

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

**Date:** Tuesday, 16 October 2018  
**Time:** 2:00pm  
**Meeting Room:** Waitematā Local Board Office  
**Venue:** Ground Floor  
52 Swanson Street  
Auckland

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## Waitematā Local Board

### OPEN AGENDA

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#### MEMBERSHIP

<b>Chairperson</b>	Pippa Coom
<b>Deputy Chairperson</b>	Shale Chambers
<b>Members</b>	Adriana Avendaño Christie
	Richard Northey, ONZM
	Denise Roche
	Vernon Tava
	Rob Thomas

(Quorum 4 members)

**Liz Clemm**  
**Democracy Advisor – Waitematā Local Board**

**11 October 2018**

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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.

## 4 Confirmation of Minutes

That the Waitematā Local Board:

- a) confirm the ordinary minutes of its meeting, held on Tuesday, 18 September 2018, 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

### 7.1 Sophia Fiossetti - petition to Auckland Transport to restore bus services along Williamson Avenue in Grey Lynn.

#### Te take mō te pūrongo / Purpose of the report

1. To present a petition regarding the Auckland Transport bus route change that has removed bus routes from Williamson Ave.

#### Ngā tūhonga / Recommendation/s

That the Waitematā Local Board:

- a) thank Sophia Fiossetti for presenting a petition seeking Auckland Transport to restore bus services along Williamson Avenue, Grey Lynn and for attendance at the business meeting.

## 8 Deputations

Standing Order 7.7 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 Waitematā 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.

### 8.1 Andrew Charlesworth - Big Street Bikers

#### Te take mō te pūrongo / Purpose of the report

1. To inform the local board of Big Street Bikers proposal to provide electric bicycle charging stations across Auckland.

#### Ngā tūtohunga / Recommendation

That the Waitematā Local Board:

- a) thank Andrew Charlesworth of Big Street Bikers for his presentation and attendance at the business meeting.

### 8.2 Margaret Lewis - Housed to Homeless - grant recipient 2017

#### Te take mō te pūrongo / Purpose of the report

1. To update the local board on the successful outcome of the community grant received in 2017 in support of the Housed to Homeless initiative "Stuck in the Maze".

#### Ngā tūtohunga / Recommendation

That the Waitematā Local Board:

- a) thank Margaret Lewis of Housed to Homeless for her presentation and attendance at the business meeting.

### 8.3 Claudia "Boopsie" Maran - successful placemaking and community engagement executed in other cities

#### Te take mō te pūrongo / Purpose of the report

1. To present experiences of successful placemaking and community engagement executed in other cities.

#### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) thank Claudia "Boopsie" Maran for her presentation and attendance at the business meeting.

## 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

Under Standing Order 2.5.1 (LBS 3.11.1) or Standing Order 1.9.1 (LBS 3.10.17) (revoke or alter a previous resolution) a Notice of Motion has been received from Member V Tava for consideration under item 13.





## Ward Councillor's report

File No.: CP2018/18655

Item 12

### Te take mō te pūrongo / Purpose of the report

1. To provide Waitematā and Gulf Ward Councillor Mike Lee with an opportunity to update the Waitematā Local Board on regional issues.

### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) receive the verbal update from the Waitematā and Gulf Ward Councillor, Mike Lee.

### Ngā tāpirihanga / Attachments

There are no attachments for this report.

### Ngā kaihaina / Signatories

Authors	Liz Clemm - Democracy Advisor - Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board



## Notice of Motion - Vernon Tava - Installation of Bollards on St Patrick's Square

File No.: CP2018/19669

Item 13

### Whakarāpopototanga matua / Executive summary


1. Member Vernon Tava has given notice of a motion that they wish to propose.
2. The notice, signed by Member Vernon Tava and Chair Pippa Coom as seconder, is appended as Attachment A.
3. Supporting information is appended as Attachment A.

### Motion

That the Waitematā Local Board:

- a) supports in principle the re-installation of bollards at St Patrick's Square and requests Auckland Transport to provide a rough order of costs.

### Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Notice of Motion - Installation of bollards at St Patrick's Square	

### Ngā kaihaina / Signatories

Authors	Liz Clemm - Democracy Advisor - Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board



## Auckland Transport October 2018 update

File No.: CP2018/18811

Item 14

### Te take mō te pūrongo / Purpose of the report

1. To provide an update to the Waitematā Local Board on transport related matters in their area including the Local Board Transport Capital Fund (LBTCF).

### Whakarāpopototanga matua / Executive summary

2. This report covers:
  - a summary of Auckland Transport projects and operations in the local board area
  - a summary of the board's transport capital fund.
  - a summary of general information items sent to the board
  - decisions of the Traffic Control Committee

### Ngā tūhonga / Recommendation/s

That the Waitematā Local Board:

- a) receive the Auckland Transport October 2018 update report.

### Horopaki / Context

3. This report updates the board on Auckland Transport (AT) projects and operations in the local board area, it updates the board on their advocacy and consultations, and includes information on the status of the Local Board Transport Capital Fund.
4. Auckland Transport is responsible for all of Auckland's transport services, excluding state highways. We report on a monthly basis to local boards, as set out in our Local Board Engagement Plan. This monthly reporting commitment acknowledges the important engagement role local boards play within the governance of Auckland on behalf of their local communities.
5. The Local Board Transport Capital Fund is a capital budget provided to all local boards by Auckland Council and delivered by Auckland Transport. Local boards can use this fund to deliver transport infrastructure projects that they believe are important but are not part of Auckland Transport's work programme. Projects must also:
  - be safe
  - not impede network efficiency
  - be in the road corridor (although projects running through parks can be considered if there is a transport outcome).

### Tātaritanga me ngā tohutohu / Analysis and advice

#### Auckland Transport projects and operations in the local board area

6. The table below has a general summary of projects and activities of interest to the board with their current status. Please note that all timings are indicative and are subject to change:

Item 14

Item	Update
Park Road Busway - bus priority improvements on Park Road between Grafton Bridge and the Hospital entrance	No updates this month. Previous update: AT has been engaging with key stakeholders on the Park Road project. Traffic management outside the new University medical facility conflicts with construction of the proposed improvements and is likely to delay the project until 2020. Public consultation has been put on hold until we confirm with the University the earliest date that construction could proceed.
Wellesley Street Bus Improvement Project (formerly Midtown bus route) – Improving how city centre buses operate	The Detailed Business Case is about to be awarded and get underway. Overall project co-ordination is being undertaken with the Victoria St linear park team, the light rail team and City Rail Link Ltd.
Pt Chev to Westmere cycleway - A dedicated cycle route along Pt Chevalier Road and Meola Road ending near the Westmere Shops	Urban Design advice is being sought. After the last meeting of the Project Control Group, consultants have been asked to carry out further investigation and start the design process.
Route 4 of Waitematā Safer Routes. Improvements for pedestrians, people on bikes and bus users for the section of Great North Road between Crummer Road and Ponsonby Road.	No update this month. Previous update: AT has developed three concept designs to characterise the route. The design is based on the safe system approach and meets the needs of pedestrians, people on bikes and in vehicles. The new design has significant cost increase around kerb works and associated utility costs. The designs and indicative costs were presented to the Project Control Group who have requested that the Cost Scope Adjustment (NZTA funding) be progressed and agreed with NZTA. They asked that funding be found for the project. Detailed design will be progressed when we have the funding agreed.
Parnell cycleway – proposed cycleway through Parnell	The project team has worked through a multi criteria assessment of concept design options and determined AT's preferred design option. They are currently preparing materials for a community reference group workshop. AT, in partnership with NZTA, is planning safety and connectivity improvements to the Strand/Gladstone Road intersection as part of the proposed cycleway. These improvements include signalling the intersection and improving pedestrian and cycle connectivity. AT will shortly be consulting with residents and will share the details with the reference group once finalised.

