
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, 23 November 2017 at 9.38am.

PRESENT

Mayor	Hon Phil Goff, CNZM, JP	
Deputy Mayor	Cr Bill Cashmore	
Councillors	Cr Ross Clow	From 9.41am, Item 1
	Cr Fa'anana Efeso Collins	
	Cr Linda Cooper, JP	
	Cr Chris Darby	
	Cr Alf Filipaina	
	Cr Hon Christine Fletcher, QSO	
	Cr Richard Hills	
	Cr Penny Hulse	From 9.41am, Item 1
	Cr Mike Lee	Until 6.31pm, Item C1
	Cr Daniel Newman, JP	Until 6.32pm, Item C1
	Cr Dick Quax	Until 5.39pm, Item C1
	Cr Greg Sayers	From 9.40am, Item 1, Until 5.07pm, after Item 14
	Cr Desley Simpson, JP	
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	From 9.44am, Item 4, Until 5.07pm, after Item 14
	Cr Wayne Walker	Until 6.14pm, Item C1
	Cr John Watson	

ABSENT

Cr Cathy Casey

ALSO PRESENT

George Wood, Deputy Chair, Devonport Takapuna Local Board
Mike Cohen, Devonport Takapuna Local Board
Pippa Coom, Chair Waitemātā Local Board
Richard Northey, Waitemātā Local Board
Shale Chamber, Deputy Chair Waitemātā Local Board

1 Affirmation

His Worship the Mayor read the affirmation.

Cr G Sayers arrived at the meeting at 9.40 am.

Cr R Clow arrived at the meeting at 9.41 am.

Cr P Hulse arrived at the meeting at 9.41 am.

Cr A Filipaina acknowledged the recent passing of Sharon Lesley Grey nee Wescott. The wife of Stephen Grey, involved with the Papatoetoe Community Board, Otara-Papatoetoe Local Board, Papatoetoe Santa Parade, Totara Hospice and known for making cakes for children going through difficult times. Sharon is survived by her husband, six children and her grandchildren.

A moment of silence was observed.

2 Apologies

Resolution number GB/2017/128

MOVED by Mayor P Goff, seconded by Cr W Walker:

That the Governing Body:

- a) **accept the apology from Cr C Casey for absence.**

CARRIED

3 Declaration of Interest

Cr D Simpson subsequently declared an interest in item 14: Consideration of America's Cup 2021 location, infrastructure and funding.

4 Confirmation of Minutes

Cr J Walker arrived at the meeting at 9.44 am.

Resolution number GB/2017/129

MOVED by Mayor P Goff, seconded by Cr G Sayers:

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 28 September 2017, including the confidential section, as a true and correct record subject to the following amendment to Item 11, Resolution number GB/2017/125 changing the seconder of the motion from Cr D Simpson to Cr A Filipaina, as follows:**

MOVED by Mayor P Goff, seconded by Cr A Filipaina

Resolution number GB/2017/125

- a) ***receive the report and reiterate to government the position adopted by Council in 2015 supporting the need for legislative change to allow Auckland to determine the number of members on the Governing Body and subject to that, agree in principle to establish a Māori ward and request for a consistent policy regarding Māori representation in line with legislation governing the composition of Parliament***

CARRIED

5 Petitions

There were no petitions.

6 Public Input

6.1 Public Input: Heart of the City - America's Cup Proposal for Auckland's Waterfront

Viv Beck, Chief Executive Heart of the City addressed the meeting. A copy of the address has been placed on the official minutes and is available on the Auckland Council website as minutes attachments.

Resolution number GB/2017/130

MOVED by Mayor P Goff, seconded by Cr C Darby:

That the Governing Body:

- a) **receive and note the public input presentation from Viv Beck on behalf of Heart of the City, regarding the America's Cup Proposal for Auckland's Waterfront and thank her for her attendance.**

CARRIED

Attachments

- A 23 November 2017 Governing Body Item 6.1: Public Input: Heart of the City - America's Cup Proposal for Auckland's Waterfront - tabled document

7 Local Board Input

7.1 Local Board Input: Waitemata Local Board - America's Cup Proposal and Queen's Wharf Mooring Dolphin

Pippa Coom, Chair, Shale Chambers, Deputy Chair and Richard Northey, member Waitematā Local Board were in attendance to speak to the meeting.

Resolution number GB/2017/131

MOVED by Mayor P Goff, seconded by Cr C Darby:

That the Governing Body:

- a) **thank Pippa Coom, Chair, Shale Chambers, Deputy Chair and Richard Northey, member Waitematā Local Board for their input on the America's Cup proposal and Queen's Wharf Mooring Dolphin, and for their attendance.**

CARRIED

Attachments

- A 23 November 2017 Governing Body Item 7.1: Local Board Input: Waitemata Local Board - America's Cup Proposal and Queen's Wharf Mooring Dolphin- R Northey's address

7.2 Local Board Input: Devonport Takapuna Local Board - America's Cup Proposal

George Wood, Deputy Chair and Mike Cohen, member Devonport Takapuna Local Board Devonport Takapuna Local Board were in attendance to speak to the meeting. A supporting document was tabled and a copy has been placed on the official minutes are is available on the Auckland Council website as minutes attachments.

