
Governing Body

OPEN MINUTES

Minutes of a meeting of the Governing Body held in the Council Chamber, Civic Building, Level 2, 6 Henderson Valley Road, Henderson on Thursday, 31 July 2014 at 9.30am.

PRESENT

Mayor	Len Brown, JP	
Councillors	Cr Anae Arthur Anae	
	Cr Cameron Brewer	From 9.35am, Item 5.1
	Cr Dr Cathy Casey	
	Cr Bill Cashmore	
	Cr Ross Clow	Until 11.54am, Item 17
	Cr Linda Cooper, JP	
	Cr Chris Darby	From 9.43am, Item 6.1
	Cr Alf Filipaina	
	Cr Hon Christine Fletcher, QSO	
	Cr Denise Krum	
	Cr Mike Lee	From 9.46, Item 6.1
	Cr Calum Penrose	
	Cr Dick Quax	
	Cr Sharon Stewart, QSM	
	Cr Sir John Walker, KNZM, CBE	
	Cr Wayne Walker	
	Cr John Watson	
	Cr Penny Webster	
	Cr George Wood, CNZM	

APOLOGIES

Cr Cameron Brewer	For lateness
Cr Chris Darby	For lateness
Cr Mike Lee	For lateness
Deputy Mayor Penny Hulse	For absence

ALSO PRESENT

Vanessa Neeson, Chair Henderson-Massey Local Board
Simon Randall, Chair Maungakiekie-Tāmaki Local Board

1 Affirmation

His Worship the Mayor read the affirmation.

2 Apologies

Resolution number GB/2014/62

MOVED by Cr D Quax, seconded by Mayor LCM Brown:

That the Governing Body:

- a) **accept the apologies from Crs CE Brewer, C Darby and ME Lee for lateness and from Deputy Mayor PA Hulse for absence.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number GB/2014/63

MOVED by Mayor LCM Brown, seconded by Cr LA Cooper:

That the Governing Body:

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 26 June 2014, as a true and correct record.**

CARRIED

5 Acknowledgements and Achievements

5.1 Acknowledgments

Cr CE Brewer entered the meeting at 9.35 am.

Vanessa Neeson, Henderson-Massey Local Board Chair, welcomed the Governing Body.

Achievements

A document noting Auckland Council Group achievements for July 2014 was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Attachments

A 31 July 2014 - Item 5.1 - Auckland Council Group Achievements July 2014

6 Petitions

6.1 Steph Borrelle - Petition calling on Auckland Council to make Auckland free of single-use plastic bags

Steph Borrelle presented a petition calling on the Auckland Council to support a single use plastic bag free city.

Ms Borrelle tabled supporting information in support of her presentation. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr C Darby entered the meeting at 9.43 am.

Cr ME Lee entered the meeting at 9.46 am.

MOVED by Mayor LCM Brown, seconded by Cr CE Fletcher:

That the Governing Body:

- a) receive the petition from Steph Borrelle calling on Auckland Council to make Auckland free of single-use plastic bags.
- b) forward this issue to the Environment, Climate Change & Natural Heritage Committee for consideration.

An amendment was MOVED by Cr CM Casey, seconded by Cr RI Clow:

That the Governing Body:

- c) support in principle the banning of single use plastic bags in Auckland.

The amendment was ruled out of order by the Chair.

The substantive motion was put.

Resolution number GB/2014/64

That the Governing Body:

- a) **receive the petition from Steph Borrelle calling on Auckland Council to make Auckland free of single-use plastic bags.**
- b) **forward this issue to the Environment, Climate Change & Natural Heritage Committee for consideration.**

CARRIED

Attachments

- A 31 July 2014 - Item 6.1 - supporting information

7 Public Input

7.1 Penny Bright – Auckland Council financial management and anti-corruption developments

Penny Bright tabled supporting information in support of her presentation. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number GB/2014/65

MOVED by Mayor LCM Brown, seconded by Cr CE Brewer:

That the Governing Body:

- a) **receive the public input presentation from Penny Bright.**

CARRIED

Attachments

A 31 July 2014 - Item 7.1 Penny Bright tabled supporting information

8 Local Board Input

There was no local board input.

9 Extraordinary Business

There was no extraordinary business.

10 Notices of Motion

There were no notices of motion.

11 Report of the Hearings Panel on the proposed Navigation Safety Bylaw 2014

Resolution number GB/2014/66

MOVED by Cr CM Penrose, seconded by Cr DA Krum:

That the Governing Body:

