

I hereby give notice that an ordinary meeting of the Devonport-Takapuna Local Board will be held on:

**Date:** Tuesday, 15 November 2016  
**Time:** 4:00pm  
**Meeting Room:** Council Chamber  
**Venue:** Level 3  
1 The Strand  
Takapuna

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## **Devonport-Takapuna Local Board OPEN AGENDA**

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### **MEMBERSHIP**

<b>Chairperson</b>	Dr Grant Gillon
<b>Deputy Chairperson</b>	George Wood, CNZM
<b>Members</b>	Mike Cohen, QSM, JP Jennifer McKenzie Jan O'Connor Mike Sheehy

(Quorum 3 members)

**Sonja Tomovska**  
**Local Board Democracy Advisor**

**9 November 2016**

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**1 Welcome**

**2 Apologies**

At the close of the agenda no apologies had been received.

**3 Declaration of Interest**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

The Auckland Council Code of Conduct for Elected Members (the Code) requires elected members to fully acquaint themselves with, and strictly adhere to, the provisions of Auckland Council's Conflicts of Interest Policy. The policy covers two classes of conflict of interest:

- i) A financial conflict of interest, which is one where a decision or act of the local board could reasonably give rise to an expectation of financial gain or loss to an elected member; and
- ii) A non-financial conflict interest, which does not have a direct personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

The Office of the Auditor General has produced guidelines to help elected members understand the requirements of the Local Authority (Member's Interest) Act 1968. The guidelines discuss both types of conflicts in more detail, and provide elected members with practical examples and advice around when they may (or may not) have a conflict of interest.

Copies of both the Auckland Council Code of Conduct for Elected Members and the Office of the Auditor General guidelines are available for inspection by members upon request.

Any questions relating to the Code or the guidelines may be directed to the Relationship Manager in the first instance.

**4 Confirmation of Minutes**

That the Devonport-Takapuna Local Board:

- a) confirm the ordinary minutes of its meeting, held on Tuesday, 6 September 2016 and the extraordinary minutes of its meeting, held on Wednesday, 26 October 2016, including the confidential section, as a true and correct record.

**5 Leave of Absence**

At the close of the agenda no requests for leave of absence had been received.

**6 Acknowledgements**

At the close of the agenda no requests for acknowledgements had been received.

## 7 Petitions

At the close of the agenda no requests to present petitions had been received.

## 8 Deputations

Standing Order 3.20 provides for deputations. Those applying for deputations are required to give seven working days notice of subject matter and applications are approved by the Chairperson of the Devonport-Takapuna Local Board. This means that details relating to deputations can be included in the published agenda. Total speaking time per deputation is ten minutes or as resolved by the meeting.

At the close of the agenda no requests for deputations had been received.

## 9 Public Forum

A period of time (approximately 30 minutes) is set aside for members of the public to address the meeting on matters within its delegated authority. A maximum of 3 minutes per item is allowed, following which there may be questions from members.

At the close of the agenda no requests for public forum had been received.

## 10 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
  - (i) The reason why the item is not on the agenda; and
  - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

## 11 Notices of Motion

### 11.1 Notice of Motion

1. In accordance with Standing Order 3.11.1, the following Notice of Motion has been received from Member Grant Gillon for inclusion on the agenda for the Devonport-Takapuna Local Board meeting being held on Tuesday, 15 November 2016.

#### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) rescinds resolution number DT/2015/245 of the 15 December 2015 meeting and DT/2016/182 of 6 September 2016, and replaces them with:
  - i) That the Devonport-Takapuna Local Board:
    - a. agrees to support an upgraded beach holiday park and campground activity, in the same location on the same current leased area, within the Northern Activity Zone of Takapuna Beach Reserve.
    - b. requests Panuku Development Auckland to proceed to an open expressions of interest process to grant a lease, in conjunction with iwi/mana whenua engagement with a view to reporting back to the local board a range of potential operators and models for a future Holiday Park in the same location on the same current Takapuna Beach Holiday Park leased area at the Northern end of Takapuna beach.

#### Background

2. At the Devonport Takapuna Local Board meeting of 15<sup>th</sup> December 2015, it was reported to the board that a large majority of the community wanted the whole space dedicated to the camping ground, and only 2% wanted a reduced or shared space.“
3. At its meeting on 21 April 2015, the board endorsed the options developed by the working party and resolved to undertake consultation with the community on the four potential land use options (resolution DT/2015/57). The options consulted on were:  
*Item 12 Devonport-Takapuna Local Board 15 December 2015 - Process for Retention and Upgrade of the Takapuna Beach Holiday Park on Takapuna Beach Reserve:*
  - revert land to use as public open space;
  - retain Takapuna Beach Holiday Park with upgrades;
  - Community Marine Activity Hub (CMAH) as proposed by Harbour Access Trust; and
  - Community Marine Activity Hub (CMAH), plus upgraded Takapuna Beach Holiday Park activity.
4. Consultation was undertaken from Monday 11 May to Sunday 7 June 2015. The consultation results were reported back to an extraordinary local board meeting on 4 August 2015. The council received 7,807 pieces of feedback, with the majority of respondents selecting the option of retaining Takapuna Beach Holiday Park with upgrades as their first preference (80%).
5. In addition, the August 2016 community consultation feedback was for overwhelming support to return the 10% back to the camping ground. The community seemed to prefer to allow the whole site to go into the expressions of interest (EOI) process and see what proposals emerged for all or part of the site. In addition, the community viewed the camping ground to be publicly available space and accessible to the public.

