
Tira Kāwana / 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, 26 July 2018 at 9.34am.

PRESENT

| | | |
|---------------------|--------------------------------|---|
| Mayor | Hon Phil Goff, CNZM, JP | |
| Deputy Mayor | Cr Bill Cashmore | |
| Councillors | Cr Dr Cathy Casey | |
| | Cr Ross Clow | |
| | Cr Fa'anana Efeso Collins | |
| | Cr Linda Cooper, JP | Until 2.36pm Item C1 (open) |
| | Cr Chris Darby | |
| | Cr Alf Filipaina | From 9.33am Item 3 |
| | Cr Hon Christine Fletcher, QSO | From 9.33am Item 3 Until 3.52pm Item C1 |
| | Cr Richard Hills | |
| | Cr Penny Hulse | From 9.42am Item 7.1 |
| | Cr Mike Lee | |
| | Cr Daniel Newman, JP | From 9.38am Item 6 |
| | Cr Greg Sayers | |
| | Cr Desley Simpson, JP | |
| | Cr Sir John Walker, KNZM, CBE | From 9.38am Item 7.1 Until 12.54pm Item 10 |
| | Cr Wayne Walker | |
| | Cr John Watson | |

ABSENT

| | |
|------------------------|----------------------|
| Cr Josephine Bartley | For leave of absence |
| Cr Sharon Stewart, QSM | |

ALSO PRESENT

Lemauga Lydia Sosene
Chairperson
Togiatolu Walter Togiamua,
Deputy Chairperson
Tauanu'u Nick Bakulich;
Makalita Kolo
Tafafuna'i Tasi Lauese
Angela Dalton, Chairperson
Lotu Fuli, Chairperson

Māngere-Ōtāhuhu Local Board

Manurewa Local Board

Ōtara-Papatoetoe Local Board

1 Affirmation

His Worship the Mayor read the affirmation.

2 Apologies

Resolution number GB/2018/110

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

That the Governing Body:

- a) **accept the apologies from Cr Sharon Stewart for absence and Cr Hulse for lateness.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

*Cr A Filipaina entered the meeting at 9.33am.
Cr C Fletcher entered the meeting at 9.34am.*

4 Confirmation of Minutes

Resolution number GB/2018/111

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

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 27 June 2018, including the confidential section and the extraordinary minutes of its meeting, held on Thursday, 28 June 2018, as a true and correct record.**

CARRIED

5 Petitions

There were no petitions.

6 Public Input

There was no public input.

Cr D Newman entered the meeting at 9.38 am.

7 Local Board Input

Note: Items 7.1 and 7.2 were taken together.

7.1 Local Board Input: Ōtara-Papatoetoe Local Board - Representation Review

Cr J Walker entered the meeting at 9.38 am.

Cr P Hulse entered the meeting at 9.42 am.

Ōtara-Papatoetoe Local Board Chair, Lotu Fuli addressed the Governing Body.

Resolution number GB/2018/112

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

That the Governing Body:

- a) **thank Ōtara-Papatoetoe Local Board Chair, Lotu Fuli for her input in relation to the Representation Review and for her attendance.**

CARRIED

7.2 Local Board Input: Māngere-Ōtāhuhu Local Board - Representation Review

Lemauga Lydia Sosene, Chairperson, Togiatoru Walter Togiama, Deputy Chairperson and members Tauanu'u Nick Bakulich; Makalita Kolo; and Tafafuna'i Tasi Lauese addressed the Governing Body.

A PowerPoint presentation as given. A copy is attached to the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number GB/2018/113

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

That the Governing Body:

- a) **thank Māngere-Ōtāhuhu Local Board Chair, Lemauga Lydia Sosene and member of the local board for their input in relation to the Representation Review and for their attendance.**

CARRIED

Attachments

- A 26 July 2018, Governing Body - Item 7.2 Local Board Input: Māngere-Ōtāhuhu Local Board - Representation Review - presentation

8 Extraordinary Business

8.1 Extraordinary Business - Submission to the Election Access Fund Bill

Resolution number GB/2018/114

MOVED by Cr C Casey, seconded by Cr P Hulse:

That the Governing Body:

- a) consider an extraordinary item “Submission to the Electoral Access Fund Bill” at Item 16 – Consideration of Extraordinary Items of this agenda, noting:
 - i) the reason the matter was not on the agenda is because the item was first brought to council’s attention on 23 July 2018 by the Disability Advisory Panel which was not in time to include a report on the agenda, and
 - ii) the reason why this matter cannot be delayed until a subsequent meeting is that the deadline for submissions for this bill is on Friday 27 July 2018.