Item	Update
Nelson St cycleway phase 3 – a bi-directional cycleway from Nelson Street to Quay Street	<p>No update this month.</p> <p>Previous update: Due to streetscape improvement opportunities for Market Place and Custom Street West, AT is delaying making any decisions following the October 2017 consultation on the proposal.</p> <p>AT will update the board, submitters and other key stakeholders when a decision is reached.</p>
Victoria Street East-West cycleway - dedicated cycle route along Victoria Street West, from the Beaumont Street intersection to the Hobson Street intersection.	<p>No update this month.</p> <p>Previous update: The draft detailed design has been delivered and the project team are working through an urban design review in collaboration with Council's Design Office.</p> <p>As per our current programme AT is looking at the construction start date as November 2019.</p>
Federal Street Walking and Cycling Improvements - proposed for Federal Street linking Fanshawe Street to Victoria Street until the full Federal Street Upgrade occurs.	<p>The project team is currently analysing feedback received from the consultation, and produce a report highlighting key themes and changes to be made to improve the safety of the design as a result (expected October/November 2018).</p>
Tamaki Drive cycle route (Quay Street to Ngapipi Bridge)	<p>The project is currently awaiting funding approval from NZTA. Construction expected to start late-2018 or early-2019.</p>
Cook Street & Union Street	<p>No update this month. Previous update:</p> <p>The Project Team are collating the consultation feedback, applying for necessary consents and in the process of getting consultant for detailed design.</p>
Parnell residential parking zone - proposed permit scheme for residents and businesses	<p>No update this month.</p> <p>Previous update: Consultation closed in December 2017. The project team's response to local board feedback was included in the July report to the local board. The final consultation report was published on the Auckland Transport website on the 10th of August. Implementation of the parking zone will be progressively rolled out from December to the end of April. The changes will be introduced progressively:</p> <ul style="list-style-type: none"> <li>• Area 1 by December 2018</li> <li>• Area 2 and 3 by early March 2019</li> <li>• Area 4 and 5 by end of April 2019</li> </ul>
Grey Lynn & Arch Hills parking scheme - proposed permit scheme for residents and businesses	<p>The project team will be implementing the amended residential parking zone in late 2018/early 2019. In line with a resolution passed by the local board, they will re-assess the parking situation in the remaining streets after parking patterns have normalised.</p>

Item 14

Item	Update
Herne Bay cycling and walking improvements – proposed changes to encourage slower driving speeds and improve routes for people walking and cycling.	No update this month. Previous update: The changes to the design resulting from public feedback and the review have just been communicated to residents and stakeholders. Construction is expected to start in March 2019.
Downtown Infrastructure Improvement Programme	Resource consents for the Ferry Basin redevelopment are expected to be lodged in early October. Resource consents for Quay Street Enhancement are expected to be lodged in November.
Route 2 of the Waitematā safe routes - improvements for pedestrians, people on bikes, and bus users. This route runs along Richmond Road from Surrey Crescent to Parawai Crescent through the West Lynn shopping centre.	The project team is analysing the feedback from the CLGs on the latest iteration of the designs and preparing for the start of a wider community re-engagement in mid- November. Minor improvement and tidy up works are planned in the near future.
College Hill Parking	The Parking Design team are preparing a resolution for consideration by the Traffic Control Committee.
Parnell Busway - bus priority improvements on Parnell Road between Davis Crescent and St Mary's Close.	Traffic Control Committee approval has been confirmed for the proposals. The team will be tendering the physical works contract during October.
Wynyard Quarter street and park upgrades – central construction package	Work commenced on Monday 17 September. Daldy Street (between Gaunt and Fanshawe and Gaunt and Pakenham Street) is now closed. Work has started removing the existing tram tracks and road surface.
Franklin Road upgrade - upgrades to improve the road quality and future-proof existing services.	For Phase 1 most of the works are planned to be finished by the 20 November 2018. Speed table and resurfacing is planned to take place in January and February 2019. For Phase 2 it is the intention to commence works from October 2018. This is on the eastern side from Wellington St and the western side from the top end to Arthur St. The Christmas shutdown is expected to take place from the 21 November 2018 to the 27 December 2018.
Ian McKinnon Cycleway – a high quality cycle facility connecting the North-western cycleway and the Grafton Gully cycleway.	Construction work is progressing well with the additional scope on the motorway bridge at Upper Queen Street. Construction is expected to be complete on 31 October 2018. An opening ceremony is planned for the end of November 2018.



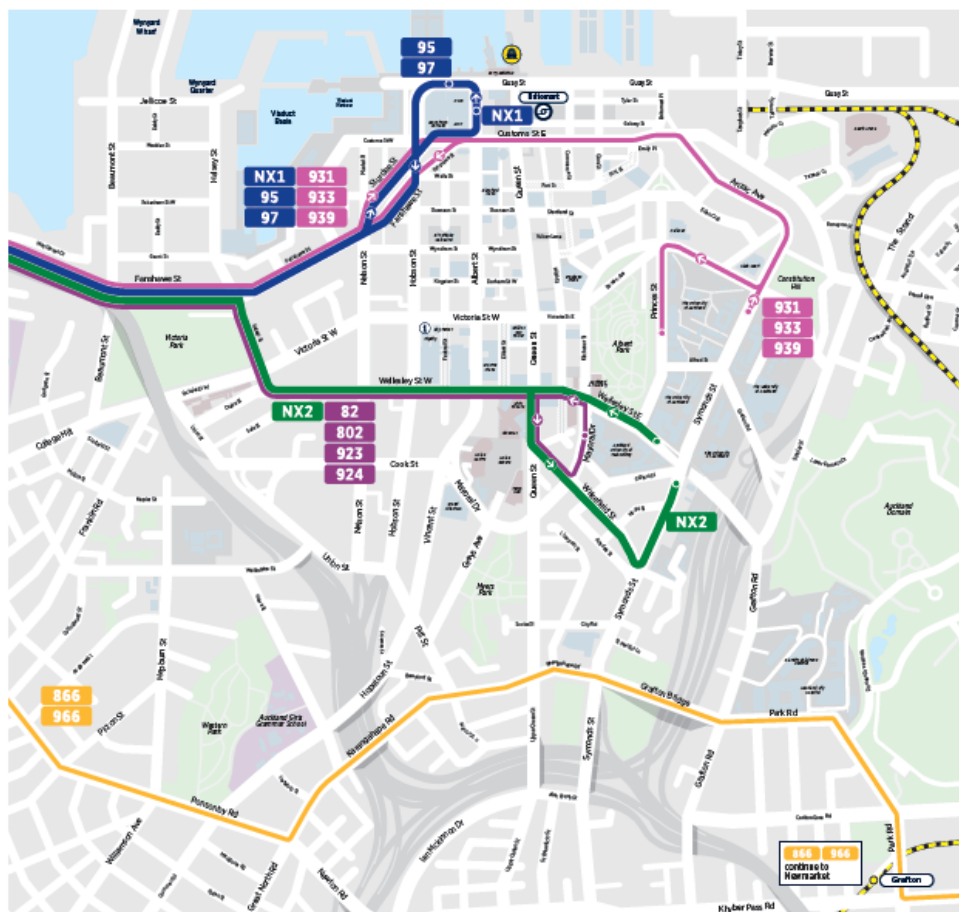
Item	Update
Parnell Station link – pedestrian link from the Station to Carlaw Park	The Carlaw Park walkway is complete, minus the landscaping. The contractor is waiting for approval from council to allow public use. The platform has been constructed, with some minor omissions to resolve. Ticket gates have been delayed and are not now expected until February 2019, but this will not affect ongoing use of the new entrances.

**Red light cameras go live in Auckland**

7. Six new red light safety cameras are operating in Auckland from the beginning of October, adding to six already in operation that have issued 2,314 infringements in just two and a half months.
8. Money from infringements goes to the Crown’s National Consolidated Fund.
9. Auckland Transport will be installing six cameras per year for the next five years at high risk intersections, alongside a number of other projects including speed management and physical improvements to high risk corridors and intersections.
10. Reducing death and serious injury is Auckland Transport’s number one priority as the organization moves towards delivering on the Vision Zero principle that no death on the road network is acceptable.