6. Further, the community feedback I have had is that there is overwhelming skepticism that the 10% would remain in public reserve, but that it would be available for yacht storage, hard stand or other minority use once the 'heat died down'. So the preference is for the complete site to be used or available for expressions of interest to at least safeguard the site from other inappropriate use.

**Recommendation/s**

That the Devonport-Takapuna Local Board:

- a) rescinds resolution number DT/2015/245 of the 15 December 2015 meeting and DT/2016/182 of 6 September 2016 and replaces them with:
- i. That the Devonport-Takapuna Local Board:
- a. agrees to support an upgraded beach holiday park and campground activity, in the same location on the same current leased area, within the Northern Activity Zone of Takapuna Beach Reserve.
- b. requests Panuku Development Auckland to proceed to an open expressions of interest process to grant a lease, in conjunction with iwi/manua whenua engagement with a view to reporting back to the local board a range of potential operators and models for a future Holiday Park in the same location on the same current Takapuna Beach Holiday Park leased area at the Northern end of Takapuna beach.



Grant Gillon

*Jan O'Connor*

Jan O'Connor



Mike Cohen

## Adoption of a business meeting schedule

File No.: CP2016/22329

### Purpose

1. To seek the adoption of the Devonport-Takapuna Local Board meeting schedule for the 2016-2019 electoral term.

### Executive summary

2. A draft meeting schedule for the 2016-2019 electoral term has been developed and is included below for adoption by the local board.
3. The specific times and dates for meetings, public engagement and any hearings (which may be required for matters such as local board plans and local board agreements) are yet to be finalised. Local board meeting schedules may therefore be updated once these details are confirmed.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) adopts the meeting schedule outlined below for the 2016/2019 electoral term.

Year	Day	Date	Location
2016	Tuesday	15 November	Council Chamber, Level 3, 1 The Strand, Takapuna
	Thursday	15 December	
2017	Tuesday	21 February	
	Tuesday	21 March	
	Tuesday	18 April	
	Tuesday	16 May	
	Tuesday	20 June	
	Tuesday	18 July	
	Tuesday	15 August	
	Tuesday	19 September	
	Tuesday	17 October	
	Tuesday	21 November	
	Tuesday	19 December	
2018	Tuesday	20 February	
	Tuesday	20 March	
	Tuesday	17 April	
	Tuesday	15 May	
	Tuesday	19 June	
	Tuesday	17 July	
	Tuesday	21 August	
	Tuesday	18 September	
	Tuesday	16 October	
	Tuesday	20 November	
	Tuesday	18 December	
2019	Tuesday	19 February	
	Tuesday	19 March	
	Tuesday	16 April	
	Tuesday	21 May	
	Tuesday	18 June	
	Tuesday	16 July	
	Tuesday	20 August	
	Tuesday	17 September	

- b) agrees to commence business meetings at 4.00pm, noting that public forum and deputations will be scheduled in the early part of the business meeting.
- c) notes that dates and times for meetings, public engagement and any hearings and deliberations for local board plans and local board agreements are yet to be finalised.

## Comments

4. The Local Government Act 2002 (LGA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA) have requirements regarding local board meeting schedules.
5. In summary, adopting a meeting schedule helps meet the requirements of:
  - Clause 19, Schedule 7 of the LGA on general provisions for meetings, which requires the Chief Executive to give notice in writing to each local board member of the time and place of meetings. Such notification may be provided by the adoption of a schedule of business meetings.
  - Sections 46, 46(A) and 47 in Part 7 of the LGOIMA, which requires that meetings are publicly notified, agendas and reports are available at least two working days before a meeting, and that local board meetings are open to the public.
6. Adopting a business meeting schedule also allows for a planned approach to workloads, and ensures that local board members have clarity about their commitments.
7. Commencing the business meeting during business hours will enable meetings to be productive and ensures the best use of resources.
8. There are some instances for which the local board may need to have meetings in addition to this schedule - for example, the local board plans (developed every three years) and local board agreements (developed annually). The specific times and dates for those meetings, public engagement and any hearings processes for these matters are yet to be finalized, and are therefore not included in the schedule above.

## Consideration

### Local board views and implications

9. The implication of this report is to ensure that the local board meets its legislative responsibilities, as outlined in paragraph five above.

### Māori impact statement

10. There is no specific impact for Māori arising from this report. Local boards work with Māori on projects and initiatives of shared interest.

## Implementation

11. If there is any need to depart from the resolved dates, Auckland Council will publically notify the updated details.

## Attachments

There are no attachments for this report.