CARRIED

9 Governing Body Terms of Reference amendments as a result of the disestablishment of Auckland Council Investments Limited

His Worship the Mayor advised the meeting that in addition to the changes identified in the report, Cr Greg Sayers would join the Civil Defence and Emergency Management Group Committee and the Community Development and Safety Committee would have an additional responsibility.

Note: Changes to the original recommendation were made with the addition of new clauses b) and c), with the agreement of the meeting.

Resolution number GB/2018/115

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

- a) adopt the amended Governing Body Terms of Reference in Attachment A of the agenda report
- b) further amend the Governing Body Terms of Reference to add Councillor Greg Sayers as a member of the Civil Defence and Emergency Management Group Committee.
- c) further amend the Governing Body Terms of Reference to add to the Community Development and Safety Committee responsibilities: “to work with the six demographic advisory panels to give visibility to the issues important to their communities and help effect change”.
- d) delegate to the Chief Financial Officer (alternates Executive Director: Auckland Investment Office or Treasurer and General Manager: Financial Transactions) of Auckland Council, the ability to vote on behalf of Auckland Council at the Annual General Meeting of Auckland International Airport Limited.

CARRIED

10 Review of Auckland Council's representation arrangements for the 2019 elections

The Chairperson of the Joint Governance Working Party, Richard Northey addressed the Governing Body.

Additional feedback from the Māngere-Ōtāhuhu and Otara-Papatoetoe Local Boards was tabled. Copies are attached to the official minutes and are available on the Auckland Council website as a minutes attachment.

Cr P Hulse left the meeting at 11.35 am.

Cr P Hulse returned to the meeting at 11.43 am.

MOVED by Cr A Filipaina, seconded by Cr L Cooper:

That the Governing Body, as part of the review of the Auckland Council's representation arrangements:

- a) receive the recommendations of the Joint Governance Working Party as contained in this report, including the feedback from local boards and the report of the councillor for the Waitematā and Gulf Ward.
- b) note that the Governing Body has taken into account:
 - i) the requirement for fair representation across all governing body wards and, within each local board, across all subdivisions
 - ii) the requirement for effective representation of communities of interest
 - iii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable
 - iv) that local board boundaries cannot be changed as part of the review
 - v) the existing communities of interest identified by the Local Government Commission in 2010.
- c) propose that, for the Waitematā and Gulf ward to comply with the fair representation requirements, its boundaries, and those of adjacent wards, are changed as shown in the map in Attachment C with the result that:
 - i) the communities of Parnell and Newmarket become part of the Ōrākei ward
 - ii) the communities in Westmere and west of Surrey Crescent become part of the Albert-Eden-Roskill ward
 - iii) the community in Eden Terrace, south of the motorway, become part of the Albert-Eden-Roskill ward

and that, as a consequence of these changes:

- iv) parts of Ellerslie and St Johns, currently in the Ōrākei ward, become part of the Maungakiekie-Tāmaki ward
- v) part of Mt Roskill currently in the Albert-Eden-Roskill ward become part of the Whau ward
- vi) part of an area close to Royal Oak and Onehunga, currently in the Maungakiekie-Tāmaki ward become part of the Albert-Eden-Roskill ward

noting that the Governing Body has particularly taken into account:

- vii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable, and that this proposal will lead to the boundaries of the affected wards not being fully aligned with local board boundaries
- viii) local board boundaries cannot be changed as part of the review