**New North Bus Network**

11. On Sunday 30 September 2018 the new network was implemented on the North Shore.
12. The below image outlines the services that enter into Waitematā Local Board area that originate on the North Shore.



13. It is expected that with new services, stops and drivers, it will take a period of time for everyone to get used to the new network. Auckland Transport representatives will be at busway stations and busy bus stops initially to help people get where they need to go.
14. New bus timetables are available to:
  - download from [www.AT.govt.nz/timetables](http://www.AT.govt.nz/timetables)
  - collect from an Auckland Transport Customer Service Centre (Britomart)
  - order by calling 093666400
  - order by emailing [timetables@AT.govt.nz](mailto:timetables@AT.govt.nz)
  - using the AT Mobile app to create and save journeys, track your bus in real time, and receive notifications from Auckland Transport regarding service disruptions

### Local Board Transport Capital Fund

15. Following the proposal to increase the Local Board Transport Capital Fund, the allocation to the board is now \$3,073,725 in total for this electoral period.
16. From this sum the board has approved:
  - \$221,000 as additional funds for the Ponsonby Road pedestrian improvement project
  - up to \$5,000 for streetscape enhancement incorporating tree planting on St Marys Road
  - \$825,000 for the Greenway connection through Cox's Bay Reserve to Wharf Road via Bayfield Park
17. The board currently has \$2,022,725 uncommitted.
18. Auckland Transport is preparing rough order of costs for delivery of:
  - the Greenway connection between Meola Road to Great North Road, called the Western Springs Greenway.
  - walking and/or cycling connections in the Auckland Domain as identified in the Auckland Domain Masterplan and/or Waitematā Greenways Plan
  - upgrading the footpath along the western side of Bourke Street, Newmarket.

### Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

19. The proposed decision of receiving the report has no local, sub-regional or regional impacts.

### Auckland Transport consultations

20. Auckland Transport attended workshops on the 9 October 2018 on the subjects of:
  - an update on the Downtown Programme
  - briefing on the Regional Public Transport Plan

### General information items sent to the board

21. Please see below for a summary of items sent to the board for their information or feedback:

Item	Date sent to local board
FYI: Freyberg Place summary report	06/09/2018
FYI: Wellesley Street / Sale Street Intersection	10/09/2018
FYI: Wynyard Quarter street upgrades	12/09/2018
FYI: Quay Street cycleway extension open	12/09/2018

Item	Date sent to local board
FYI: Memo regarding E-scooters	13/09/2018
FYI: Waitematā Safe Routes Costings	14/09/2018
FYI: Downtown Programme - Drilling Investigation	14/09/2018
Wynyard Quarter upgrade and the Dockline Tram	19/09/2018
FYI: Gore Street - Parking Restrictions Changes	19/09/2018
FYI: updated Mahuru Bus Layover	19/09/2018
Further information about the Speed Management Programme	20/09/2018
FYI: North New Network	21/09/2018
Update: Daldy Street upgrade project	24/09/2018
Update: Downtown Programme	25/09/2018
FYI: Travel Times and average speeds in city centre	25/09/2018
Freemans Bay - Residential Speed Limits	03/10/2018

### Traffic Control Committee resolutions

22. Please see Attachment A which outlines decisions made in the Waitematā Local Board area in September 2018. Auckland Transport's resolution and approval process ensures the most appropriate controls and restrictions are put in place and can be legally enforced.

### Tauākī whakaaweawe Māori / Māori impact statement

23. The proposed decision of receiving the report has no impacts or opportunities for Māori. Any engagement with Māori, or consideration of impacts and opportunities, will be carried out on an individual project basis.

### Ngā ritenga ā-pūtea / Financial implications

24. The proposed decision of receiving the report has no financial implications.


### Ngā raru tūpono / Risks

25. The proposed decision of receiving the report has no risks.

### Ngā koringa ā-muri / Next steps

26. Auckland Transport will provide another update report to the local board next month.

### Ngā tāpirihanga / Attachments

No.	Title	Page
<a href="#">A</a> 	Auckland Transport Traffic Control Decisions - September 2018	

### Ngā kaihaina / Signatories

Authors	Ben Halliwell – Elected Member Relationship Manager Auckland Transport
Authorisers	Jonathan Anyon – Elected Member Relationship Team Leader Auckland Transport Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board



## Draft Facility Partnership Policy

File No.: CP2018/18973

Item 15

### Te take mō te pūrongo / Purpose of the report

1. To seek the Waitematā Local Board's views on the draft Facility Partnerships Policy.

### Whakarāpopototanga matua / Executive summary

2. A 'facility partnership' is where Auckland Council invests in a community facility alongside others. Done well, partnerships can enable and empower our communities, and help us provide more of the quality facilities Auckland needs, faster and more cost-effectively.
3. The council intends to meet more facility needs through partnerships in future, and a new regional policy (refer Attachment B) has been developed to guide their selection and support.
4. Key policy positions outlined in the draft Facility Partnerships Policy and summarised in Attachment A include:
  - a focus on shared outcomes
  - partnerships that recognise, value and honour Te Ao Māori
  - multiple partnership models, with fit-for-purpose arrangements
  - 'Proactive' and 'Responsive' partnership tracks
  - principles to shape eligibility and investment priorities
  - valuing (and costing) in-kind support
  - a stronger focus on the partnership relationship
  - greater acknowledgement of the complexity of developing/managing assets.
5. During policy development, staff engaged with Māori to explore specific opportunities and barriers for facility partnerships with Māori. The findings from this engagement (refer Attachment C) have shaped a commitment in the draft policy to partner in ways that align with the Treaty Principles, and acknowledge the distinct characteristics of marae.
6. The draft policy was endorsed by the Environment and Community Committee in June 2018 for public consultation and formal engagement with local boards. The consultation activities carried out and the community feedback received are summarised in Attachment D. Public feedback was highly supportive of the draft policy overall.
7. Staff attended local board workshops on the draft policy during July and August. This report invites local boards to formally indicate their support for the proposed approach, and/or provide any additional feedback on the policy they would like the committee to consider.
8. A summary of all feedback and a final policy will be tabled for consideration and adoption by the Environment and Community Committee in November 2018.
9. Implementation of the new approach is expected to begin during the 2019/2020 financial year.

### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) endorse the adoption of the Draft Facility Partnerships Policy, and provide any additional feedback on the proposed approach for the Environment and Community Committee's consideration.

## Horopaki / Context

10. Auckland Council is a major provider of community, arts and sports facilities, but not the only provider. A 'facility partnership' is where the council invests in a community facility alongside others. Done well, partnerships can enable and empower communities, and help the council to provide more of the quality facilities Auckland needs, faster and more cost-effectively.
11. There are already around 300 of these arrangements in Auckland, and the council has signalled more facility needs will be met through partnerships in future. There is currently no regional policy to guide the selection and support of facility partnerships.
12. In 2016, a cross-council team began work on a new regional policy. The team met with a number of partners and experts to understand existing practice and how policy could improve decision-making in the partnering experience.
13. Findings from discovery work were shared in December 2016 at walk-throughs with elected members, staff and participating partners, and reported to the Environment and Community Committee in February 2017 (resolution number ENV/2017/9).
14. A new approach was developed and tested at walk-throughs in February 2018. The committee endorsed the draft policy for public consultation and formal engagement with local boards in June 2018 (resolution number ENV/2018/74).

## Tātaritanga me ngā tohutohu / Analysis and advice

### Facility partnerships benefit the council and the community

15. Auckland Council supports facility partnerships because they can:
  - leverage external investment and community effort
  - empower communities, and help us respond to Auckland's increasing diversity
  - optimise the existing facility network and reduce the need for new facilities.