## Signatories

Authors	Madelon De Jongh - Local Board Advisor Manurewa
Authorisers	Karen Lyons - General Manager Local Board Services Eric Perry - Relationship Manager



## Appointment of board members to external community organisations

File No.: CP2016/22366

### Purpose

1. To appoint board members to external community organisations relevant to the local board area.

### Executive Summary

2. Elected members participate as representatives of the local board on a number of external community and national organisations.
3. The beginning of the new electoral term generates the need for new appointments. This report provides details of the external organisations relevant to the local board, and requests that the local board nominates a lead (and in some cases an alternate) member to represent the board on those external organisations for the 2016-2019 triennium.
4. In addition, there are a small number of appointments due to legislation or the terms in a deed that are the responsibility of the governing body, but because the relationship between the council and the organisation is local, the governing body has delegated its responsibility to nominate an elected member to the relevant local board.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) appoints the following board members to the external community groups and organisations listed below:

External organisation	Lead	Alternate
Devonport Business Association		
Michael King Writers' Centre Trust		
Takapuna Beach Business Association		
Devonport Peninsula Trust		
Safer North Community Trust		
Takapuna Community Facilities Trust		
Milford Business Association		

- b) nominates one board member to the Tūpuna Maunga o Tāmaki Makaurau Authority.
- c) recommends that, to avoid potential conflicts of interest, elected members appointed to any outside organisation do not exercise any voting rights conferred by the organisation.

### Comments

5. A number of external organisations provide for the formal participation of Auckland Council elected members in their affairs. Elected member appointees will have a variety of duties and liabilities, depending on the individual organisation. At the commencement of each triennium, the governing body and local boards recommend appointments to external organisations.
6. As local board representatives, the nominated members represent the board, not in a personal capacity. Board members should provide updates at local board meetings to keep the board

regularly informed of discussions and decisions made of their activities unless good reasons exist for confidentiality. These updates should be in the form of business meeting reports in order to maintain public transparency.

7. The reasons for elected member participation in external organisations can be described in a number of ways:
  - a trust deed, that requires Auckland Council to make an appointment to an organisation;
  - an organisation of interest to the local board is inviting elected member representation at its meetings;
  - associations entered into by the council which provide for elected member representation;
  - organisation governance, or project or programme oversight, such as regional or local parks management groups;
  - a statutory or regulatory provision (for example a regulation providing for a community liaison committee); or
  - a resource consent requiring the formation of a committee or hearing panel.
8. In making decisions about these appointments, it is suggested that local boards are mindful of:
  - the elected members availability;
  - any conflicts of interest, including whether the local board provides funding to the entity;
  - relevance; and
  - historical relationship with the organisation and Auckland Council.
9. Most appointments to outside organisations are part of an on-going relationship between that organisation and the local board. In these cases, there is wide variation in the expectations that the outside organisation has of the board member appointed. This can range from an appointment as a trustee of the organisation, membership of the management committee with voting rights, membership of the management committee with no voting rights through to general liaison. Some of these expectations can give rise to potential conflict of interest challenges for the local board member.
10. By way of example, an appointment as a trustee brings with it legal obligations to act honestly and in good faith for the benefit of the trust's beneficiaries. This could potentially result in conflict with the local board member's duty to act impartially in the best interests of the wider community. Such conflicts could be real or perceived.
11. Similar issues can arise if the elected member becomes a voting member of the outside organisation's governance structure, as the elected member may feel responsibility to try to favour the outside organisation's aspirations in their role as an elected member of the board.
12. In all cases, elected members are expected to act in accordance with the Auckland Council Code of Conduct for Elected Members (refer **Attachment A**), which provides the following guidance:
  - Elected members should ask themselves if there a real danger of bias on the part of a member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavor) the case of a party to the issue under consideration. The question is not limited to actual bias, but relates to the appearance or possibility of bias. This is in line with the principle that justice should not only be done, but should be seen to be done.
13. Potential conflicts of interest would be better managed if the local board sets out clear expectations for the role of the elected member appointed to external organisations. Set out below is a suggested 'job description' for the elected member role on the outside organisation, which is derived from the local board representative role as set out in the Business Improvement District Policy (BID Policy):

- The local board representative to an outside organisation ensures there is a direct link between Auckland Council and the governance of the outside organisation. The role comprises:
  - providing updates to the outside organisation on Auckland Council and local board activities, plans and projects;
  - communicating to the other local board members by providing information on the activities, plans and projects of the outside organisation; and
  - in exercising their role, elected members should ensure that they represent the collective board views on issues.
- 14. For those roles where an elected member is given voting rights by the outside organisation, it would be preferred if elected members abstained or otherwise stood aside for any vote the outside organisation took on any issue relating to Auckland Council or the local board. This will help reduce potential conflicts of interest, either real or perceived.
- 15. Members are appointed to outside organisations in their capacity as elected local board members. Should they no longer be a local board member, their nominations would be automatically repealed.
- 16. Board members may be part of any organisation in their private capacity and in line with their personal interests. Members are therefore encouraged to disclose memberships to external organisations in the conflict of interest register.

#### **Relevant external organisations**

17. The details of the organisations relevant to the local board are detailed below.

##### Michael King Writers' Centre Trust

18. The Michael King Writers' Studio Trust "operates the first national writers' centre in Aotearoa New Zealand. The Trust's mission is to support quality New Zealand writing, the development of New Zealand writers and the development of the audience for New Zealand writing."
19. The previous local board representatives were Jan O'Connor and Dianne Hale (alternate).
20. The expected time commitment is six approximately two-hour meetings a year in February, April, June, August, October and December.
21. The local board is asked to appoint one member (and an alternate) to Michael King Writers' Centre Trust in the role of advisory trustee on the board of trustees.