- ix) that there is minor under-representation in the Ōrākei and Maungakiekie-Tāmaki wards but that, due to the Rodney ward having non-complying over-representation it is reasonable to allow small under-representation in other parts of Auckland.
- d) propose that the Manukau ward be split into two separate wards with boundaries that align with the Māngere-Ōtāhuhu and Ōtara-Papatoetoe Local Board areas, named the Māngere-Ōtāhuhu ward and the Ōtara-Papatoetoe ward, noting that the Governing Body has particularly taken into account:
 - i) the existing communities of interest as recognised by the Local Government Commission in 2010, particularly in terms of current local board boundaries
 - ii) that the Manukau ward is the only double-member ward that can be split into single-member wards along local board boundaries and comply with the fair representation requirements
 - iii) at the local level the communities of Papatoetoe and Ōtara have guaranteed representation through the subdivision arrangements of the respective local boards
 - iv) creating two single-member wards based on the existing boundaries of the Māngere-Ōtāhuhu Local Board and the Ōtara-Papatoetoe Local Board will allow more effective representation of those communities with each ward member having a smaller constituency to support and only one local board to liaise with.
- e) propose that the boundaries of the Manurewa-Papakura ward are not changed, noting that this needs confirmation by the Local Government Commission as it is a non-complying decision, and that the Governing Body has particularly taken into account:
 - i) the existing communities of interest as recognised by the Local Government Commission in terms of current ward and local board boundaries set by the Commission in 2010
 - ii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable
 - iii) local board boundaries cannot be changed as part of the review
 - iv) the non-compliance is very minor and it is preferable to maintain alignment with local board boundaries to avoid confusing residents and to avoid creating complexities in the administration of elections.
- f) propose that the Rodney ward boundaries are not changed, noting that this needs confirmation by the Local Government Commission as it is a non-complying decision and that the Governing Body has particularly taken into account:
 - i) the existing communities of interest as recognised by the Local Government Commission in 2010 in terms of current ward and local board boundaries set by the Commission in 2010
 - ii) options for increasing the population of the Rodney ward result in splitting communities of interest or joining disparate communities of interest
 - iii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable
 - iv) local board boundaries cannot be changed as part of the review.

- g) propose that the subdivision boundaries of the Rodney Local Board are changed as shown by the map in Attachment D to better recognise communities of interest and to improve compliance with the requirement for fairness by:
- i) extending the Wellsford subdivision boundary south to meet the Kumeu subdivision boundary at Makarau
 - ii) moving the boundary between Warkworth and Wellsford north to include a small area north of Matakana Road in the Warkworth subdivision;
- noting that the Governing Body has taken into account:
- iii) the requirement for fair representation across all subdivisions of the Rodney Local Board
 - iv) the requirement for effective representation of communities of interest within the Rodney Local Board area
- h) propose that the boundaries of the subdivisions in the Howick Local Board area are not changed noting that this needs confirmation by the Local Government Commission as it is a non-complying decision and that the Governing Body has taken into account:
- i) the existing communities of interest as recognised by the Local Government Commission in 2010 in terms of current ward and local board boundaries
 - ii) the northern boundary of the Botany subdivision is close to the Botany Town Centre and that any options for moving the northern boundary of the Botany subdivision southwards will result in splitting communities which have more of an interest in the Botany area than in the Howick or Pakuranga area
 - iii) the population in the Botany subdivision is continuing to grow and once the non-compliance is more substantial, a future review should investigate all options, including an additional subdivision or additional board members.
- i) propose that the name of the Great Barrier Local Board is changed to Aotea Great Barrier Local Board to acknowledge the intended re-naming of Great Barrier Island as a result of the settlement with Ngāti Rehua - Ngātiwai ki Aotea.
- j) propose that all other representation arrangements that were in place for the 2016 elections remain unchanged.
- k) hold an additional meeting on Thursday 18 October 2018 at 9.30 am to consider the report of the Joint Governance Working Party on submissions and to make the council's final proposal for public notification.
- l) delegate to the Joint Governance Working Party the responsibility and power under section 19M (3) of the Local Electoral Act 2001 to hear and consider submissions and to report recommendations to the Governing Body to take into account when making its final proposal.