- a) receive and adopt the recommendations of the Hearings Panel on the proposed Navigation Safety Bylaw 2014 and the proposed controls made under the bylaw contained in this report.
- b) confirm that pursuant to section 155 of the Local Government Act 2002, the proposed Navigation Safety Bylaw 2014 and the proposed controls are the most appropriate way of addressing problems relating to navigation safety in Auckland, and that the proposed bylaw is the most appropriate form of bylaw and is not inconsistent with the New Zealand Bill of Rights Act 1990.
- c) make the proposed Navigation Safety Bylaw 2014 (Attachment A) pursuant to section 145 of the Local Government Act 2002 and section 33M of the Maritime Transport Act 1994, with effect from 25 October 2014.
- d) make the proposed controls made under the Navigation Safety Bylaw 2014 (Attachment B) with effect from 25 October 2014.
- e) revoke the legacy Auckland Regional Council Navigation Safety Bylaw 2008 in full with effect from 25 October 2014.
- f) direct staff to –
 - (i) develop an integrated implementation plan to ensure adequate education and promotion of the requirements of the Navigation Safety Bylaw 2014;
 - (ii) review the resources available to ensure the implementation of the Navigation Safety Bylaw 2014, including the resources available to the Harbourmaster and for other marine safety initiatives.
- g) request the chairperson of the Regulatory and Bylaws Committee to address a letter to the Minister of Transport to –
 - (i) request the immediate review of the Local Government (Auckland Regional Council Navigation Safety Bylaw 2008) Regulations 2009 and the development of new regulations under the Maritime Transport Act 1994, that specify which breaches of the new Navigation Safety Bylaw 2014 are infringement offences and prescribe infringement fees, as recommended by Auckland Council;
 - (ii) recommend an urgent amendment to the Maritime Transport Act 1994, to make it an offence for “a person to be in charge of a recreational vessel while under the influence of alcohol or a drug, or both, to such an extent as to be incapable of having proper control of the vessel”, similar to the regulation contained in the Land Transport Act 1998;
 - (iii) recommend that provision be made for the adequate resourcing of functions assigned to regional authorities under the Maritime Transport Act 1994;
 - (iv) recommend an amendment to the Maritime Transport Act 1994, to incorporate the principles of Te Tiriti o Waitangi by specifically providing for ceremonial waka as a distinct category of vessel.

CARRIED

12 **Report of the Hearings Panel on the proposed Cemeteries and Crematoria Bylaw 2014**

Resolution number GB/2014/67

MOVED by Cr CM Penrose, seconded by Cr MP Webster:

That the Governing Body:

- a) receive and adopt the recommendations of the hearing panel on the proposed Cemeteries and Crematoria Bylaw 2014 and Code of Practice 2014 contained in the agenda report.
- b) make the proposed Cemeteries and Crematoria Bylaw 2014, contained in Attachment A to the agenda report, pursuant to section 145 (b) of the Local Government Act 2002 and section 16 of the Burial and Cremation Act 1964, with effect from 1 November 2014.
- c) make the proposed Cemeteries and Crematoria Code of Practice 2014, with effect from 1 November 2014.
- d) revoke the following legacy cemeteries and crematoria bylaws in full with effect from 1 November 2014:
 - (i) Rodney District Council General Bylaw: 1998; Chapter 2 Cemeteries
 - (ii) North Shore City Council [Part 10] Cemeteries and Crematorium Bylaw 2000
 - (iii) Auckland City Council Bylaw No. 7 Cemeteries 2008
 - (iv) Waitakere City Council Urupa (Māori Burial Site) Bylaw 2010
 - (v) Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008
 - (vi) Papakura District Council Cemeteries Bylaw 2008
 - (vii) Franklin District Council Cemeteries Bylaw 2008.
- e) revoke the following bylaws in part with effect from 1 November 2014:
 - (i) Waitakere City Council Public Places Bylaw 2010 Part 4 [12] Cemeteries and Crematoria.
- f) confirm the delegations proposed in section 3 of the section entitled “Additional information to Cemeteries and Crematoria Bylaw” in Attachment A that provide for staff to exercise powers under the bylaw and for the Regulatory and Bylaws Committee to make, amend or revoke the code of practice.
- g) authorise the Manager Policies and Bylaws, in consultation with the chairperson of the Regulatory and Bylaws Committee, to make any minor edits or amendments to the Cemeteries and Crematoria Bylaw 2014 or the Code of Practice 2014 to correct any identified errors or typographical edits or to reflect decisions made by the governing body.
- h) direct the Chief Executive of Auckland Council to undertake a review of levels of service of council-owned or operated cemeteries and crematoria, to ensure Auckland Council has the capacity to meet customer demand, and deliver required customer service and report back to the Parks, Recreation and Sport Committee three months after commencement of the Cemeteries and Crematoria Bylaw.

CARRIED

13 Proposed Animal Management Bylaw and Statement of Proposal - Resolutions from the Regulatory and Bylaws Committee

*Cr RI Clow left the meeting at 10.42 am.
Cr RI Clow returned to the meeting at 10.49 am.*

Resolution number GB/2014/68

MOVED by Cr CM Penrose, seconded by Cr WB Cashmore:

That the Governing Body:

- a) agree that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing certain issues related to animals as identified in Attachment A.
- b) agree that under section 155(2)(a) of the Local Government Act 2002, the proposed draft Animal Management Bylaw (Attachment A) is the most appropriate form of bylaw to address problems related to animal management.
- c) agree that under section 155(2)(b) of the Local Government Act 2002, the proposed draft Animal Management Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- d) agree that under section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to revoke in full seven legacy bylaws and revoke the relevant provisions of eleven other legacy bylaws on animal management matters (and replace them with a new region-wide bylaw on animal management).
- e) agree that under sections 83 and 86 of the Local Government Act 2002, Attachment A: Statement of Proposal "Review of Animal Management Bylaws, July 2014" be adopted for public consultation.
- f) agree that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the governing body that affect the Auckland Council bylaw.