##### Devonport Business Association, Milford Business Association and Takapuna Beach Business Association

##### *Purpose*

22. There are 46 Business Improvement District Partnership Programmes operating within the Auckland region. There are three local Mainstreet or Business Improvement Districts (BID) in the Devonport-Takapuna area.
23. The local board has a day-to-day relationship with the business associations as a joint partner in the BID Partnership Programme. The local board will work with the business associations to align the direction for the BID programme and local priorities expressed the Local Board Plan. The local board will receive regular reporting on the BID Partnership Programme and review progress against objectives.
24. The business association may invite the appointed member onto the BID Governance Board or Executive Committee. The discretion on whether this member has voting rights will lie with the business association under the rules of their constitution.
25. The previous local board representatives were: Devonport Business Association – Mike Cohen, alternate Joseph Bergin; Milford Village Business Association Incorporated – Joseph

Bergin, alternate Mike Cohen; and Takapuna Beach Business Association – Dianne Hale, alternate Joseph Bergin.

26. The role of the local board member with the BID is set out in the 2016 BID Policy Part 1 Policy Principles Table 1 (refer **Attachment B**).

*Staff recommendation*

27. It is recommended that the local board appoints a local board member and an alternate on each business association to represent the local board regarding all matters relating to the business association.

Takapuna Community Facilities Trust

28. The purpose of the Takapuna Community Facilities Trust is “...to enable our vision of ‘All people in Takapuna North are inspired to connect and engage in our communities’ to be realised.”
29. The previous local board representatives were Alison Roe and Mike Cohen (alternate).
30. The expected time commitment is to attend a monthly meeting. The Trust describes the role as “inform Trust of Local Board / Council priorities and be informed of Trust’s activities / community feedback and provide mutual support.”
31. The local board is asked to appoint one member (and an alternate) to the Takapuna Community Facilities Trust.

Safer North Community Trust

32. The purpose of the Safer North Community Trust is to “...develop and maintain safe communities and Safe Community Accreditation for Auckland North.”
33. The previous local board representatives were Joseph Bergin and Alison Roe (alternate).
34. The time commitment is approximately 90 minutes a month. The Trust defines the role as liaison and support.
35. The local board is asked to appoint one member (and an alternate) to the Safer North Community Trust.

Devonport Peninsula Trust

36. The purpose of the Devonport Peninsula Trust is to “...provide grass-roots community development services in partnership with the Devonport-Takapuna Local Board, in the Devonport peninsula area (Devonport to Hauraki Corner).”
37. The previous local board representatives were Mike Cohen and Allison Roe (alternate).
38. The time commitment is one monthly meeting. The role is described by the Trust as sharing information from the local board’s perspective and / or give advice when sought.
39. The local board is asked to appoint one member (and an alternate) to the Devonport Peninsula Trust.

Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority)

40. The Tūpuna Maunga o Tāmaki Makaurau Authority (Maunga Authority) is the statutory authority established under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act to co-govern the Tūpuna Maunga. It is comprised of equal representatives from Ngā Mana Whenua o Tāmaki Makaurau and Auckland Council, together with Crown (non-voting) representation.
41. Eight local board areas, including Devonport-Takapuna have maunga located in their areas. The eight local boards are being asked to nominate a member to be considered as one of the three local board representatives to sit on the Maunga Authority with three councillors as the Auckland Council representatives.

42. The Governing Body will make the decision on the Auckland Council representatives. The Devonport-Takapuna Local Board did not have a representative on the Maunga Authority in the last term, but Ward Councillor Chris Darby was a representative.
43. The Maunga Authority generally meets on a monthly basis. The next meeting of the forum has not been set.
44. The local board is asked to nominate one member (and an alternate) to the Maunga Authority for consideration by the Governing Body.

## Consideration

### Local Board views and implications

45. This report seeks the local board decisions on representation to external community organisations relevant to the local board area.

### Māori impact statement

46. Maori co-govern the Tūpuna Maunga o Tamaki Makaurau in conjunction with Auckland Council. The Tūpuna Maunga o Tāmaki Makaurau Authority has been established as the governing authority and includes six mana whenua representatives.

## Implementation

47. There are no implementation issues as a result of the recommendations in this report.

## Attachments

No.	Title	Page
A 	Code of Conduct: Elected Members <i>(Under Separate Cover)</i>	
B 	Business Improvement District Policy <i>(Under Separate Cover)</i>	

## Signatories

Authors	Andy Roche - Local Board Advisor Andrew Simon Pickering - Executive Officer
Authorisers	Karen Lyons - General Manager Local Board Services Eric Perry - Relationship Manager



## Swimming Pool Fencing Exemption Applications

File No.: CP2016/22391

Item 14

### Purpose

1. The purpose of this report is for the Devonport-Takapuna Local Board to establish an agreed approach for how swimming pool fencing exemption applications are going to be resolved upon during the 2016-2019 term.