### Facility partnership selection and management is ad-hoc and inconsistent

16. Discovery work in 2016 and into 2017 identified a range of issues that are preventing the council from realising the full potential of facility partnerships.
17. Currently, facility partnership decisions are made on an ad-hoc basis. Often the lifetime costs and benefits of the partnership have not been fully considered, or how these relate to network gaps and evolving community needs.
18. Investment opportunities and selection decisions lack transparency, and our management processes tend to be uncoordinated and inconsistent. Many partners report that they feel under-prepared and insufficiently supported by council to deliver successfully.

### Proposed policy provides strategic approach with tailored process

19. Staff have developed a new policy (refer Attachment B) to respond directly to these findings.
20. This will enable the council and partners to make more informed and strategic investment decisions. Advice will be based on clearer evidence of need and impact and comprehensive costings and will emphasise viability and sustainability.
21. The new approach introduces a more transparent and contestable selection process. Requirements will be tailored to reflect the scale, complexity and risk of each proposal. The policy recognises the importance of quality relationships, and the need to better coordinate staff expertise and support to improve partners' experience and build capability.
22. The draft policy proposes:
  - a focus on shared outcomes
  - partnerships that recognise, value and honour Te Ao Māori



- multiple partnership models, with fit-for-purpose arrangements
  - ‘Proactive’ and ‘Responsive’ partnership tracks
  - principles to shape eligibility and investment priorities
  - valuing (and costing) in-kind support
  - a stronger focus on the partnership relationship
  - greater acknowledgement of the complexity of developing/managing assets.
23. A summary of key policy positions relating to these themes is provided as Attachment A.

### Public engagement held during July and August 2018

24. Staff undertook public consultation and briefed interested advisory panels between June and August 2018. Public consultation activities included six drop-in consultation events across Auckland, and online submissions via the council’s ‘Have Your Say’ website.
25. Public feedback was highly supportive of the draft policy overall. Those providing feedback generally saw the value of having a policy for this activity and were positive about its intent. Responses to questions about specific aspects of the policy were also strongly affirmative.

### Public feedback shows strong support for new approach

26. Key themes that emerged from the public consultation are:
- Most respondents agree the new approach will better enable council to invest in the right facility partnerships, and ensure that partnerships work for both partners and council.
  - The investment principles, the proposal to enable appropriate commercial activities in facilities, and the establishment of Lead Relationship Brokers were all positively received by the majority of respondents.
  - The ‘Track, Type and Scale’ model was also welcomed for encompassing a wide range of facility partnerships, and the intention to ensure requirements are proportionate.
  - Respondents hope the new approach will make it easier for partners to navigate the multiple council systems and processes involved, and get good support from staff.
  - Using the Treaty principles to guide partnerships with Māori was welcomed by most, but this was acknowledged as a complex area.
  - Respondents appreciated a more visually appealing document that is easier to navigate.

### Most public concerns relate to application of policy

27. Concerns identified included:
- how the investment principles will be applied in practice, especially where they must be ‘traded off’ against each other
  - whether some communities will be unfairly advantaged by the new approach
  - whether the higher level of staff support will be properly resourced, and implemented as intended across all parts of council
  - whether the process is flexible enough to respond to the ‘messy reality’ of partnerships.
28. A full summary of the public consultation activities to date and a more in-depth description of key feedback themes is provided as Attachment D for local board consideration.
29. Key national and regional stakeholders will also be briefed prior to the draft being finalised.

### Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

30. Local boards have a strong interest in facility partnerships and some decision-making responsibility in this area, including:

- determining local outcomes and advocating for local investment priorities
  - governing local and sub-regional facility partnership relationships and agreements
  - allocating local discretionary funding and community leases of council property.
31. Staff have engaged with local boards informally at various stages throughout the discovery work and subsequent policy development. Local board member views and concerns have helped shape the draft policy.
32. During July and August 2018, local boards were offered a workshop to hear an overview of the proposed policy approach and seek clarification on any areas of local interest or concern. Eighteen local boards requested a workshop.

### Formal local board feedback sought September and October 2018

33. Community feedback has now been summarised for local boards' consideration. Staff are seeking to understand local boards' views on the new approach and requesting a formal indication of support at local board business meetings during September and October 2018.
34. Staff would particularly value local board feedback on the following parts of the draft policy (refer Attachment B), which are likely to have the most bearing on local board decision-making:
- the Tracks, Types and Scales model (p.16-23) to differentiate partnerships and customise the partnership process
  - the draft investment principles (p.26) and priorities (p.33)
  - proposed eligibility criteria for investment (p.27-30)
  - the proposal to allow facility partnerships to generate revenue through appropriate commercial activities (p.31)
  - the focus on quality relationships, as outlined in the proposed partnering principles (p.35) and supported by allocation of a lead relationship broker (p.38).

### Tauākī whakaaweawe Māori / Māori impact statement

35. Marae are a focal point for Māori social, economic, environmental and cultural development, and are identified in the Community Facilities Network Plan as potential facility partners.

### Engagement to better understand facility partnerships and Te Ao Māori

36. In 2017, staff undertook additional engagement with Māori, with a focus on marae, to ensure that the new policy incorporates any special context, barriers or opportunities for facility partnerships with Māori. A summary of the findings is provided as Attachment C.
37. The draft policy reflects these findings and commits the council to partnering with Māori in ways which align with the Treaty Principles and reflect the distinct characteristics of marae.
38. The draft policy approach and the findings report will be shared at hui with interested marae during September, as part of initial discussions on a new Marae Investment Policy.

### Ngā ritenga ā-pūtea / Financial implications

39. The Facility Partnerships Policy is not supported by a dedicated budget. Future investment in facility partnerships will be provided through existing budgets for facility development and operation, allocated through the Long-term Plan 2018-2028 and Annual Plan. Local boards may also award grants and community leases of council property to support facility partnerships.



## Ngā raru tūpono / Risks





Risk	Mitigation
Adoption of a new policy may create <b>expectations that there will be additional budget</b> to support facility partnerships.	All public-facing communications and guidance about the new policy will reference the funding available from existing regional and local budgets and how this will be allocated.
Existing facility partners may be concerned that the new policy will <b>impact arrangements already in place</b> , or ongoing council investment.	The new policy will guide decisions on new facility partnerships only, unless an existing partnership is already scheduled for review, and guidance will clearly state this. Where existing partnerships are to be reviewed, staff will ensure partners are adequately supported to prepare.
The <b>transition</b> to the new policy approach will be operationally complex. It impacts multiple teams across the council, and new business processes, guidance and forms will need to be designed to support it.	Detailed implementation planning will be required to ensure the transition is as smooth as possible. Phased implementation over the first financial year (2019/2020) may be necessary to achieve this.

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## Ngā koringa ā-muri / Next steps

40. A summary of all feedback and a final policy will be tabled for consideration and adoption by the Environment and Community Committee in November 2018.
41. Implementation of the new approach is expected to begin during the 2019/2020 financial year.

## Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Facility Partnerships Policy - summary of key policy positions	
B 	Draft Facility Partnerships Policy	
C 	Facility partnerships with Māori - Summary report	
D 	Draft Facility Partnerships Policy - Public feedback summary report	

## Ngā kaihaina / Signatories

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## Request for two-year recurring temporary alcohol ban at Western Springs

File No.: CP2018/18549

Item 16

### Te take mō te pūrongo / Purpose of the report

1. To seek a decision on whether to adopt a temporary alcohol ban for all concerts at Western Springs for the next two years.

