

Hibiscus and Bays Local Board

OPEN MINUTES

Minutes of a meeting of the Hibiscus and Bays Local Board held in the Council Chamber, Orewa Service Centre, 50 Centreway Road, Orewa on Wednesday, 17 April 2019 at 4.30pm.

PRESENT

Chairperson	Julia Parfitt, JP
Deputy Chairperson	Janet Fitzgerald, JP
Members	Chris Bettany David Cooper Gary Holmes Caitlin Watson Mike Williamson

ABSENT

Member	Vicki Watson
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ALSO PRESENT

Councillor	John Watson	From 6.10pm Item 8
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1 Welcome

The Chairperson opened the meeting and welcomed those in attendance.

2 Apologies

Resolution number HB/2019/43

MOVED by Chairperson J Parfitt, seconded by Member C Bettany:

That the Hibiscus and Bays Local Board:

- a) **accept the apology from Member V Watson for absence.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number HB/2019/44

MOVED by Chairperson J Parfitt, seconded by Member G Holmes:

That the Hibiscus and Bays Local Board:

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 20 March 2019, as a true and correct record.**

CARRIED

5 Leave of Absence

There were no leaves of absence.

6 Acknowledgements

There were no acknowledgements.

7 Petitions

There were no petitions.

Note: From this point forward, agenda items were taken in the following order:

Item

- 10 Extraordinary Business
- 11 Disposal recommendations report – Whangaparāoa Road and Brightside Road
- 12 Hibiscus and Bays Local Board Community Grant Programme 2019/2020
- 13 Metro Park multi-sport pavilion design scope
- 14 Local board decisions and input into the Annual Budget 2019/2020 and the proposed amendment to the 10-year Budget 2018-2028
- 15 New community lease to the Hibiscus Coast Association Football Club Incorporated situated at 162 Brightside Road, Stanmore Bay, Whangaparāoa
- 16 Variation and renewal of lease to the Murrays Bay Residents Association Incorporated situated at 476 Beach Road, Murrays Bay

- 17 Auckland Council Policy on Dogs and Dog Management Bylaw Statement of Proposal resolution from the Governing Body
- 18 New private road names for the Hosken Property Beach Road Limited subdivision at 481 and 483 Beach Road, Murrays Bay
- 20 Governance Forward Work Calendar
- 21 Record of Workshop Meetings
- 22 Consideration of Extraordinary Items
- 23 Department of Conversation Proposal to Revoke Reserves Act 1977 Delegations
- 19 Ward Councillors Update
- 8 Deputations
- 9 Public Forum

10 Extraordinary Business

There was no extraordinary business.

11 Disposal recommendations report - Whangaparāoa Road and Brightside Road properties

Anthony Lewis, Senior Advisor Portfolio Review, Panuku Development Auckland, Marian Webb, Manager Portfolio Strategy and Business Development, Panuku Development Auckland, Jane Small, Auckland Transport Group Manager Property and Planning and Emma Cheetham, Auckland Transport Property Optimisation Manager, were in attendance for this item.

Resolution number HB/2019/45

MOVED by Chairperson J Parfitt, seconded by Deputy Chairperson J Fitzgerald:

That the Hibiscus and Bays Local Board:

- a) **request that, prior to any consideration of the Disposal recommendations report – Whangaparāoa and Brightside Road properties, a copy of the report considered by the Auckland Transport Board be provided to the local board to inform them and to understand the reasons that the land in questions is no longer required for Whangaparāoa Road widening.**

CARRIED

12 Hibiscus and Bays Local Board Community Grant Programme 2019/2020

This item was deferred for further information.

13 Metro Park multi-sport pavilion design scope

Neil Coventry, Sport and Recreation Lead Team Leader and Michelle Sanderson, Parks Sport and Recreation Portfolio Manager, Tahi, were in attendance.

Resolution number HB/2019/46

MOVED by Member D Cooper, seconded by Deputy Chairperson J Fitzgerald:

That the Hibiscus and Bays Local Board:

- a) **endorse the concept design scope for the Metro Park East multi-sport pavilion to increase from 286 square metres to 400 square metres as shown in option 2 to enable the Metro Park Community Sports Charitable Trust to progress the project to developed design**

- b) note that the Metro Park Community Sports Charitable Trust will subsequently apply for a community lease for the development and occupation of the proposed multi-sport pavilion
- c) note that the proposed multi-sport pavilion at Metro Park East, will require Governing Body approval at a future date, as the project will now be over the \$1million threshold.