### Executive summary

2. Under Section 6 of the Fencing of Swimming Pools Act 1987 (the Act), territorial authorities may grant exemptions from the requirements in the Act for particular swimming pools if satisfied that it “would not significantly increase danger to young children”.
3. The decision-making responsibility for swimming pool fencing exemptions has been delegated to the local boards by the governing body (resolution GB/2011/163).
4. It is recommended that the local board assesses and considers these applications at a general business meeting.
5. The local board could resolve to nominate a sub-group of local board members to make site visits when required, and to make recommendations to the full board to be formally resolved upon at a business meeting.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) agrees to assess swimming pool fencing exemption applications as part of business meetings during the 2016/2019 term as the need arises.

### Comments

6. The purpose of the Fencing of Swimming Pools Act 1987 is to promote the safety of young children by requiring the fencing of certain swimming pools. The Act places an obligation on territorial authorities to ensure that pool owners comply with the Act, both at the time when the pool is built, and subsequently by occasional inspections of pools to ensure ongoing compliance.
7. Under Section 6 of the Act, territorial authorities may grant exemptions from the requirements in the Act for particular pools. Territorial authorities can also impose special conditions on a property and a pool. A territorial authority can only grant an exemption, or impose a special condition, if, after having regard to the characteristics of the pool and the property, it is satisfied that it “would not significantly increase danger to young children”. No exemption is required for a new pool fence, or an alteration to an existing fence, if the new or altered fence is at least as safe as one built in accordance with the standard in the schedule of the Act.
8. The governing body has delegated decision-making responsibility for swimming pool fencing exemptions to local boards (resolution GB/2011/163).
9. To administer this delegation, staff recommend that applications are determined as part of a local board business meeting, as this is the most efficient, transparent and effective decision-making mechanism.

10. Assessing and determining swimming pool exemption applications at a business meeting has a number of benefits, including:
  - consistent and streamlined approach for applications to be considered;
  - business meetings are the primary formal decision-making mechanism of the local board; and
  - an appropriate level of administrative support can be provided.
11. There is a risk with this approach, in that applications will not be given due consideration amongst congested local board business meeting agendas. However, this can be mitigated by a sub-group of local board members visiting pools as required to inform the board's decisions.
12. A sub-group of local board members could nominate themselves to conduct site visits on an as-needed-basis, and make recommendations to the full local board for consideration and adoption at a regular business meeting.
13. If the local board resolves to nominate a sub-group to conduct site visits, staff recommend that no more than four board members participate in the sub-group. Sub-group participants should be agreed by resolution.
14. If an application includes sensitive information, the local board may, by resolution, exclude the public from the whole or any part of the proceedings of the meeting if one or more of the grounds set out in the legislation under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and in the Standing Orders for the Local Boards are met.

## Consideration

### Local board views and implications

15. The recommendations within this report fall within the local board's delegated authority.

### Māori impact statement

16. This report does not specifically impact on Māori.

## Implementation

17. Costs associated with a small number of elected members meeting to consider the applications, in advance of putting forward recommendations to the full board at a business meeting, will be met within internal operating budgets.
18. The decision of the local board following an exemption hearing is open to challenge by a judicial review process. Local board members will be briefed by Legal Services and Building Control staff regarding the requirements of the Fencing of Swimming Pools Act 1987, the Building Act and the appropriate considerations to take into account when determining an application by a hearings process.
19. The Building (Pools) Amendment Bill was introduced to New Zealand Parliament on 9 September 2015. Once adopted, this may impact on the role of the local boards in assessing swimming pool fencing exemption applications. Staff will provide more information on this as it becomes available<sup>1, 2</sup>.

<sup>1</sup> Once the outcome of the Building (Pools) Amendment Bill is known, more work will be carried out, if necessary, based on a review of the governance framework undertaken in 2016 and the option to move responsibility for granting swimming pool fencing exemptions to the governing body.

<sup>2</sup> Once the outcome of the Building (Pools) Amendment Bill is known, more work will be carried out, if necessary, based on a review of the governance framework undertaken in 2016 and the option to move responsibility for granting swimming pool fencing exemptions to the governing body.

## Attachments

There are no attachments for this report.

## Signatories

Authors	Felicity Prance - Policy Advisor
Authorisers	Karen Lyons - General Manager Local Board Services Eric Perry - Relationship Manager

Item 14



## Urgent decision-making process

File No.: CP2016/22328

### Purpose

1. The purpose of this report is to seek the Devonport-Takapuna Local Board's agreement to use the urgent decision-making process when appropriate.

### Executive summary

2. The urgent decision-making process enables the board to make decisions without calling the full board together and meeting the requirement of a quorum. By agreeing to this process, the board delegates decision-making authority to the Chairperson and Deputy Chairperson, or any person acting in these roles.
3. At times, such as during the Christmas and New Year period, it is not practical to call the full board together and meet the requirements of a quorum. This is an example of when the urgent decision-making process would be used.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) adopts the urgent decision-making process for matters that require a decision where it is not practical to call the full board together and meet the requirement of a quorum.
- b) delegates authority to the Chairperson and Deputy Chairperson, or any person acting in these roles, to make urgent decisions on behalf of the local board.
- c) agrees that the Relationship Manager, Chairperson and Deputy Chairperson (or any person/s acting in these roles) will authorise the urgent decision-making process by signing off the authorisation memo.
- d) notes that all urgent decisions will be reported to the next ordinary meeting of the local board.