### Whakarāpopototanga matua / Executive summary

2. To enable a decision on whether to adopt a temporary alcohol ban for all concerts at Western Springs for the next two years, staff have assessed the request against legislative criteria and identified three options:
  - *Option one*: status quo – existing 24/7 alcohol ban over Grey Lynn town centre and night time ban on Western Springs Lakeside park, carpark between the North-western motorway and Western Springs Lakeside park, MOTAT and Motions Road.
  - *Option two*: temporary alcohol ban for four confirmed concerts at Western Springs on the areas shown in Attachment A from 7am on the day of, to 7am on the day after concerts.
  - *Option three*: two-year recurring temporary alcohol ban for all concerts at Western Springs on the areas shown in Attachment A from 7am on the day of, to 7am on the day after concerts, until 16 October 2020.
3. Staff recommend the local board adopt *Option three*: recurring ban. Taking this approach is most likely to reduce disorder associated with concerts at Western Springs and be more cost effective than Option two.
4. Staff recommend *Option three*: recurring ban because of:
  - the likely high level of disorder associated with concerts in the absence of an alcohol ban
  - the type of disorder is likely to be reduced by an alcohol ban
  - the duration and area are limited to the concert and nearby places to and from the concert
  - the cost of implementation is justified by the effect, including avoiding the cost of processing individual requests over the next two years.
5. There is a legal risk that *Option three*: recurring ban could be perceived to be based on insufficient evidence. This risk of legal challenge is low and defensible.
6. If a temporary alcohol ban is adopted Auckland Tourism and Economic Events Development will be responsible for informing the public and organising signage. The New Zealand Police will be responsible for enforcement.

7.

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## Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) adopt a temporary alcohol ban for all concerts at Western Springs on the areas shown in Attachment A from 7am on the day of, to 7am on the day after concerts, until 16 October 2020 (two years).

## Horopaki / Context

### ***Police have requested a two-year recurring temporary alcohol ban for concerts at Western Springs***

8. New Zealand Police (police) has requested a temporary alcohol ban (alcohol ban) at Western Springs (Attachment A). The area includes Western Springs Stadium, Western Springs Lakeside Park, Western Springs Outer Fields and surrounding streets. The alcohol ban sought would apply from 7am on the day of, to 7am on the day after all concerts at the stadium and/or outer fields (event perimeter) until 16 October 2020.
9. There are four concerts currently booked at Western Springs between November 2018 and March 2019:
  - Friday Night Jams, Sunday, 18 November 2018
  - Mumford and Sons, Saturday, 12 January 2019
  - Fat Freddy's Drop, Saturday, 19 January 2019
  - Six60, Saturday, 23 February 2019.
10. Consideration of temporary bans for the four concerts currently booked at Western Springs has also been provided.
11. The streets surrounding the event perimeter at Western Springs are largely residential. The request seeks to prevent alcohol-related crime and disorder as attendees travel to and from a concert at Western Springs.
12. There is an existing permanent 24/7 alcohol ban over Grey Lynn town centre, and an existing night time ban on Western Springs Lakeside Park, the carpark between the North-western motorway and Western Springs Lakeside, MOTAT and Motions Road. These existing areas are shown in Attachment B and are included in the request.

### ***Alcohol bans prohibit alcohol, are adopted by local boards and enforced by the police***

13. Alcohol bans prohibit the consumption or possession of alcohol in specified public places during specified times. The Waitematā Local Board has authority to make alcohol bans under the Auckland Council Alcohol Control Bylaw 2014 (GB/2014/121).
14. A local board decision to adopt an alcohol ban must meet criteria in the Local Government Act 2002 and Auckland Council Alcohol Control Bylaw 2014 (refer Table 1 below and Attachment C).
15. Police enforce alcohol bans using powers of search, seizure, arrest, and \$250 infringement fees. Police also have powers to address incidents of crime or disorder under the Summary Offences Act 1981 and Crimes Act 1961, whether or not alcohol is involved.

## Tātaritanga me ngā tohutohu / Analysis and advice

### Staff have assessed the request against assessment criteria

16. Staff have assessed the information provided in the request against the legislative and bylaw criteria in Attachment C. Table 1 provides a summary of this assessment.

**Table 1: Summary assessment of alcohol ban request against statutory and bylaw criteria**

Criteria	Staff assessment	
Is there evidence of a high level of crime or disorder caused or made worse by alcohol consumed there?	Evidence shows that in the absence of a temporary alcohol ban the level of disorder in areas surrounding concerts at Western Springs can be high. Someone opposed to the request may however argue that assuming the level of harm would be high in the absence of an alcohol ban is unreasonable, and that there is insufficient evidence.	–
Is the request appropriate in light of the evidence?	Incidents associated with concerts are of a type that are likely to be prevented by an alcohol ban. Police enforcement is also likely to be effective. The cost of signage is proportionate to its effect. The cost of processing requests for individual concerts would reduce with this request for all concerts to be covered by a temporary alcohol ban for the next two years.	✓
Is the request proportionate in light of the evidence?	The requested area and duration are limited to areas and times where people are likely to be drinking and disorder would occur.	✓
Is the request a justifiable and reasonable limitation on people's rights and freedoms?	The request prevents responsible alcohol consumption in areas surrounding Western Springs before and after concerts, including at Western Springs Lakeside Park. There is sufficient information to conclude that this limitation of rights or freedoms are justified, given: <ul style="list-style-type: none"> <li>the high level of disorder associated with concerts that a temporary alcohol ban is likely to prevent</li> <li>its limited area and duration</li> <li>general community and police support</li> <li>ability for event organisers to obtain special licences to sell alcohol at the event.</li> </ul> Someone opposed to the request may however argue that assuming the level of harm would be high in the absence of an alcohol ban is unreasonable, and that there is insufficient evidence.	–

### Staff have identified three options in response to the assessment

17. Staff have identified the three options in response to the assessment. The options are compared in Table 2 below.
- Option one:* status quo – existing 24/7 alcohol ban over Grey Lynn town centre and night time ban on Western Springs Lakeside park, carpark between the North-western motorway and Western Springs Lakeside park, MOTAT and Motions Road.
  - Option two:* temporary alcohol ban for four confirmed concerts at Western Springs on the areas shown in Attachment A from 7am on the day of, to 7am on the day after concerts.
  - Option three:* two-year recurring temporary alcohol ban for all concerts at Western Springs on the areas shown in Attachment A from 7am on the day of, to 7am on the day after concerts, until the 16 October 2020.

Table 2: Comparative assessment of options to alcohol ban request

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	Option one: Status quo	Option two: Temporary alcohol ban for four confirmed concerts	Option three: Two-year recurring temporary alcohol ban
<b>Pros</b>	<p>No further limitations on people rights and freedoms to consume alcohol responsibly in public places surrounding the concert venue.</p> <p>No implementation costs of public notification or signage.</p>	<p>Disorder associated with concerts likely to be prevented or reduced.</p> <p>Better public perception of event safety and Council.</p>	<p>Disorder associated with concerts likely to be prevented or reduced.</p> <p>Better public perception of event safety and Council.</p> <p>No further individual requests for concerts will need to be made or processed for two years.</p>
<b>Cons</b>	<p>High likelihood of disorder caused or made worse by people drinking alcohol on their way to and from the concert venue.</p>	<p>Implementation costs of public notification or signage to Auckland Tourism Events and Economic Development.</p> <p>Reduced freedoms to those who wish to consume alcohol responsibly in public places surrounding the concert venue, including Western Springs Lakeside park.</p> <p>Police are likely to make further individual requests for concerts that will require police, staff and local board resource to process.</p>	<p>Implementation costs of public notification or signage to Auckland Tourism Events and Economic Development.</p> <p>Reduced freedoms to those who wish to consume alcohol responsibly in public places surrounding the concert venue, including Western Springs Lakeside park.</p>
<b>Risks</b>	<p>Risk that Council is perceived to have allowed harm to occur.</p> <p><b>Mitigation</b></p> <p>Public communication that the local board considered an alcohol ban was not required.</p>	<p>Local board perceived to have adopted an alcohol ban based on insufficient evidence.</p> <p><b>Mitigation</b></p> <p>Risk of legal challenge is lower than option three because the alcohol ban only applies to four concerts.</p>	<p>Local board perceived to have adopted an alcohol ban based on insufficient evidence.</p> <p><b>Mitigation</b></p> <p>Risk of legal challenge is low and defensible.</p>

**Staff recommend a two-year recurring temporary alcohol ban**

18. Staff recommend *Option three*: two-year recurring temporary alcohol ban because of:

- the likely high level of disorder associated with concerts in the absence of an alcohol ban
- the type of disorder is likely to be reduced by an alcohol ban
- the duration and area are limited to the concert, and nearby places to and from the concert
- the cost of implementation is justified by the effect, including avoiding the cost of processing individual requests over the next two years.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

19. The Waitematā Local Board adopted a temporary alcohol ban for previous concerts at Western Springs, including the most recent Auckland City Limits in 2016 (WTM/2016/7) and 2018 (WTM/2018/1).