Resolution number GB/2017/132

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- a) **thank George Wood, Deputy Chair and Mike Cohen, member Devonport Takapuna Local Board for their input on the America's Cup proposal, and for their attendance.**

CARRIED

Attachments

- A 23 November 2017 Governing Body Item 7.2: Local Board Input: Devonport Takapuna Local Board - America's Cup Proposal - tabled document

8 Extraordinary Business

There was no extraordinary business.

9 Notices of Motion

There were no notices of motion.

10 Mayoral Advisory Group for the First World War Centenary Memorial Project : Update on Te Takuahi

Jane Sheetz, Senior Accounts Director Strategic and David McGregor, Chair Mayoral Advisory Group were in attendance for this item.

Resolution number GB/2017/133

MOVED by Cr C Fletcher, seconded by Mayor P Goff:

That the Governing Body:

- a) **receive the Mayor's Advisory Group update on the status of the First World War Centenary Memorial Project.**
- b) **approve the Mayor's Advisory Group recommendation to confirm a project completion date of mid-2019.**

CARRIED UNANIMOUSLY

11 Appointing a replacement member to the Tūpuna Maunga o Tāmaki Makaurau Authority

Resolution number GB/2017/134

MOVED by Mayor P Goff, seconded by Cr D Simpson:

That the Governing Body:

- a) **agree to enact the resignation of Denise Lee as an Auckland Council member of the Tūpuna Maunga o Tāmaki Makaurau Authority**
- b) **appoint Cr Ross Clow as interim Governing Body member to the Tūpuna Maunga o Tāmaki Makaurau Authority**
- c) **request expressions of interest from councillors to permanently fill the vacancy on the Tūpuna Maunga o Tāmaki Makaurau Authority for decision by the March 2018 Governing Body meeting and in the absence of any councillor interest, explore the appointment of an external representative.**

CARRIED

12 Health, Safety and Wellbeing update

Resolution number GB/2017/135

MOVED by Mayor P Goff, seconded by Cr C Darby:

That the Governing Body:

- a) **receive the Health, Safety and Wellbeing update report.**

CARRIED

13 Queens Wharf mooring dolphin

A powerpoint presentation was provided in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as minutes attachments.

Cr D Newman left the meeting at 11.34 am.

Cr D Newman returned to the meeting at 11.41 am.

Cr A Filipaina left the meeting at 12.26 pm.

Cr A Filipaina returned to the meeting at 12.36 pm.

MOVED by Mayor P Goff, seconded by Cr L Cooper:

That the Governing Body:

- a) agree to proceed with the Queens Wharf Mooring Dolphin proposal, to enable large cruise ships to berth in Auckland, recommended in Attachment C and summarised in the addendum agenda report.
- b) delegate decisions regarding detailed design, delivery and budget allocation of capital costs to the Auckland Council Chief Executive
- c) agree that Auckland Council will recover the capital cost of cruise infrastructure, over time, through cruise ship passenger levies imposed and collected by Ports of Auckland Limited
- d) note that a resource consent application will be prepared by Panuku and that the application will be lodged requesting full public notification.

Resolution number GB/2017/136

MOVED by Cr A Filipaina, seconded by Cr E Collins:

That the Governing Body:

- a) **grant Cr C Darby an extension of 2 minutes to complete his address.**

CARRIED

Resolution number GB/2017/137

MOVED by Cr E Collins, seconded by Cr W Walker:

That the Governing Body:

- a) **grant Cr M Lee an extension of 2 minutes to complete his address.**

CARRIED

MOVED by Cr R Clow, seconded by Cr L Cooper: an amendment by way of addition:

That the Governing Body:

- e) **approve resolutions a) to d) subject to Council undertaking to remove the Queens Wharf Mooring Dolphin upon redevelopment of Captain Cook wharf that meets the requirements of the cruise industry.**

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Deputy Mayor B Cashmore	Cr E Collins	
Cr R Clow	Cr C Darby	
Cr L Cooper	Cr A Filipaina	
Cr C Fletcher	Cr R Hills	
Mayor P Goff	Cr M Lee	
Cr P Hulse	Cr D Newman	
Cr D Simpson	Cr D Quax	
	Cr G Sayers	
	Cr S Stewart	
	Cr J Walker	
	Cr W Walker	
	Cr J Watson	

The motion was declared **LOST** by 7 votes to 12.