MOVED by Cr M Lee, seconded by Cr J Watson an amendment by way of replacement for clause c):

That the Governing Body:

- c) maintain the present representation boundary arrangements for the Waitemata and Gulf Ward on the grounds of special circumstances pertaining to the inner city subdivision of this ward; and also because of the unique and exceptional nature of the Auckland Council unitary authority, including shared decision making (as outlined in the attachment of the agenda report); and therefore in these special and unique circumstances reliance solely on the +/-10% rule would be to the detriment of the other criteria (including preserving communities of interest) for effective and fair representation as set out in the Local Electoral Act 2001.

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

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

The motion was declared LOST by 7 votes to 11.

Note: With the agreement of the meeting and pursuant to Standing Order 1.1.3, the meeting continued to allow completion of the item prior to an adjournment.

The substantive motion was put in clauses in the following order:

Resolution number GB/2018/116

MOVED by Cr A Filipaina, seconded by Cr L Cooper:

That the Governing Body, as part of the review of the Auckland Council's representation arrangements:

- c) **propose that, for the Waitematā and Gulf ward to comply with the fair representation requirements, its boundaries, and those of adjacent wards, are changed as shown in the map in Attachment C with the result that:**
- i) **the communities of Parnell and Newmarket become part of the Ōrākei ward**
 - ii) **the communities in Westmere and west of Surrey Crescent become part of the Albert-Eden-Roskill ward**
 - iii) **the community in Eden Terrace, south of the motorway, become part of the Albert-Eden-Roskill ward**
- and that, as a consequence of these changes:**
- iv) **parts of Ellerslie and St Johns, currently in the Ōrākei ward, become part of the Maungakiekie-Tāmaki ward**
 - v) **part of Mt Roskill currently in the Albert-Eden-Roskill ward become part of the Whau ward**
 - vi) **part of an area close to Royal Oak and Onehunga, currently in the Maungakiekie-Tāmaki ward become part of the Albert-Eden-Roskill ward**
- noting that the Governing Body has particularly taken into account:**
- vii) **the requirement for ward boundaries to coincide with local board boundaries as far as is practicable, and that this proposal will lead to the boundaries of the affected wards not being fully aligned with local board boundaries**

- viii) local board boundaries cannot be changed as part of the review
- ix) that there is minor under-representation in the Ōrākei and Maungakiekie-Tāmaki wards but that, due to the Rodney ward having non-complying over-representation it is reasonable to allow small under-representation in other parts of Auckland.

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

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

The motion was declared CARRIED by 14 votes to 4.

CARRIED

Resolution number GB/2018/117

MOVED by Cr A Filipaina, seconded by Cr L Cooper:

That the Governing Body, as part of the review of the Auckland Council's representation arrangements:

- d) propose that the Manukau ward be split into two separate wards with boundaries that align with the Māngere-Ōtāhuhu and Ōtara-Papatoetoe Local Board areas, named the Māngere-Ōtāhuhu ward and the Ōtara-Papatoetoe ward, noting that the Governing Body has particularly taken into account:
 - i) the existing communities of interest as recognised by the Local Government Commission in 2010, particularly in terms of current local board boundaries
 - ii) that the Manukau ward is the only double-member ward that can be split into single-member wards along local board boundaries and comply with the fair representation requirements
 - iii) at the local level the communities of Papatoetoe and Ōtara have guaranteed representation through the subdivision arrangements of the respective local boards
 - iv) creating two single-member wards based on the existing boundaries of the Māngere-Ōtāhuhu Local Board and the Ōtara-Papatoetoe Local Board will allow more effective representation of those communities with each ward member having a smaller constituency to support and only one local board to liaise with.

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

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

The motion was declared CARRIED by 9 votes to 8.