### Comments

*What an urgent decision is*

4. The urgent decision-making process enables the Chairperson and Deputy Chairperson, or any person acting in these roles, to make urgent decisions on behalf of the local board when it is not practical to call the full board together and meet the requirement of a quorum. Examples include during the Christmas and New Year period or for participating in a council submission process.
5. The Local Government Act 2002<sup>3</sup> provides for local boards to delegate to committees, sub-committees, members of the local board or Auckland Council staff, any of its responsibilities, duties and powers, with some specific exceptions. This legislation enables the urgent decision-making process.
6. The urgent decision-making process provides an alternative decision-making mechanism to an extraordinary meeting. An extraordinary meeting is called when an urgent decision is required on matters that cannot wait until the next scheduled business meeting of the local board.

<sup>3</sup> Part 1A, Schedule 7, 36D Local Government Act 2002

7. Urgent decisions are different from emergency decisions, which are only made if there is a risk to public health and safety.

*The urgent decision-making process*

8. All requests for an urgent decision will be supported by a memo stating the nature of the issue, reason for urgency and what decisions or resolutions are required.
9. The local board Relationship Manager will use the information in this memo to determine whether or not to authorise the urgent-decision making process.
10. A number of factors will be considered by the Relationship Manager before approval to use the urgent decision-making process is given, such as:
  - the timing of the next scheduled meeting;
  - confirmation that the local board has the delegation to make the decision;
  - consideration of the rationale for the urgency; and
  - the significance of the decision and whether the urgent decision-making process is appropriate.
11. Once the Relationship Manager authorises the use of the urgent decision-making process, the Chairperson and Deputy Chairperson (or any person/s acting in these roles) also need to approve the use of the urgent decision-making process by signing the same memo.
12. Once the authorisation memo has been approved, the Chairperson and Deputy Chairperson will refer to the substantive report for advice and staff recommendations to inform their decision. This report will meet Auckland Council quality advice standards and adhere to the report authorisation processes.
13. Any decision made using the urgent decision-making process will be reported as an information item to the next ordinary meeting of the local board and the signed approval memo will be attached.

## Consideration

### Local board views and implications

14. This report outlines the local board urgent decision-making process, and seeks the local board's agreement to adopt this process.

### Māori impact statement

15. There is no specific impact for Māori arising from this report.

## Implementation

16. This report outlines how the local board Relationship Manager and elected members will execute the urgent decision-making process when the need arises. Paragraph four outlines the implications of this for local boards.
17. The local board Relationship Manager can provide advice as to what might constitute an urgent decision.

## Attachments

There are no attachments for this report.

## Signatories

Authors	Felicity Prance - Policy Advisor
Authorisers	Karen Lyons - General Manager Local Board Services Eric Perry - Relationship Manager



## Monthly Local Board Services report - October 2016

File No.: CP2016/22267

### Purpose

1. The purpose of this report is to provide members with an overview of recent Devonport-Takapuna Local Board activity.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) receive the report.
- b) confirm its ongoing support for the Greater Takapuna Reference Group, and:
  - i) appoint member George Wood to continue as a political appointee to the Greater Takapuna Reference Group;
  - ii) appoint one other member of the local board to the Greater Takapuna Reference Group as a political appointee; and
  - iii) appoint a ward councillor as the third political appointee to the Greater Takapuna Reference Group.
- c) request an update from relevant officers on the development of the Devonport to Takapuna Green Route, in particular the high priority Plymouth section of the route.

### Issues and Activity

#### Greater Takapuna Reference Group

2. The Greater Takapuna Reference Group (GTRG) consists of a selection of sector stakeholders with a particular commitment to Takapuna and its future. The GTRG was set up by the Devonport-Takapuna Local Board (the board) in the previous political term to consider matters pertaining to the development of the greater Takapuna area, and from time to time provide the board informed and considered feedback about matters relevant to the development of Takapuna from a stakeholder perspective. The group comprises sector representatives from sectors identified by the previous board at the outset, and representatives were approved by the board at a later meeting.
3. The GTRG includes three political appointees. In the last term, those appointees were the Economic Development and Town Centres portfolio holder and the associate for the same portfolio. The third political appointee was North Shore Ward Councillor George Wood, who had expressed a keen interest in the creation of the group. All three appointments have expired with the end of the political term.
4. The first meeting of the GTRG was in April 2016, and the group has met every month since that time. The first three meetings were designed to create a cooperative and respectful atmosphere amongst the participants so that they would be able to consider differing viewpoints and discuss them openly. The group set up terms of reference based on the draft developed by the board, which amongst other things described its “dilemma statement” as follows:  
*“How can we, as a well-informed community, influence Takapuna’s development as a great place to work, live and play by enhancing our social, economic, natural and cultural environment and creating open and civic spaces for all ages and abilities to enjoy.”*
5. This statement provides an insight to the GTRG priorities for feedback to the board.