## Tauākī whakaaweawe Māori / Māori impact statement

20. Managing alcohol-related harm associated with events increases opportunities for health and wellbeing, which is consistent with the outcomes of the Māori Plan for Tāmaki Makaurau. Iwi and Māori health advocacy organisations support the general use of alcohol bans as a tool to reduce alcohol-related harm.

## Ngā ritenga ā-pūtea / Financial implications

21. Auckland Tourism, Events and Economic Development is responsible for meeting implementation costs (public notification and signage). Police are responsible for compliance and enforcement costs.




## Ngā raru tūpono / Risks

22. There is a legal risk that *Option three*: recurring ban could be perceived to be based on insufficient evidence. This risk of legal challenge is low and defensible.

## Ngā koringa ā-muri / Next steps

23. Auckland Tourism Events and Economic Development will be responsible for implementing the temporary alcohol ban for concerts and involving the police including:
- standard Auckland Council signage and public notice to inform the public of the area, dates and times
  - notification letters to all local businesses and residents informing them of the alcohol ban

## Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Police request and proposed area	
B 	Current permanent alcohol bans	
C 	Assessment of alcohol ban request	

## Ngā kaihaina / Signatories

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## Review of the Code of Conduct

File No.: CP2018/19118

Item 17

### Te take mō te pūrongo / Purpose of the report

1. To seek the Waitematā Local Board's feedback on the draft Code of Conduct.

### Whakarāpopototanga matua / Executive summary

2. The council's initial Code of Conduct was prepared by the Auckland Transition Agency prior to Auckland Council commencing. It was last reviewed in 2013.
3. The Code of Conduct has worked well but there have been a number of issues identified. The Governing Body agreed that the Code of Conduct be reviewed through the Joint Governance Working Party. Presentations were made to local board cluster meetings earlier this year.
4. Based on feedback to date, an amended Code of Conduct has been drafted and the Joint Governance Working Party has approved it to be reported to local boards for feedback. The proposals contained in the draft Code of Conduct address the issues that were identified.
  - a) a comparison of the draft Code of Conduct with the current Code of Conduct can be summarised as follows:
  - b) the draft Code of Conduct itself is more concise
  - c) material breaches are defined
  - d) there are separate complaint processes depending on whether a complaint relates to a non-material breach, a material breach or conflict of interest
  - e) the current independent review panel is replaced by a Conduct Commissioner, who can impose sanctions
  - f) findings of the Conduct Commissioner (for material breaches) will be made public to assist compliance with sanctions imposed by the Conduct Commissioner
  - g) there is no political involvement in determining a complaint or imposing sanctions
  - h) related documents are bundled in with the draft Code of Conduct and key policies and protocols and adopted with the draft Code of Conduct:
    - Conflict of interest policy
    - Access to information protocol
    - Election year policy
    - Communications policy
    - Media protocols
5. Local board feedback is being sought on the draft Code of Conduct.

### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) provide its feedback on the draft Code of Conduct in Attachment of the agenda report.

## Horopaki / Context

### What is the Code of Conduct

- Item 17
6. A Code of Conduct (code) essentially sets out a council's expectations about how elected members will conduct themselves. Every council is required to adopt a Code of Conduct (Local Government Act 2002, schedule 7, clause 15). It must set out:
    - “(a) *understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—*
      - (i) *behaviour toward one another, staff, and the public; and*
      - (ii) *disclosure of information, including (but not limited to) the provision of any document, to elected members that—*
        - (A) *is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and*
        - (B) *relates to the ability of the local authority to give effect to any provision of this Act; and*
    - (b) *a general explanation of—*
      - (i) *the [Local Government Official Information and Meetings Act 1987](#); and*
      - (ii) *any other enactment or rule of law applicable to members.”*
  7. Once adopted, a Code of Conduct requires a 75 per cent majority to change it.
  8. Members of local boards must comply with the Code of Conduct that is adopted by the Governing Body (Local Government Act 2002, schedule 7, clause 36B).

### Reasons for reviewing the Code of Conduct

9. In working with the current code the council has experienced a number of issues:
  - a) it is not easy to follow. It includes principles, descriptions of roles and responsibilities and statements about relationships and behaviours. However, a complaint about a breach can only relate to the section on relationships and behaviours.
  - b) although a positive aspect of the current code is a focus, initially, on resolving complaints to the satisfaction of the complainant, it is not appropriate for an allegation about a conflict of interest to be resolved to the satisfaction of the complainant – conflict of interest allegations need to be tested against the law.
  - c) the code does not distinguish between non-material and material breaches. All allegations of breaches are treated the same.
  - d) the final point of escalation of a complaint is to the independent review panel which comprises three members. This process is valuable but is underused because it can be expensive with three members being required.
  - e) there needs to be a requirement that a complainant has tried to resolve their complaint prior to submitting it to the formal complaint process in the code.
  - f) the code is underused because it is seen to “lack teeth”. There needs to be a review of available sanctions.
10. PWC was commissioned to review the current code and the Governing Body agreed at its February 2018 meeting that the current code should be reviewed. The Joint Governance Working Party is overseeing the development of the code.

## Engagement to date

11. Staff made presentations to local board cluster meetings and a Governing Body workshop earlier this year. Among the issues discussed, was whether a revised code should be concise and principles-based or prescriptive.
12. The approach to the draft code was discussed with the Joint Governance Working Party, whose guidance included that there should be no political involvement in the determination of complaints and the imposition of sanctions.
13. A draft was presented to the Joint Governance Working Party on 12 September 2018 which the working party approved for reporting to local boards for their feedback.

## Tātaritanga me ngā tohutohu / Analysis and advice

### The draft code

14. The draft code is at attachment A to this report.
15. The draft code is presented as two documents:
  - a) the code itself contains:
    - i) principles
    - ii) descriptions of material breaches
    - iii) the complaints process.
  - b) the second document contains attachments which provide more detail:
    - i) policies and protocols which are adopted along with the code and are an intrinsic part of the code. Elected members must abide by the conduct set out in these documents.
    - ii) description of applicable legislation which the Local Government Act requires all codes to contain
    - iii) documents which are described as “external” in the sense that they are agreed outside the code but are relevant to the conduct of members. An example is the Expenses Policy which is agreed by the Finance and Performance Committee and approved by the Remuneration Authority. It is useful to have these documents included for easy reference and to provide context to some aspects of the code.
16. The code describes two key principles – trust and respect.
17. The principle of trust captures the expectations of the community in their elected representatives. For example, the community trusts that members will act in the interest of the community and not their own interest. This principle encompasses the ethical dimension of conduct.
18. The principle of respect captures the expectations elected members have of each other in terms of their conduct towards each other and towards the public.
19. The principles are written in a style which indicates personal commitment (“I will...”).

### The complaints process

20. The draft code contains definitions of “material breaches”. This defines what the bottom line is and at what point a breach needs to be treated more seriously than other breaches. A complaint which relates to a material breach is treated differently to a complaint which relates to a non-material breach.
21. A complaint is lodged with the Chief Executive. A complaint must set out what part of the code has been breached, must provide evidence of the breach and evidence of attempts to

resolve the breach. (Where the code refers to Chief Executive this includes a nominee of the Chief Executive.)