CARRIED

Resolution number GB/2018/118

MOVED by Cr A Filipaina, seconded by Cr L Cooper:

That the Governing Body, as part of the review of the Auckland Council's representation arrangements:

- a) **receive the recommendations of the Joint Governance Working Party as contained in this report, including the feedback from local boards and the report of the councillor for the Waitematā and Gulf Ward.**
- b) **note that the Governing Body has taken into account:**
 - i) **the requirement for fair representation across all governing body wards and, within each local board, across all subdivisions**
 - ii) **the requirement for effective representation of communities of interest**
 - iii) **the requirement for ward boundaries to coincide with local board boundaries as far as is practicable**
 - iv) **that local board boundaries cannot be changed as part of the review**
 - v) **the existing communities of interest identified by the Local Government Commission in 2010.**
- e) **propose that the boundaries of the Manurewa-Papakura ward are not changed, noting that this needs confirmation by the Local Government Commission as it is a non-complying decision, and that the Governing Body has particularly taken into account:**
 - i) **the existing communities of interest as recognised by the Local Government Commission in terms of current ward and local board boundaries set by the Commission in 2010**
 - ii) **the requirement for ward boundaries to coincide with local board boundaries as far as is practicable**
 - iii) **local board boundaries cannot be changed as part of the review**
 - iv) **the non-compliance is very minor and it is preferable to maintain alignment with local board boundaries to avoid confusing residents and to avoid creating complexities in the administration of elections.**
- f) **propose that the Rodney ward boundaries are not changed, noting that this needs confirmation by the Local Government Commission as it is a non-complying decision and that the Governing Body has particularly taken into account:**

- i) the existing communities of interest as recognised by the Local Government Commission in 2010 in terms of current ward and local board boundaries set by the Commission in 2010
 - ii) options for increasing the population of the Rodney ward result in splitting communities of interest or joining disparate communities of interest
 - iii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable
 - iv) local board boundaries cannot be changed as part of the review.
- g) propose that the subdivision boundaries of the Rodney Local Board are changed as shown by the map in Attachment D to better recognise communities of interest and to improve compliance with the requirement for fairness by:
- i) extending the Wellsford subdivision boundary south to meet the Kumeu subdivision boundary at Makarau
 - ii) moving the boundary between Warkworth and Wellsford north to include a small area north of Matakana Road in the Warkworth subdivision;
- noting that the Governing Body has taken into account:
- iii) the requirement for fair representation across all subdivisions of the Rodney Local Board
 - iv) the requirement for effective representation of communities of interest within the Rodney Local Board area
- h) propose that the boundaries of the subdivisions in the Howick Local Board area are not changed noting that this needs confirmation by the Local Government Commission as it is a non-complying decision and that the Governing Body has taken into account:
- i) the existing communities of interest as recognised by the Local Government Commission in 2010 in terms of current ward and local board boundaries
 - ii) the northern boundary of the Botany subdivision is close to the Botany Town Centre and that any options for moving the northern boundary of the Botany subdivision southwards will result in splitting communities which have more of an interest in the Botany area than in the Howick or Pakuranga area
 - iii) the population in the Botany subdivision is continuing to grow and once the non-compliance is more substantial, a future review should investigate all options, including an additional subdivision or additional board members.
- i) propose that the name of the Great Barrier Local Board is changed to Aotea Great Barrier Local Board to acknowledge the intended re-naming of Great Barrier Island as a result of the settlement with Ngāti Rehua - Ngātiwai ki Aotea.
- j) propose that all other representation arrangements that were in place for the 2016 elections remain unchanged.
- k) hold an additional meeting on Thursday 18 October 2018 at 9.30 am to consider the report of the Joint Governance Working Party on submissions and to make the council's final proposal for public notification.
- l) delegate to the Joint Governance Working Party the responsibility and power under section 19M (3) of the Local Electoral Act 2001 to hear and consider submissions and to report recommendations to the Governing Body to take into account when making its final proposal.

CARRIED

For clarity, the resolution is:

That the Governing Body, as part of the review of the Auckland Council's representation arrangements:

- a) receive the recommendations of the Joint Governance Working Party as contained in this report, including the feedback from local boards and the report of the councillor for the Waitemata and Gulf Ward.
- b) note that the Governing Body has taken into account:
 - i) the requirement for fair representation across all governing body wards and, within each local board, across all subdivisions
 - ii) the requirement for effective representation of communities of interest
 - iii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable
 - iv) that local board boundaries cannot be changed as part of the review
 - v) the existing communities of interest identified by the Local Government Commission in 2010.
- c) propose that, for the Waitemata and Gulf ward to comply with the fair representation requirements, its boundaries, and those of adjacent wards, are changed as shown in the map in Attachment C with the result that:
 - i) the communities of Parnell and Newmarket become part of the Ōrākei ward
 - ii) the communities in Westmere and west of Surrey Crescent become part of the Albert-Eden-Roskill ward
 - iii) the community in Eden Terrace, south of the motorway, become part of the Albert-Eden-Roskill ward

and that, as a consequence of these changes:

- iv) parts of Ellerslie and St Johns, currently in the Ōrākei ward, become part of the Maungakiekie-Tāmaki ward
- v) part of Mt Roskill currently in the Albert-Eden-Roskill ward become part of the Whau ward
- vi) part of an area close to Royal Oak and Onehunga, currently in the Maungakiekie-Tāmaki ward become part of the Albert-Eden-Roskill ward

noting that the Governing Body has particularly taken into account:

- vii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable, and that this proposal will lead to the boundaries of the affected wards not being fully aligned with local board boundaries
 - viii) local board boundaries cannot be changed as part of the review
 - ix) that there is minor under-representation in the Ōrākei and Maungakiekie-Tāmaki wards but that, due to the Rodney ward having non-complying over-representation it is reasonable to allow small under-representation in other parts of Auckland.
- d) propose that the Manukau ward be split into two separate wards with boundaries that align with the Māngere-Ōtāhuhu and Ōtara-Papatoetoe Local Board areas, named the Māngere-Ōtāhuhu ward and the Ōtara-Papatoetoe ward, noting that the Governing Body has particularly taken into account:
 - i) the existing communities of interest as recognised by the Local Government Commission in 2010, particularly in terms of current local board boundaries

- ii) that the Manukau ward is the only double-member ward that can be split into single-member wards along local board boundaries and comply with the fair representation requirements
 - iii) at the local level the communities of Papatoetoe and Ōtara have guaranteed representation through the subdivision arrangements of the respective local boards
 - iv) creating two single-member wards based on the existing boundaries of the Māngere-Ōtāhuhu Local Board and the Ōtara-Papatoetoe Local Board will allow more effective representation of those communities with each ward member having a smaller constituency to support and only one local board to liaise with.
- e) propose that the boundaries of the Manurewa-Papakura ward are not changed, noting that this needs confirmation by the Local Government Commission as it is a non-complying decision, and that the Governing Body has particularly taken into account:
- i) the existing communities of interest as recognised by the Local Government Commission in terms of current ward and local board boundaries set by the Commission in 2010
 - ii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable
 - iii) local board boundaries cannot be changed as part of the review
 - iv) the non-compliance is very minor and it is preferable to maintain alignment with local board boundaries to avoid confusing residents and to avoid creating complexities in the administration of elections.
- f) propose that the Rodney ward boundaries are not changed, noting that this needs confirmation by the Local Government Commission as it is a non-complying decision and that the Governing Body has particularly taken into account:
- i) the existing communities of interest as recognised by the Local Government Commission in 2010 in terms of current ward and local board boundaries set by the Commission in 2010
 - ii) options for increasing the population of the Rodney ward result in splitting communities of interest or joining disparate communities of interest
 - iii) the requirement for ward boundaries to coincide with local board boundaries as far as is practicable
 - iv) local board boundaries cannot be changed as part of the review.
- g) propose that the subdivision boundaries of the Rodney Local Board are changed as shown by the map in Attachment D to better recognise communities of interest and to improve compliance with the requirement for fairness by:
- i) extending the Wellsford subdivision boundary south to meet the Kumeu subdivision boundary at Makarau
 - ii) moving the boundary between Warkworth and Wellsford north to include a small area north of Matakana Road in the Warkworth subdivision;
- noting that the Governing Body has taken into account:
- iii) the requirement for fair representation across all subdivisions of the Rodney Local Board
 - iv) the requirement for effective representation of communities of interest within the Rodney Local Board area