CARRIED

14 Local board decisions and input into the Annual Budget 2019/2020 and the proposed amendment to the 10-year Budget 2018-2028

Resolution number HB/2019/47

MOVED by Chairperson J Parfitt, seconded by Deputy Chairperson J Fitzgerald:

That the Hibiscus and Bays Local Board:

- a) receive consultation feedback on the Hibiscus and Bays Local Board priorities for 2019/2020
- b) approve the following advocacy initiatives for inclusion (as an appendix) to its 2019/2020 Local Board Agreement:
 - i) prioritise the investigation of equitable asset based service operational funding for community houses, community, youth, art and performing art centres
 - ii) deliver Penlink earlier
 - iii) increase funding, improved standards of conditions and resourcing for compliance monitoring in estuaries and waterways
 - iv) note that advocacy items with Auckland Transport and Auckland Tourism, Events and Economic Development are ongoing and will be advocated separately by the local board
- c) receive consultation feedback on regional proposals in the Annual Budget 2019/2020 and on the proposed amendment to the 10-year Budget 2018-2028 regarding property transfer of legal ownership of properties within the council group
- d) provide the following feedback on the regional proposals in the draft Annual Budget 2019/2020:

Changes to rates and fees	
Proposal	Feedback
Increase to the waste management targeted rate base charges.	Generally not supported by the feedback received and the local board does not support an increase to the targeted rate base charges
Extending food scraps collection targeted rates to the North Shore former trial area.	The local board does not support a targeted rate for food scrap collection in the former trial area as this service should be a user-pays service
Phasing out the Waitākere rural sewerage service and targeted rate.	The local board does not have a view on the Waitākere sewerage service charge as this rate is located outside the local board area

Adjusting the urban rating area.	These adjustments occur outside of the local board area so the local board does not have a view on the adjustments
Changes to rating of religious use properties.	That rates should not be applied for activities that are directly religious or for community purposes eg. counselling services and food banks
Increases to some regulatory fees to maintain cost recovery	The local board does not support the proposed changes to regulatory fees and charges, noting that a significant proposition of submission points were opposed to this, which the local board believes is reflective of a view that the fees are already too high and the time taken to get a consent is too long to justify further increases; the local board would recommend investing in better processes to reduce the time taken and the effective cost per consent.

- e) support the proposed amendment to the 10-year Budget 2018-2028 regarding transfer of legal ownership of properties within the council group, noting the proposal is financially prudent and simplifies the handover of maintenance and operational activities once developments are complete
- f) confirm that the local board has no comment on the Draft Tupuna Maunga o Tamaki Makaurau Authority Operational Plan 2019/2020, having received no feedback on this item from submitters in Hibiscus and Bays
- g) note that consideration of the business improvement targeted rates for the local board business improvement districts will be reported to the local board in May
- h) note the need for greater support of local performing arts and in particular Centre Stage
- i) note the need for playgrounds and improved footpaths on roads adjacent to new developments in particular Woodbridge Estate, Stanmore Bay
- j) note the need to declutter footpaths to enable safe passage for disabled, the infirm, pushchairs and young children
- k) request any future local board agreement feedback, which is anonymous, seek separate suburb details and be better categorised to separate any issues regarding Council Controlled Organisations, regional matters and to ensure local matters should be given more prominence
- l) support the continuation of the regional interim funding for the Hibiscus Coast Youth Centre
- m) request that council provides full operational funding for the Estuary Arts Centre.

CARRIED

15 New community lease to the Hibiscus Coast Association Football Club Incorporated situated at 162 Brightside Road, Stanmore Bay, Whangaparaoa

Resolution number HB/2019/48

MOVED by Deputy Chairperson J Fitzgerald, seconded by Member C Watson:

That the Hibiscus and Bays Local Board:

- a) **grant a new community lease to the Hibiscus Coast Association Football Club Incorporated, for the footprint of the club-owned building comprising approximately 415m², more particularly shown in Attachment A and situated at 162 Brightside Road, Stanmore Bay, described as Lot 12 DP 64710 subject to the following terms:**
 - i) **term – 10 years commencing on 1 December 2018, with one right of renewal for a further 10 years**
 - ii) **rent - \$1.00 plus GST per annum if demanded**
 - iii) **all other terms and conditions to be in line with the Reserves Act 1977 and Auckland Council's Community Occupancy Guidelines 2012**
- b) **approve Hibiscus Coast Association Football Club Incorporated's Community Outcomes Plan as attached (Attachment B).**

CARRIED

16 Variation and renewal of lease to the Murrays Bay Residents Association Incorporated situated at 476 Beach Road, Murrays Bay

Resolution number HB/2019/49

MOVED by Member G Holmes, seconded by Member D Cooper:

That the Hibiscus and Bays Local Board:

- a) **grant a renewal of the community lease to Murrays Bay Residents Association Incorporated for the council-owned building situated at 476 Beach Road, Murrays Bay, subject to the following terms:**
 - i) **term – 33 years commencing on 22 October 2018**
 - ii) **rent - \$1.00 per annum if demanded**
- b) **grant a variation to the renewal of the community lease agreement to Murrays Bay Residents Association Incorporated to provide for the following:**
 - i) **maintenance – that external hall maintenance be transferred to Auckland Council**
 - ii) **hireage – that the terms relating to hireage be updated to align with Auckland Council's Community Occupancy Guidelines 2012**
 - iii) **insurance – that the insurance clause correctly reflect that Auckland Council is responsible for building insurance**
 - iv) **maintenance – that provision be made for a maintenance fee in the amount of \$500.00 per annum**
 - v) **insurance – that the minimum public liability insurance be increased to \$2,000,000.00**

all other terms and conditions will accord with the original lease agreement for the Murrays Bay Residents Association Incorporated dated 22 October 1985.

CARRIED

17 Auckland Council Policy on Dogs and Dog Management Bylaw Statement of Proposal resolution from Governing Body

Resolution number HB/2019/50

MOVED by Chairperson J Parfitt, seconded by Member C Bettany:

That the Hibiscus and Bays Local Board:

- a) receive the 28 February 2019 Governing Body resolution on the Auckland Council Policy on Dogs and Dog Management Bylaw Statement of Proposal
- b) note that the hearings for the Dogs and Dog Management Bylaw Statement of Proposal have been postponed until 21 June 2019
- c) confirm the local board's intention to provide local views and preferences on the Auckland Council Policy on Dogs and Dog Management Bylaw Statement of Proposal after the local board receives and reviews the public submissions on the Dogs and Dog Management Bylaw Statement proposal
- d) delegate authority to the local board Chairperson and Deputy Chairperson to prepare and provide the local board's feedback on the Dogs and Dog Management Bylaw Statement of Proposal to the hearings panel by 21 June 2019
- e) express concern with the format of the public feedback session that was held at the Browns Bay Service Centre as people felt unable to participate fully in the engagement process.

CARRIED

18 New private road names for the Hosken Property Beach Road Limited subdivision at 481 and 483 Beach Road, Murrays Bay

Resolution number HB/2019/51

MOVED by Member G Holmes, seconded by Member C Bettany:

That the Hibiscus and Bays Local Board:

- a) approve the road name Bays Rise, for the private road within the jointly owned access lot constructed for the subdivision and unit development being undertaken by Hosken Property Beach Road Limited at 481 and 483 Beach Road, Murrays Bay in accordance with section 319(1)(j) of the Local Government Act 1974.

CARRIED

20 Governance Forward Work Calendar

Resolution number HB/2019/52

MOVED by Chairperson J Parfitt, seconded by Deputy Chairperson J Fitzgerald:

That the Hibiscus and Bays Local Board:

- a) receive the Governance Forward Work Calendar for May to September 2019.

CARRIED

21 Record of Workshop Meetings

Resolution number HB/2019/53

MOVED by Deputy Chairperson J Fitzgerald, seconded by Member C Bettany:

That the Hibiscus and Bays Local Board:

- a) **endorse the record of the workshop meetings held on 28 February 2019, 7, 14 and 28 March and 4 April 2019.**

CARRIED

22 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

23 Department of Conservation Proposal to Revoke Reserves Act 1977 Delegations

Resolution number HB/2019/54

MOVED by Chairperson J Parfitt, seconded by Member C Watson:

That the Hibiscus and Bays Local Board:

- a) **provide the following feedback on the Department of Conservation proposal to revoke current ministerial delegations to Auckland Council under the Reserves Act 1977:**
 - i) **does not support the proposal to revoke 44 delegations by the Minister for Conservation under the Reserves Act 1977**
 - ii) **note that the Reserves Act 1977, was drafted when central government had considerably more staff and expertise available to give effect to the Act**
 - iii) **further note that the Court of Appeal in *Opuia Coastal Preservation Society v Far North District Council* was not directly asked to look at the matter of delegations under the Reserves Act 1977 as the point was not pursued by the appellant, and therefore the commentary by the court was an observation not a considered judgment**
 - iv) **recommend that the Department of Conservation re-assess whether that the existing delegations in place are automatically faulty or in need of revocation in the absence of a considered judgment**
 - v) **consider that it is not clear, based on the information provided, what problem the Department of Conservation is trying to fix, or what the benefit to local reserves and communities will be if the current delegations were revoked**
 - vi) **consider that the Department of Conservation needs to seriously consider whether they are adequately resourced to give effect and to implement the delegations in a timely and efficient manner, as the reason the delegations were made was to provide timely and efficient decision-making**
 - vii) **express the concern regarding the expected delay that will eventuate as a result of revoking delegations, noting that a one-year delay is common and a three-year delay is not unheard of when working with the Department of Conservation in relation to current Reserves Act 1977 decision-making**

