporate Membership in the Property Council NZ

Lisa Prager was in attendance to address the meeting regarding Item 10.1.

Resolution number GB/2016/21

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

That the Governing Body:

- a) thank Penny Bright and Lisa Prager for their public input presentations.**

CARRIED

8 Local Board Input

There was no local board input.

9 Extraordinary Business

There was no extraordinary business.

Note: Item 10 – Notice of Motion was deferred until after Item 15 - Consideration of Extraordinary Business.

11 City Rail Link and Auckland Transport Alignment Project Update

Resolution number GB/2016/22

MOVED by Cr CE Fletcher, seconded by Cr ME Lee:

That the Governing Body:

- a) receive an update on the Government's position on the City Rail Link and related next steps.
- b) authorise the Mayor, Cr Bill Cashmore and the chief executives of Auckland Council and Auckland Transport to negotiate a joint business plan for the City Rail Link with the Government for adoption by the Governing Body.
- c) receive an update on the Auckland Transport Alignment Project.

CARRIED

The meeting was adjourned at 11.05am and reconvened at 11.17am. Crs CE Fletcher and DA Krum were not present when the meeting reconvened.

12 2016 Local Government New Zealand AGM and Conference

Cr CE Fletcher returned to the meeting at 11.19 am.

Cr DA Krum returned to the meeting at 11.24 am.

Resolution number GB/2016/23

MOVED by Mayor LCM Brown, seconded by Cr R Clow:

That the Governing Body:

- a) appoint the Mayor, Deputy Mayor, Councillor Penny Webster and the Chief Executive (or nominee) as its official delegates to attend the Local Government New Zealand Annual General Meeting on 24 July 2016, with the Mayor as the presiding delegate, and approve their attendance at the Local Government New Zealand conference.
- b) approve the attendance of Crs W Cashmore, LA Cooper and AM Filipaina at the Local Government New Zealand conference from 24 to 26 July 2016.

CARRIED

13 Order of names on voting documents

Resolution number GB/2016/24

MOVED by Mayor LCM Brown, seconded by Cr GS Wood:

That the Governing Body:

- a) note that the Waiheke Local Board recommends pseudo-random order of names.
- b) agree that the candidate names on voting documents for the Auckland Council 2016 elections should be arranged in alphabetical order of surname.

CARRIED

14 Audit and Risk Committee - Revised Terms of reference

Resolution number GB/2016/25

MOVED by Cr W Cashmore, seconded by Cr MP Webster:

That the Governing Body:

- a) **adopt the revised terms of reference (Attachment B to the agenda report) for the Audit and Risk Committee, to be effective immediately, apart from the proposed changes to committee membership.**
- b) **recommend to the incoming mayor and governing body the full terms of reference, including the proposed changes to membership, as recommended by the Audit and Risk Committee.**

CARRIED

Note: The meeting agreed that the Audit and Risk Committee Terms of Reference be amended to show that the quorum for the committee include at least two elected members.

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10 Notices of Motion

10.1 Notice of Motion - Cr Mike Lee - Auckland Council's Corporate Membership in the Property Council New Zealand

Cr CE Fletcher retired from the meeting at 11.56 am and requested that her apology for early departure be noted.

Cr MP Webster left the meeting at 12.24 pm.

Deputy Mayor PA Hulse left the meeting at 12.28 pm.

Deputy Mayor PA Hulse returned to the meeting at 12.36 pm.

Cr MP Webster returned to the meeting at 12.36 pm.

Cr AJ Anae left the meeting at 12.46 pm.

Cr AJ Anae returned to the meeting at 12.56 pm.

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

That the Governing Body, in recognition of the Council's statutory planning role in the Unitary Plan process, and in order to avoid any appearance of conflict of interest:

- a) **direct that Auckland Council's corporate membership in the Property Council New Zealand be terminated as the latter is a major submitter in the Unitary Plan.**

Resolution number GB/2016/26

MOVED by Cr AM Filipaina, seconded by Cr CM Penrose:

That the Governing Body:

- a) **agree that, pursuant to Standing Order 1.6.1, the motion under debate now be put to a vote.**

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr C Darby requested that his dissenting vote against the closure motion be recorded.

The motion under debate was put:

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

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

The motion was declared LOST by 7 votes to 13.

Motion

Resolution number GB/2016/27

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

That the Governing Body:

- a) **resolve that the minutes show the reasons why the Notice of Motion to terminate the Council's corporate membership in the Property Council did not pass include an acceptance of legal advice to the Council that:**
 - i) **the Council's corporate membership in the Property Council does not raise a conflict of interest, in fact or appearance; and**
 - ii) **proper management of conflicts of interest is enhanced if decision-making regarding the Council's corporate membership of external organisations remains with the Chief Executive.**

CARRIED

Note: Pursuant to Standing Order 1.8.6, Crs C Brewer, C Casey, D Quax, SL Stewart, WD Walker and J Watson requested that their dissenting votes be recorded.

16 Procedural motion to exclude the public

Resolution number GB/2016/28

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 Waiau Pā Historical Reserve - Ngāti Tamaoho

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)(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 information provided by the Crown to council in confidence on the understanding the information is negotiation sensitive between Hapu / Iwi and the Crown. If confidential information is made available, it will prejudice both those negotiations and the provision of similar information to council in the future.</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

1.08pm 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.

1.14pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Waiau Pā Historical Reserve - Ngāti Tamaoho

Resolution number GB/2016/29

MOVED by Cr MP Webster, seconded by Cr R Clow:

That the Governing Body:

- b) agree that the decision and report remain confidential until advised by the Crown that the obligation of confidentiality is removed.

1.14 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:.....