Resolution number GB/2017/138

MOVED by Mayor P Goff, seconded by Cr L Cooper:

That the Governing Body:

- a) **agree to proceed with the Queens Wharf Mooring Dolphin proposal, to enable large cruise ships to berth in Auckland, recommended in Attachment C and summarised in the addendum agenda report.**
- b) **delegate decisions regarding detailed design, delivery and budget allocation of capital costs to the Auckland Council Chief Executive**
- c) **agree that Auckland Council will recover the capital cost of cruise infrastructure, over time, through cruise ship passenger levies imposed and collected by Ports of Auckland Limited**
- d) **note that a resource consent application will be prepared by Panuku and that the application will be lodged requesting full public notification.**

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Deputy Mayor B Cashmore	Cr E Collins	
Cr R Clow	Cr C Darby	
Cr L Cooper	Cr M Lee	
Cr A Filipaina	Cr W Walker	
Cr C Fletcher	Cr J Watson	
Mayor P Goff		
Cr R Hills		
Cr P Hulse		
Cr D Newman		
Cr D Quax		
Cr G Sayers		
Cr D Simpson		
Cr S Stewart		
Cr J Walker		

The motion was declared CARRIED by 14 votes to 5.

CARRIED

Attachments

- A 23 November 2017 Governing Body 20171123 - Item 13 Queens Wharf mooring dolphin - presentation

The meeting adjourned at 1.24pm and reconvened at 2.04pm.

Councillor E Collins was not present.

Extension of Meeting Time

Resolution number GB/2017/139

MOVED by Mayor P Goff, seconded by Cr P Hulse:

That the Governing Body:

- a) **agree pursuant to Standing Order 1.1.3, that an extension of time until the business of the agenda is complete, be granted.**

CARRIED

14 Consideration of America's Cup 2021 location, infrastructure and funding

Cr E Collins returned to the meeting at 2.11pm.

Cr R Clow left the meeting at 2.45 pm.

Cr R Clow returned to the meeting at 2.51 pm.

Cr J Watson left the meeting at 3.21 pm.

Cr J Watson returned to the meeting at 3.28 pm.

Cr D Quax left the meeting at 3.32 pm.

Cr P Hulse left the meeting at 3.34 pm.

Cr D Simpson left the meeting at 3.36 pm.

Cr D Quax returned to the meeting at 3.39 pm.

Cr P Hulse returned to the meeting at 3.53 pm.

Cr D Simpson returned to the meeting at 4.10 pm.

Cr D Simpson declared a conflict of interest and took no part in the discussion nor voting on this item.

Cr D Simpson left the meeting at 4.20 pm.

The motion was put in parts.

Resolution number GB/2017/140

MOVED by Mayor P Goff, seconded by Cr R Hills: **That the Governing Body:**

- a) **support Emirates Team New Zealand to host the America's Cup in Auckland in 2021.**

CARRIED UNANIMOUSLY

Resolution number GB/2017/141

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- b) **approve the following three options as a basis for continued negotiation with the Crown and Emirates Team New Zealand (noting that these are the current preferences of the Government, Emirates Team New Zealand and community groups):**
- i) **Cluster of bases on Halsey Wharf, Hobson Wharf and Wynyard Wharf East.**

CARRIED UNANIMOUSLY

Resolution number GB/2017/142

MOVED by Mayor P Goff, seconded by Cr R Hills:

- b) **approve the following three options as a basis for continued negotiation with the Crown and Emirates Team New Zealand (noting that these are the current preferences of the Government, Emirates Team New Zealand and community groups):**
- ii) **Cluster of bases on the Western and Eastern side of Wynyard Wharf and Site 18**

CARRIED UNANIMOUSLY

Note: Pursuant to Standing Order 1.8.6, Cr R Clow requested that his dissenting vote be recorded.

MOVED by Mayor P Goff, seconded by Cr R Hills:

- b) **approve the following three options as a basis for continued negotiation with the Crown and Emirates Team New Zealand (noting that these are the current preferences of the Government, Emirates Team New Zealand and community groups):**
- iii) **Halsey Wharf extension**

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr L Cooper	Deputy Mayor B Cashmore	
Cr A Filipaina	Cr R Clow	
Cr C Fletcher	Cr E Collins	
Cr P Hulse	Cr C Darby	
Cr D Newman	Mayor P Goff	
Cr D Quax	Cr R Hills	
Cr G Sayers	Cr M Lee	
	Cr S Stewart	
	Cr J Walker	
	Cr W Walker	
	Cr J Watson	

The motion was declared LOST by 7 votes to 11.