- viii) submit that a pragmatic approach needs to be taken to the handling of delegations in light of current Department of Conservation resourcing, the capability of territorial authorities, and existing checks and balances in the process, before any revocations are confirmed
- ix) note that, in the Auckland context, there is already a two stage approach to decision making under the Reserves Act 1977 with the following decisions delegated to local boards and then confirmed via the Reserves Act delegations by the Governing Body (exercised, in practice, by staff):
 - A) approval of Reserve Management Plans
 - B) classification of reserves
 - C) the change of classification or purpose of a reserve
 - D) declaration of land vested in council to be a reserve
 - E) exchange of reserves for other land
 - F) granting of rights of way and other easements
 - G) powers (other than leasing) in respect of reserves
 - H) leasing of reserves
- x) consider that the revocation of the current delegations will put local decision making at risk and create the perverse scenario where decisions normally made by Auckland Council will need to be approved by central government staff in Hamilton, Wellington or Christchurch
- xi) express its concern that there is likely to be an increased cost to council (and therefore to the ratepayers of Auckland) if the revocations are made given the Department of Conservation's cost recovery model
- xii) recommend that the Minister and the Department of Conservation work to update the Reserves Act 1977 to better reflect the present day balance of resourcing and capability, noting that 80 per cent of Auckland reserves are owned by Auckland Council with no contribution from central government and this proposal has raised questions about the extent to which decision making under the Reserves Act 1977 is still fit for purpose
- xiii) recommend that the Minister and the Department of Conservation seriously consider a review of the Reserves Act 1977 to meet modern day requirements and a detailed analysis of the decision making required for reserves and their management.

CARRIED

Dinner adjournment 6pm – 6.25pm

19 Ward Councillors Update

Councillor John Watson was in attendance for this item.

Resolution number HB/2019/55

MOVED by Chairperson J Parfitt, seconded by Member M Williamson:

That the Hibiscus and Bays Local Board:

- a) thank Councillor Watson for his update.

CARRIED

8 Deputations

8.1 Business Whangaparāoa Incorporated

Shai Patel, Chairperson Business Whangaparāoa Incorporated, Sarah Carr, Secretary and Future Whangaparāoa Business Activator, Shirley Weimer, Network Event Sub-Committee and Becky Duncan, Executive Committee, were in attendance to make a presentation on Business Whangaparāoa.

A copy of the presentation has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HB/2019/56

MOVED by Chairperson J Parfitt, seconded by Deputy Chairperson J Fitzgerald:

That the Hibiscus and Bays Local Board:

- a) **thank the representatives of Business Whangaparāoa for their presentation.**

CARRIED

Attachments

- A 17 April 2019 - Hibiscus and Bays Local Board Item 8.1 - Business Whangaparāoa Incorporated - presentation

8.2 Hibiscus Coast Youth Centre

Suzanne Booth, Lesley Courtney, and Eileen Lamb were in attendance to provide an update on the work of the Hibiscus Coast Youth Centre.

A copy of the presentation has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HB/2019/57

MOVED by Chairperson J Parfitt, seconded by Member C Watson:

That the Hibiscus and Bays Local Board:

- a) **thank the representatives of the Hibiscus Coast Youth Centre for their presentation.**

CARRIED

Attachments

- A 17 April 2019 - Hibiscus and Bays Local Board Item 8.2 - Hibiscus Coast Youth Centre - presentation

9 Public Forum

9.1 Nukumea Stream

Sophie Twedde, Whitebait Connection Auckland Regional Co-ordinator and two volunteers, were in attendance to make a presentation on the Nukumea Stream sedimentation.

A copy of the presentation has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HB/2019/58

MOVED by Chairperson J Parfitt, seconded by Member C Bettany:

That the Hibiscus and Bays Local Board:

- a) **thank Sophie Twedde for her presentation**
- b) **seek the following further information from council's compliance team:**
 - i) **what further enforcement action is being taken since the last event on April 6 2019**
 - ii) **is council able to increase the level of onsite erosion controls over those allowed for in the subdivision consent.**

CARRIED

Attachments

- A 17 April 2019 - Hibiscus and Bays Local Board, Item 9.1 - Nukumea Stream Sedimentation - presentation

7.22 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE HIBISCUS AND BAYS
LOCAL BOARD HELD ON

DATE:.....

CHAIRPERSON:.....