22. If the complaint relates to a conflict of interest, the Chief Executive will arrange for the member to receive advice from either Legal Services or Audit and Risk. The complainant has no further role. If the member does not comply with advice, the matter becomes a material breach for investigation by the Conduct Commissioner.
23. In other cases, the Chief Executive refers the complaint to an “Investigator”. An Investigator is appointed by the Chief Executive and may be a staff member or external person.
24. The Investigator conducts a preliminary assessment of the complaint and has the discretion to dismiss the complaint if it is frivolous or vexatious or without substance.
25. If the complaint relates to a non-material breach, the Investigator may make non-binding recommendations, including a recommendation to apologise or undertake voluntary mediation.
26. If the complaint relates to a material breach, it is referred to a “Conduct Commissioner”. A Conduct Commissioner is a person of the calibre of a retired High Court Judge and is selected from a list of such persons which has been approved by the Governing Body.
27. The Conduct Commissioner may direct mediation or conduct an investigation which may include a hearing.

### Sanctions

28. The Conduct Commissioner has the power to impose sanctions, including a requirement to apologise, withdraw remarks or make a public statement. The report of the Conduct Commissioner is formal and made public, to promote compliance with the sanctions imposed by the Conduct Commissioner.
29. The Conduct Commissioner replaces the current independent review panel, which is not used frequently due to the cost associated with it having three members.
30. Staff have been asked to investigate whether there could be financial sanctions. The Remuneration Authority was asked whether it would agree to a reduction of salary paid to a member who breached the code. The reply included:

*The Authority is often asked whether the performance of an individual or individuals is considered when making a determination. Performance does not feature in the list of criteria that the Authority is required to take into account. Therefore, it has no mandate to consider performance.*

*Section 14 (implementation of determinations) of the Remuneration Authority Act 1977 says that every determination issued by the Authority must be implemented according to their tenor and it is unlawful to act contrary to a determination. This prevents a council from making deductions from an elected member’s salary.*

### Attachments to the code

31. The attachments include:
  - a) policies and protocols that are adopted along with the code:
    - Conflict of interest policy
    - Access to information protocol
    - Election year policy
    - Communications policy
    - Media protocols
  - b) a description of legislation that is required by the Local Government Act 2002.

- c) documents that are external to the code but are included because they are relevant to conduct:
  - Guide to governance roles and responsibilities
  - Guide to working with staff
  - Expenses policy
32. The attached policies include the conflict of interest policy which has been rewritten and a new “Access to information protocol.” All other documents attached to the code are from existing sources and are not new.

### Conflict of interest policy

33. The Conflict of Interest Policy has been updated to reflect the current legal position relating to conflicts of interest and pre-determination, as the current policy is out of date.
34. It remedies a current inconsistency between the treatment of financial and non-financial interests (being automatically disqualified from decision-making for a financial interest, but not for a non-financial interest).
35. It includes a new section on pre-determination, which is a separate legal concept to conflicts of interest.
36. It places stronger emphasis on the interests of the council in the probity and integrity of its decisions, as the consequences of failing to manage are more commonly borne by the council.
37. It is intended to be more user-friendly and accessible.

### New protocol included – Elected Member Access to Information

38. Included in the policies and protocols attached to the Code of Conduct is a new ‘Access to information protocol’. This protocol puts a framework around elected members’ legal right to council information under the ‘need to know’ principle. This protocol is in addition to the existing ways that elected members can gain access to information. It is aimed at addressing circumstances where there has been lack of clarity over requests for information where it is not clear if it is or is not confidential.

### The need to know principle for elected members

39. In addition to rights under LGOIMA, elected members have a legal right to council information under the “need to know” principle established by the common law.
40. Under this principle, a good reason to access council information exists if an elected member shows that access to the information is reasonably necessary to enable them to perform their statutory functions as a member of the council. In some limited cases elected members may also be able establish a “need to know” council information relevant to their representative duties.

### Why we are proposing a protocol

41. The purposes of the draft protocol are to:
  - a) give effect to the legal ‘need to know’ principle.
  - b) enable elected members to properly perform their statutory functions as democratically elected local decision-makers; and to facilitate them in fulfilling their representative duties. This promotes democratic and effective local government.
  - c) provide elected members with better and more efficient access to Council information than is provided for LGOIMA, by reducing the number of withholding grounds that can apply to the information and the timeframes for response.

- d) provide for transparent and impartial Chief Executive decisions on requests under this protocol, and a democratic mechanism for the reconsideration of such decisions.
  - e) to provide that confidential Council information will be made available to elected members in a manner that reflects the Council's legal duty to protect the confidentiality of the information and does not prejudice the interests protected by LGOIMA.
42. We have agreed with the Chief Ombudsman that we will develop a protocol to better manage elected member access to information.
43. As this is the first time that council is adopting such a protocol, staff are suggesting that it is revisited and reviewed within 18 months of its adoption to ensure that it is working effectively, best enabling elected members to properly perform their statutory functions as democratically elected local decision-makers and facilitating them in fulfilling their representative duties.

#### Summary of suggested process in draft protocol

44. The protocol sets out a framework and process for elected member requests for council information. In summary, the process in the protocol is:
- a) elected members make a request for information held by Council and explain why they need the information.
  - b) the Chief Executive makes a decision on whether the information is reasonably necessary for the elected member to exercise their statutory functions or performance of their representative duties, and whether any of the limited reasons to withhold may apply (for example if personal information should be redacted for Privacy Act reasons).
  - c) decision and the provision of information to the elected member (with conditions if necessary for confidential information) within 5 working days.
  - d) if an elected member is not happy with the Chief Executive decision, they can ask it to be reconsidered by the Audit & Risk Committee.

#### Local board feedback

45. Local board views are being sought on the proposed changes in the draft code and the supporting policies that will be adopted alongside the code. In particular:
- the principles based and positive intent in the drafting of the code
  - defining material breaches and making the findings of complaints of a material breach public
  - replacing the current independent review panel with an independent Conduct Commissioner, who can impose sanctions which means having no political involvement in determining a complaint or imposing sanctions
  - support for the access to information protocol
46. Feedback from local boards will be considered by the Joint Governance Working Party at its meeting on 31 October 2018. The working party will then recommend a final draft code to the Governing Body for adoption. Once adopted by the Governing Body, the code applies to all elected members.

#### Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

47. Local board feedback will be reported to the Joint Governance Working Party. The code impacts local boards in that all members must abide by it.



## Tauākī whakaaweawe Māori / Māori impact statement

48. The Code of Conduct is an internal procedural document. The principles and values expressed in the document provide for inclusivity and specifically disallow discrimination.

## Ngā ritenga ā-pūtea / Financial implications

49. There may be financial implications if the Investigator that the Chief Executive appoints is external. Escalation to the Conduct Commissioner will have lesser financial implications than referral to a full review panel as provided in the existing code, but because of the reduced financial cost, may be utilised more often.



## Ngā raru tūpono / Risks

50. There is a risk that some elected members will not be fully socialised with the new code. Staff will investigate how best to ensure all elected members are fully aware of the new code.

## Ngā koringa ā-muri / Next steps

51. The feedback from local boards will be reported to the meeting of the Joint Governance Working Party on 31 October 2018. The working party will then recommend a final draft code to the Governing Body for adoption.

## Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Draft Code of Conduct	
B 	Draft Code of Conduct attachments	

## Ngā kaihaina / Signatories

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## Representation Review 2018 Hearings: Waitematā Local Board submission on ward boundary changes

File No.: CP2018/19053

Item 18

### Te take mō te pūrongo / Purpose of the report

1. For the Waitematā Local Board to receive a copy of the submission presented by the chair to the Joint Governance Political Working Party Hearing on the review of the representation arrangements for the 2019 elections.