6. To date, the GTRG has only been briefed on the background they need to provide feedback on the framework plan for the Takapuna “Unlock” project, which is being managed by Panuku Development Auckland (Panuku). At its next meeting, scheduled for 21 November, the group will agree its priorities for the Takapuna “Unlock” project, and will then have an opportunity to consider an early draft of the framework plan in preparation for a meeting they expect to have with the board in December, once the board has had the opportunity to consider the same plan. At this stage, no meetings have been arranged for the group after December.
7. Panuku has provided most of the funding to run the group to date, including paying for an independent facilitator. Panuku has indicated an interest in the group continuing to provide a stakeholder perspective as the “Unlock” project develops.
8. The board should consider:
  - whether it wishes to continue to support the GTRG; and
  - who the political appointees to the group should be during the 2016-2019 term.
9. Staff recommend that the board does continue to support the group, as the group has become a well-informed and collegial team that should be able to provide the board valuable stakeholder insights on a variety of issues relating to Takapuna’s growth during this term. Staff also recommend that Deputy Chairperson George Wood continues as one of the political appointees as he is seen by the GTRG as a part of the team, and that one of the ward councillors is appointed due to Takapuna’s regional significance.

### **Bayswater Reserve to Aramoana Avenue Green Route development**

10. The Devonport to Takapuna Green Route is a well-established scenic walk and cycling route, which aims to connect local parks and streets along the western side of the Devonport Peninsula. Some parts of the route are undeveloped, other parts require upgrading to improve the route’s function (particularly for cyclists), and to better connect the route to the natural features of the area. The most recent improvement has been the upgrade of the Bayswater “pipe” bridge, which was a major project for the board in the 2012/2013 financial year.
11. A report was commissioned by the Board in the 2012/2013 financial year to carry out a study that would consolidate previous Green Route conceptual work and define, scope and prioritise further opportunities for development.
12. The report identified the Bayswater Reserve to Kawerau Reserve section as the highest priority section of the Green Route needing attention, but it also identified a “neighbourhood connector” from Aramoana Avenue to Kawerau Reserve along the coast as a low priority addition that could be done when and if funding was available. During the 2014/2015 financial year the Aramoana seawall also became a priority seawall renewal project. It therefore made sense to bundle any development of the neighbourhood connector with the seawall renewal.
13. Green Route improvements have historically been seen as a priority for the board. The current Local Board Plan specifically refers to it, and the Greenways Plan signed off by the board last term references the Green Route extensively. On that basis, staff have produced a developed design for the Plymouth section of the route, including the neighbourhood connector to Aramoana Avenue. In addition, local consultation has been undertaken on the developed design.
14. The latest design has attracted opposition from several land owners near Hill Reserve. Staff recommend that the board request a report from council’s specialists seeking an update on future plans for the Green Route (and in particular, the development of the Plymouth section of the route), so that any decision made about a potential neighbourhood connector traversing Hill Reserve is fully informed
15. A copy of the developed design of the Plymouth section of the Green Route, which has been produced for public consultation, is included as **Attachment A** for information.

## Consideration

### Local board views and implications

16. Local board views and decisions are sought via this report.

### Māori impact statement

17. The Greater Takapuna Reference Group considers matters of high interest to iwi. The group includes iwi representatives who play an active role during many of the meetings.
18. Iwi representatives have been consulted during the development of the concept plan and the development plan for the Plymouth section of the Green Route. In particular, Ngati Whatua have a high interest in the Plymouth section of the Green Route, not just because of their kaitiaki relationship with the whenua and moana, but also because this section of the route is on reserve land adjacent to a significant Ngati Whatua landholding currently in its development planning phase.

## Implementation

19. There are no implementation issues identified in this report.

## Attachments

No.	Title	Page
<a href="#">A⇒</a> 	Green Route Plymouth Section Developed Design ( <i>Under Separate Cover</i> )	

## Signatories

Authors	Chris Dee - Senior Local Board Advisor Haley Scovell - Local board Advisor
Authorisers	Eric Perry - Relationship Manager



## Auckland Council's Quarterly Performance Report: Devonport-Takapuna Local Board For Quarter One, 1 July –30 September 2016

File No.: CP2016/22385

### Purpose

1. To provide the Devonport-Takapuna Local Board members with an integrated quarterly performance report for quarter one 2016-2017, against the Local Board Agreement work programme.

### Executive Summary

2. This report is the first in a new format, providing an integrated view of performance for the Devonport-Takapuna Local Board, including:
  - financial performance;
  - progress against local board key performance indicators;
  - progress against each operating department work programme;
  - key challenges the board should be aware of; and
  - any risks associated with delayed delivery against the Devonport-Takapuna 2016-2017 work programme.
3. Of significance this quarter, the destination playground at the southern end of Gould Reserve was opened on 14 August, drawing much more public interest than had been anticipated; approximately 10,000 people attending over the day. The playground has remained popular ever since. The playground demonstrates local philanthropy, as two Takapuna residents donated a significant portion of the cost to build the playground, and organised other local people and organisations to give pro bono services to support its construction.
4. The Devonport-Takapuna Local Board has an approved 2016-2017 work programme for the following operating departments:
  - Arts, Community and Events, approved on 14 June 2016;
  - Parks, Sport and Recreation, approved on 14 June 2016;
  - Libraries and Information, approved on 14 June 2016;
  - Infrastructure and Environmental Services, approved on 19 July 2016; and
  - Community Facilities Renewals, approved on 16 August 2016.
5. Overall, the financial performance of the board in quarter one for 2016-2017 is on track. The allocation of community grants is ahead of budget, but well within the full year available funding. Expenditure related to the capital programme has started well with further detail provided in **Attachment A**.
6. The key performance indicators for the Devonport-Takapuna Local Board show a trend of delivery that is meeting the indicators. The overall dashboard indicates performance in the Devonport-Takapuna Local Board area is tracking positively. (**Attachment B**)