Resolution number GB/2017/143

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- c) express a preference for option b) i) in discussions with the Crown and Emirates Team New Zealand.**

CARRIED

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

Resolution number GB/2017/144

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- d) note that the Auckland Council, the Crown and private sector investors will need to contribute financially to the infrastructure required for the America's Cup in Auckland in 2021.**

CARRIED UNANIMOUSLY

Resolution number GB/2017/145

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- e) delegate to the Mayor and the Auckland Council Chief Executive the authority to undertake negotiations with the Crown, Emirates Team New Zealand and private investors on the funding, location and infrastructure required to host the America's Cup in Auckland in 2021.**

CARRIED UNANIMOUSLY

Resolution number GB/2017/146

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- f) request that the Mayor and the Auckland Council Chief Executive report back to the 14 December 2017 Governing Body meeting for a decision on funding, location and infrastructure as per the negotiation parameters in clauses b), c) and d) above.**

CARRIED UNANIMOUSLY

Resolution number GB/2017/147

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- g) note that council decisions, including on funding, will be needed on associated city centre infrastructure that is critical to the success of the America's Cup.**

CARRIED UNANIMOUSLY

Resolution number GB/2017/148

MOVED by Mayor P Goff, seconded by Cr R Hills:

That the Governing Body:

- h) refer the report and decisions to Cabinet to inform their decisions.**

CARRIED UNANIMOUSLY

Attachments

- A 23 November 2017 Governing Body Item 14: Consideration of America's Cup 2021 location, infrastructure and funding - presentation

Cr J Walker left the meeting at 5.07 pm.

Cr G Sayers left the meeting at 5.07 pm.

The meeting adjourned at 5.07pm and reconvened at 5.17pm.

Cr D Simpson returned to the meeting at 5.17 pm.

15 Auckland Council response to the Remuneration Authority consultation document 'Local Government Review'.

Resolution number GB/2017/149

MOVED by Mayor P Goff, seconded by Cr R Clow:

That the Governing Body:

- a) approve the proposed submission in Attachment B of the report as the Auckland Council response to the Remuneration Authority on its consultation document 'Local Government Review'**
- b) authorise the General Manager Democracy Services to make minor editorial changes prior to sending the submission to the Remuneration Authority**
- c) authorise the Deputy Mayor to approve any amendments to the submission arising as a result of the discussion at this meeting.**

CARRIED

16 Chief Executive's Performance Objectives

Resolution number GB/2017/150

MOVED by Mayor P Goff, seconded by Cr D Simpson:

That the Governing Body:

- a) note the contents of this report.**

CARRIED

17 Summary of Governing Body information memos and briefings - 23 November 2017

Resolution number GB/2017/151

MOVED by Cr D Simpson, seconded by Mayor P Goff:

That the Governing Body:

- a) receive the Summary of Governing Body information memos and briefings – 23 November 2017.

CARRIED

18 Consideration of Extraordinary Items

There were no extraordinary items.

19 Procedural motion to exclude the public

Resolution number GB/2017/152

MOVED by Mayor P Goff, seconded by Cr D Simpson:

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 CONFIDENTIAL: Chief Executive's Performance Objectives (Covering report)

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 6 and 7.</p>	<p>s6(a) - The making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial.</p> <p>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).</p> <p>In particular, the report contains information that relates to the setting of performance objectives that have yet to be agreed between the Governing Body and the Chief Executive, and the committee may discuss matters relating to the performance of the Chief Executive.</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 6 and 7.</p>

C1 CONFIDENTIAL: Chief Executive's Performance Objectives

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)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>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).</p> <p>In particular, the report contains information that relates to the setting of performance objectives that have yet to be agreed between the Governing Body and the Chief Executive, and the committee may discuss matters relating to the performance of the Chief Executive.</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 was made available to the public who were present at the meeting and formed part of the minutes of the meeting.

CARRIED

5.23pm 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.

6.33pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 CONFIDENTIAL: Chief Executive's Performance Objectives

Resolution number GB/2017/153

MOVED by Mayor P Goff, seconded by Cr C Fletcher:

That the Governing Body:

- a) note that the Appointments and Performance Review Committee has developed a draft set of Chief Executive performance objectives in consultation with the Chief Executive, and these are presented to the Governing Body for discussion and approval.
- b) approve the proposed Chief Executive performance objectives (Attachment A of the agenda report).
- c) agree that the Chief Executive's performance objectives will be made publicly available following the conclusion of the Governing Body meeting.

Restatement

- d) agree that the report and attachment will remain confidential until a formal decision is made by the Governing Body, after which the report and attachment will be made publicly available, including any changes to the attachment that are approved by the Governing Body.

The information is now available in the public arena as the Governing Body made the above decisions.

Attachments

- A 23 November 2017, Governing Body - Item C1: CONFIDENTIAL Chief Executive's Performance Objectives, Report
- B 23 November 2017, Governing Body - Item C1: CONFIDENTIAL: Chief Executives Performance Objectives, Attachment A

6.33 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:.....