### Whakarāpopototanga matua / Executive summary

2. Every six years, councils throughout New Zealand must review their representation arrangements, including whether their wards properly reflect their populations.
3. The proposed changes will affect how some people will vote at next year's local body elections and the following one if another review is not conducted.
4. The review is designed to ensure the public interest is fairly represented on the council as ward populations grow or change over time.
5. In 2017 the process for conducting the review was approved by the Governing Body. It was agreed that the Joint Governance Working Party would lead the development of council's initial proposal and then review all feedback and submissions before making a final recommendation to the Governing Body for adoption.
6. The initial proposal was presented to all local boards for consideration and feedback in May 2018 before the Governing Body considered the working party recommendations and approved the council's initial proposal for public consultation.
7. Four proposals were agreed for consultation:
  - Proposal One: Ward Boundary Changes
  - Proposal Two: Splitting Manukau Ward
  - Proposal Three: Moving the Rodney Local Board Subdivision Boundaries
  - Proposal Four: Renaming the Great Barrier Local Board
8. The representation arrangement proposals were publicly notified on 8 August with a closing date of 11 September 2018.
9. A total of 1,265 submissions were received from across the Auckland region. These were received through the online feedback form, hard-copy submission forms and emails to the representation review email account. Comments on Facebook were also considered. An overview of the Representation Review feedback is included in Attachment B.
10. 338 responses in total were received for proposal 1 – changes to ward boundaries affecting Waitematā & Gulf, Ōrākei, Albert-Eden-Roskill, Maungakiekie-Tāmaki and Whau. Of the 338 submissions 69per cent opposed the proposal and 31per cent supported it.
11. Of the 338 responses to proposal 1, 141 submitters identified Waitematā Local Board as their local board, of which 88per cent opposed the proposal.
12. Several submissions that opposed proposal 1 were on the basis that it would split the Grey Lynn community of interest.
13. Submitters were provided with the opportunity to be heard by the working party on the 20 September 2018 and local board feedback was heard on Friday 21 September 2018.



14. On 18 September 2018 the Waitematā Local Board delegated authority to the chair to represent the local board views on the review of Auckland Council's representation arrangements at the working party hearing (WTM/2018/1). A copy of the feedback presented to the working party is included as Attachment A.
15. Based on the submissions and local board feedback the working party has now determined its recommendations to the Governing Body. These will be considered on the 18 October 2018.

## Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) receive the Waitematā Local Board submission to the Joint Governance Working Party Hearing on the review of Auckland Council's representation arrangements for the 2019 elections (Attachment A)

## Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Representation Review 2018 Hearings: Waitematā Local Board submission on Ward boundary changes	
B 	Representation Review Feedback Overview	

## Ngā kaihaina / Signatories

Authors	Liz Clemm – Democracy Advisor Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board

## Urgent Decision - Waitematā Local Board submission on reforming the Residential Tenancies Act 1986

File No.: CP2018/18826

Item 19

### Te take mō te pūrongo / Purpose of the report

1. To enable the local board to receive the decision made under urgency to provide feedback on the Ministry of Business, Innovation and Employment's consultation on proposals to reform the Residential Tenancies Act 1986.

### Whakarāpopototanga matua / Executive summary


2. The Ministry of Business, Innovation and Employment (MBIE) is consulting on proposals to reform the Residential Tenancies Act 1986 until 21 October 2018.
3. Auckland Council staff are preparing a draft regional submission on this proposal to MBIE.
4. Auckland Council's draft submission in response to this consultation will be recommended to the Environment and Community Committee for their consideration on 16 October 2018.
5. Local board feedback needed to be received by 28 September 2018 to be incorporated into the council's draft submission for consideration by the Environment and Community Committee.
6. As the Waitematā Local Board's next scheduled business meeting is not until the 16 October 2018, the local board could not resolve on their feedback in time to ensure it was able to be considered by the Environment and Community Committee. Therefore, the agreed urgent decision process was followed.

### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) receive the urgent decision dated 27 September 2018.

### Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Waitematā Local Board submission on reforming the Residential Tenancies Act 1986	

### Ngā kaihaina / Signatories

Authors	Simon Tattersfield - Senior Local Board Advisor – Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board



## Urgent Decision - Waitematā Local Board submission on the Healthy Homes Standards MBIE consultation

File No.: CP2018/19578

Item 20

### Te take mō te pūrongo / Purpose of the report

1. For the Waitematā Local Board to receive the decision made under urgency to provide feedback on the Ministry of Business, Innovation and Employment's Healthy Homes Standards consultation.

### Whakarāpopototanga matua / Executive summary


2. The Ministry of Business, Innovation and Employment (MBIE) is consulting on healthy homes standards for rental properties until 22 October 2018.
3. Auckland Council staff are preparing a draft regional submission on this proposal to MBIE.
4. Auckland Council's draft submission in response to this consultation will be recommended to the Environment and Community Committee for their consideration on 16 October 2018.
5. Local board feedback needed to be received by 15 October 2018 to be considered by the Environment and Community Committee.
6. As the Waitematā Local Board's next scheduled business meeting was not until the 16 October 2018, the local board could not resolve on their feedback in time to ensure it was able to be considered by the Environment and Community Committee. Therefore, the agreed urgent decision process was followed.

### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) receive the urgent decision dated 9 October 2018 to approve the Waitematā Local Board submission on the Healthy Homes Standards.

### Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Urgent Decision - Waitematā Local Board Submission on the Healthy Homes Standards	

### Ngā kaihaina / Signatories

Authors	Simon Tattersfield - Senior Local Board Advisor - Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board



## Chair's Report

File No.: CP2018/18676

Item 21

### Te take mō te pūrongo / Purpose of the report


1. To provide an update on projects, meetings and other initiatives relevant to the local board's interests.

### Ngā tūtohunga / Recommendation

That the Waitematā Local Board:

- a) receive the Chair's report for the period October 2018.

### Ngā tāpirihanga / Attachments

No.	Title	Page
	Chair P Coom's report October 2018	

### Ngā kaihaina / Signatories

Authors	Pippa Coom - Chair Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board





## Board member reports

File No.: CP2018/18689

Item 22

### Whakarāpopototanga matua / Executive summary

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

### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) receive the written reports from member R Northey and member V Tava and the verbal board member reports for October 2018.

### Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Member R Northey report October 2018	
B 	Member V Tava report October 2018	

### Ngā kaihaina / Signatories

Authors	Richard Northey - Member Waitematā Local Board Vernon Tava - Member Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board



## Waitematā Local Board Workshop Records

File No.: CP2018/18701

Item 23

### Te take mō te pūrongo / Purpose of the report



1. The purpose of this report is to present the Waitematā Local Board workshop records to the board. Attached are copies of the proceeding records taken from the workshops held on:
  - 25 September 2018
  - 9 October 2018

### Ngā tūtohunga / Recommendation/s

That the Waitematā Local Board:

- a) receive the workshop proceeding records for the meetings held on 25 September 2018 and 9 October 2018
- b) note that there was no workshop on 2 October 2018 due to recess.

### Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Waitematā Local Board workshop record 29 September 2018	
B 	Waitematā Local Board workshop record 9 October 2018	

### Ngā kaihaina / Signatories

Authors	Liz Clemm - Democracy Advisor - Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board



## Governance Forward Work Calendar

File No.: CP2018/18715

Item 24

### Whakarāpopototanga matua / Executive summary


1. Attached is a copy of the governance forward work calendar for the Waitematā Local Board which is a schedule of items that will come before the board at business meetings.

### Ngā tūtohunga / Recommendation

That the Waitematā Local Board:

- a) receive the governance forward work calendar October 2018 attached to the agenda.

### Ngā tāpirihanga / Attachments

No.	Title	Page
A 	Governance Forward Work Calendar October 2018	

### Ngā kaihaina / Signatories

Authors	Liz Clemm - Democracy Advisor - Waitematā Local Board
Authorisers	Trina Thompson - Relationship Manager/Senior Advisor Waitematā Local Board