- h) propose that the boundaries of the subdivisions in the Howick Local Board area are not changed noting that this needs confirmation by the Local Government Commission as it is a non-complying decision and that the Governing Body has taken into account:
 - i) the existing communities of interest as recognised by the Local Government Commission in 2010 in terms of current ward and local board boundaries
 - ii) the northern boundary of the Botany subdivision is close to the Botany Town Centre and that any options for moving the northern boundary of the Botany subdivision southwards will result in splitting communities which have more of an interest in the Botany area than in the Howick or Pakuranga area
 - iii) the population in the Botany subdivision is continuing to grow and once the non-compliance is more substantial, a future review should investigate all options, including an additional subdivision or additional board members.
- i) propose that the name of the Great Barrier Local Board is changed to Aotea Great Barrier Local Board to acknowledge the intended re-naming of Great Barrier Island as a result of the settlement with Ngāti Rehua - Ngātiwai ki Aotea.
- j) propose that all other representation arrangements that were in place for the 2016 elections remain unchanged.
- k) hold an additional meeting on Thursday 18 October 2018 at 9.30 am to consider the report of the Joint Governance Working Party on submissions and to make the council's final proposal for public notification.
- l) delegate to the Joint Governance Working Party the responsibility and power under section 19M (3) of the Local Electoral Act 2001 to hear and consider submissions and to report recommendations to the Governing Body to take into account when making its final proposal.

Attachments

- A 26 July 2018, Governing Body - Item 10: Review of Auckland Council's representation arrangements for the 2019 elections, Additional feedback Māngere-Ōtāhuhu Local Board
- B 26 July 2018, Governing Body - Item 10: Review of Auckland Council's representation arrangements for the 2019 elections, Additional feedback Otara-Papatoetoe Local Board

The meeting adjourned at 12.54pm until 1.26pm.

Councillors R Clow, E Collins, Sir J Walker, John Watson, G Sayers and D Newman not present when the meeting reconvened.

11 Referred from the Audit and Risk Committee - Quarterly Health and Safety Performance Report

- Cr R Clow returned to the meeting at 1.28 pm.*
- Cr D Newman returned to the meeting at 1.31 pm.*
- Cr E Collins returned to the meeting at 1.32 pm.*
- Cr G Sayers returned to the meeting at 1.32 pm.*
- Cr J Watson returned to the meeting at 1.32pm.*

Resolution number GB/2018/119

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

That the Governing Body:

- a) receive the Health, Safety and Wellbeing Performance report
- b) note its duties under the Health and Safety at Work Act 2015
- c) note that the report will be referred to all local boards for their information.

CARRIED

12 Recommendations from the Regulatory Committee - Health and Hygiene Bylaw 2013 Statement of Proposal

Resolution number GB/2018/120

MOVED by Cr L Cooper, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

- a) adopt the Health and Hygiene Bylaw 2013 Statement of Proposal in Attachment A of the agenda report
- b) confirm that the amended Health and Hygiene Bylaw 2013 contained within Attachment A of the agenda report:
 - i) is the most appropriate form of bylaw
 - ii) does not give rise to any implications and is not inconsistent with the New Zealand Bill of Rights Act 1990.
- c) agree to forward the Health and Hygiene Bylaw 2013 statement of proposal in Attachment A of the agenda report to local boards and advisory panels for their views.
- d) note that authority is delegated through the Chief Executive to a manager responsible for bylaws to make any amendments to the Health and Hygiene Bylaw 2013 statement of proposal in Attachment A of the agenda report to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

CARRIED

13 Recommendations from the Regulatory Committee - Legacy On-site Wastewater Bylaws Statement of Proposal

Resolution number GB/2018/121

MOVED by Cr L Cooper, seconded by Cr R Clow:

That the Governing Body:

- a) adopt the Legacy On-site Wastewater Bylaws Statement of Proposal in Attachment A of the agenda report for public consultation to confirm the revocation of the legacy on-site wastewater bylaws including:
 - i) all clauses of the Auckland City Council Bylaws: Bylaw No. 29 (Waiheke Wastewater Bylaw 2008) (i.e. the whole legacy bylaw)
 - ii) residual clauses of the North Shore City Bylaw 2000: Part 20 Wastewater
 - iii) residual clauses of the Rodney District Council General Bylaw 1998: Chapter 20 Wastewater Drainage

- iv) residual clauses of the Papakura District Council Wastewater Bylaw 2008
- b) note that authority is delegated through the Chief Executive to a manager responsible for bylaws to make any amendments to the Legacy On-site Wastewater Bylaws statement of proposal in Attachment A of the agenda report to correct errors, omissions, or to reflect decisions made by the Regulatory Committee or Governing Body.