## Recommendation/s

That the Devonport-Takapuna Local Board:

- a) receive the performance report for the financial quarter ending 30 September 2016

## Comments

### Key achievements for quarter one

7. The Devonport-Takapuna Local Board has a number of key achievements to report from the quarter one period, which include:
  - the opening of the Gould Reserve Playground and its on-going popularity since opening;
  - the board-funded reinstatement of evening opening at Takapuna Library, which has been well received by library users; and
  - finding an additional \$6.3 million for the Hurstmere Road streetscape upgrade, due to stormwater upgrades being included in scope, which will allow the streetscape from Halls Corner to Anzac Street to be included in the scope of work.

### Key project updates from the 2016/17 work programme

8. All operating departments with an approved 2016-2017 work programme have provided performance report updates via SharePoint for quarter one (**Attachment C**). There are no significant updates to highlight in this report.

### Risks identified in the 2016/17 work programme

9. There are no significant risks that have been identified by operating departments where the progress and performance indicator has been set to 'red' – significantly behind budget/time or achievement of outcomes.

### Financial performance

10. The capital programme has started well with the upgrade of the Greville Reserve toilets and changing rooms (\$470,000). Other significant projects include the renewal of the Seine Reserve playground (\$59,000) the Northboro Reserve access road (\$53,000) and landscape development at the new Takapuna Beach playground (\$184,000).
11. The net cost of service is ahead of budget due to locally driven initiatives (LDI) grants expenditure allocated in the quarter. The grant allocation is still well within the annual budget, so this variance will come back in line with budget.

### Key performance indicators

12. The 2016-2017 quarter one result for facility utilisation is based on two months of actual data and one month of estimates. Fort Takapuna barracks opened as a bookable space in March 2016. It has lower utilisation than the other facilities in the Devonport-Takapuna Local Board area, which brings down the overall result compared to the same period last year. The digital booking system, which began recording bookings during the first quarter of 2016-2017, will also assist as it is expected to make booking facilities easier. A marketing campaign in quarter two will increase awareness of facility availability.
13. The first year of implementing the new Community Funding Policy was the 2015-2016 financial year, which also saw the establishment of a dedicated funding hub. Funding hub members also worked closely with subject matter experts to reach relevant communities. A series of community workshops is planned for the 2016-2017 year to build community groups' capacity to submit quality applications and to provide further advice to applicants. Together, these changes will help to improve performance against the key performance indicator.

14. The percentage of people feeling connected to their neighbourhood and local community was well down on the target of 77 per cent. People may not be feeling connected for a variety of reasons, including being new to the area, being too busy, or preferring not to be connected. To a lesser extent, there may also be lack of awareness about how to access activities that could contribute to feeling connected, and language and cultural barriers. A number of council's activities, such as arts programmes, community facility programmes and events, seek to connect people better to their local communities. The 'empowered communities approach' being implemented across these activities during this financial year also aims to increase connectedness.

## Consideration

### Local board views and implications

15. This report informs the Devonport-Takapuna Local Board of the performance to date against key indicators for the period ending 30 September 2016.

### Māori impact statement

16. All Maori within the Devonport-Takapuna Local Board area are able to participate in and have access to all of the projects and initiatives covered in this report.

## Implementation

17. The Senior Advisor, Devonport-Takapuna Local Board, will continue to facilitate performance updates to the local board.

## Attachments

No.	Title	Page
A 	Quarterly Financial Report	
B 	Key Performance Indicator Report	
C 	Work Programme Update	

## Signatories

Authors	Chris Dee - Senior Local Board Advisor
Authorisers	Eric Perry - Relationship Manager



## Ward Councillors Update

File No.: CP2016/22469

### Purpose

1. The Devonport-Takapuna Local Board allocates a period of time for the Ward Councillors, Cr Chris Darby and Cr Richard Hills, to update the board on the activities of the governing body.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) thank Cr Chris Darby for his update to the Devonport-Takapuna Local Board on the activities of the governing body.
- b) thank Cr Richard Hills for his update to the Devonport-Takapuna Local Board on the activities of the governing body.

### Attachments

There are no attachments for this report.

### Signatories

Authors	Sonja Tomovska - Local Board Democracy Advisor
Authorisers	Eric Perry - Relationship Manager



## Board Members' reports

File No.: CP2016/22466

### Executive Summary

An opportunity is provided for members to update the board on the projects and issues they have been involved with since the last meeting.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) receive any verbal reports of members.

### Attachments

There are no attachments for this report.

### Signatories

Authors	Sonja Tomovska - Local Board Democracy Advisor
Authorisers	Eric Perry - Relationship Manager



## Chairperson's report

File No.: CP2016/22464

### Executive Summary

An opportunity is provided for the chairperson to update the board on the projects and issues he has been involved with since the last meeting.

### Recommendation/s

That the Devonport-Takapuna Local Board:

- a) receive the chairperson's verbal report.

### Attachments

There are no attachments for this report.

### Signatories

Authors	Sonja Tomovska - Local Board Democracy Advisor
Authorisers	Eric Perry - Relationship Manager