CARRIED

14 Governing Body's Forward Work Programme

Resolution number GB/2018/122

MOVED by Mayor P Goff, seconded by Cr E Collins:

That the Governing Body:

- a) approve the Governing Body's forward work programme.
- b) agree that the Governing Body's forward work programme be reported monthly for information and reviewed in December 2018 and July 2019.

CARRIED

15 Summary of Governing Body information memos and briefings - 26 July 2018

Resolution number GB/2018/123

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

That the Governing Body:

- a) receive the Summary of Governing Body information memos and briefings – 26 July 2018.

CARRIED

16 Consideration of Extraordinary Items

16.1 Submission to the Election Access Fund Bill

Documents in support of the item were tabled. Copies have been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

Resolution number GB/2018/124

MOVED by Cr C Casey, seconded by Cr D Newman:

That the Governing Body:

- a) approve Auckland Council's draft submission to the Governance and Administration Select Committee with the following addition:
"agree that the following statement be added the Auckland Council's submission: "The general policy statement in the explanatory note to the bill refers to Article 29 of the United Nations Convention on the Rights of Persons with Disabilities. It goes on to state that "The purpose of this bill is to give effect to New Zealand's obligations under Article 29." Article 29 refers to the right of disabled people to "stand for elections, to effectively hold office and perform all public functions at all levels of government [...]". Clearly, local authorities constitute a level of government in New Zealand."

- b) **authorise the General Manager Democracy Services to finalise the submission by making any minor changes that are necessary to reflect the council's position.**

CARRIED UNANIMOUSLY

Attachments

- A 26 July 2018, Governing Body - Item 16.1: Submission to the election Access Fund Bill, Supporting Information

Note: It was agreed that discussion of the confidential Item C1: City Rail Link: approval for change of project scope to provide additional future capacity, (with the exception of confidential commercial information) would be held in the open session of the meeting.

C1 City Rail Link: approval for change of project scope to provide additional future capacity

Present for the item were Cynthia Gillespie, Executive GM Planning and Investment, Auckland Transport; Mark Lambert, Executive GM Integrated Networks, Auckland Transport; Damian Flynn, Manager, Strategic Rail Development, Auckland Transport; Terry Poynton, Specialist Adviser, Advisian (City Rail Link Sponsors' Assurance Manager) and Elise Copeland, Principal Specialist, Universal Access and Design, Auckland Council.

*Cr G Sayers left the meeting at 2.20 pm.
Cr G Sayers returned to the meeting at 2.35 pm.
Cr L Cooper retired from the meeting at 2.36 pm.*

At 3.30pm:

Extension of Meeting Time

Resolution number GB/2018/125

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

That the Governing Body:

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

CARRIED

17 Procedural motion to exclude the public

Resolution number GB/2018/126

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

That the Governing Body:

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Terry Poynton, Specialist Adviser, Advisian (City Rail Link Sponsors' Assurance Manager) be permitted to remain for Confidential Item C1 – City Rail link: approval for change of project scope to provide additional future capacity after the public has been excluded, because of their knowledge of the subject, 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 CONFIDENTIAL: City Rail Link: approval for change of project scope to provide additional future capacity

| 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. | <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</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 about estimated project costings and budgets which, if released, could damage City Rail Link Limited's ability to successfully conduct negotiations for the most important and valuable project contracts.</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

3.38pm 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.

4.13pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 CONFIDENTIAL: City Rail Link: approval for change of project scope to provide additional future capacity

Resolution number GB/2018/127

MOVED by Mayor P Goff, seconded by Deputy Mayor BC Cashmore:

Restatement

- j) agree that the report, attachments and decision will be restated in the open minutes, with appropriate redactions to protect commercial confidentiality, once both Crown and Council have agreed the Sponsor response to the scope change proposal, and that City Rail Link Limited has been advised of the change.

4.13pm

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:.....