CARRIED

14 Health and Hygiene Bylaw: Statement of Proposal - Resolutions from Regulatory and Bylaws Committee

Resolution number GB/2014/69

MOVED by Cr CM Penrose, seconded by Cr WB Cashmore:

That the Governing Body:

- a) agree that pursuant to section 155(1) of the Local Government Act 2002, regulation in the form of a bylaw is not the most appropriate way to address health and hygiene risks from commercial ear-piercing services provided by pharmacists.
- b) agree that existing industry-based regulation of pharmacists and their premises effectively manages the health and hygiene risks from commercial ear-piercing services provided by pharmacists.
- c) agree that it is appropriate to exempt commercial ear-piercing services provided by pharmacists from compliance with the Auckland Council Health and Hygiene Bylaw 2013 as specified in Attachment A.
- d) agree that under sections 83 and 86 of the Local Government Act 2002,

Attachment A Statement of Proposal Amendment to Health and Hygiene Bylaw 2013, be adopted for public consultation.

- e) agree that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal to correct any identified errors or typographical edits or to reflect decisions made by the governing body that affect the Auckland Council bylaw.

CARRIED

15 Review of Alcohol Control Bylaws - Resolutions from the Regulatory and Bylaws Committee

Resolution number GB/2014/70

MOVED by Cr CM Penrose, seconded by Cr GS Wood:

That the Governing Body:

- a) agree that pursuant to section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the issues relating to the possession and consumption of alcohol in public places.
- b) agree that pursuant to section 155(2)(a) of the Local Government Act 2002, the proposed alcohol control bylaw is the most appropriate form of bylaw to address the issues relating to the possession and consumption of alcohol in public places.
- c) agree that pursuant to section 155(2)(b) and section 155(3) of the Local Government Act 2002, the proposed alcohol control bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- d) agree that pursuant to section 62 of the Local Government (Auckland Transitional Provisions) Act 2010, the Auckland Council proposes to allow the seven legacy council bylaws that deal with the issues of possession and consumption of alcohol in public places to lapse on 31 October 2015 (and replace them with a new region-wide bylaw).
- e) agree that pursuant to section 31 of the Local Government (Auckland Council) Act 2009, the Auckland Council proposes to delegate regulatory decisions on local alcohol bans to local boards.
- f) agree that pursuant to sections 83 and 86 of the Local Government Act 2002, Attachment A: *Statement of Proposal - Alcohol Control in Public Places* be adopted for public consultation.
- g) agree that the Manager Policies and Bylaws be authorised to make any minor edits or amendments to the Statement of Proposal and proposed Alcohol Control Bylaw 2014 to correct any identified errors, typographical edits, or to reflect decisions made by the governing body that affect the Statement of Proposal.

CARRIED

Crs LA Cooper and RI Clow declared a conflict of interest in this item and left the meeting at 10.55am.

16 Remuneration Policy

Cr LA Cooper returned to the meeting at 11.02 am.

Cr RI Clow returned to the meeting at 11.02 am.

Cr C Darby left the meeting at 11.30 am.

Cr C Darby returned to the meeting at 11.45 am.

MOVED by Cr CE Fletcher, seconded by Cr MP Webster:

That the Governing Body:

- a) receive the Remuneration Policy report.

An amendment was MOVED by Cr CM Casey, seconded by Cr J Watson:

That the Governing Body:

- b) reconsider implementation of the Living Wage under the LTP.

The amendment was ruled out of order by the Chair.

A further amendment was moved by Cr CE Brewer:

That the Governing Body:

- b) request that further work on the possibility of setting explicit limits on staff numbers, as new legislation allows councillors to do, be undertaken and that work be reported back to the Governing Body.

The amendment was ruled out of order by the Chair before it was seconded.

Secretarial note: Changes to the original recommendation were incorporated into the motion, with the agreement of the meeting.

The substantive motion was put.

Resolution number GB/2014/71

That the Governing Body:

- a) **receive and endorse the Remuneration Policy.**

CARRIED

Secretarial note: Pursuant to Standing Order 3.15.5, Crs CE Brewer, D Quax and SL Stewart requested that their dissenting votes be recorded.

17 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

18 Procedural motion to exclude the public

Resolution number GB/2014/72

MOVED by Mayor LCM Brown, seconded by Cr CE Fletcher:

That the Governing Body:

a) **exclude the public from the following part(s) of the proceedings of this meeting.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Tāmaki Redevelopment Company Business Case

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, Council is currently engaged in commercially sensitive negotiations with Crown concerning a joint enterprise with commercial functions and involving potential asset-based transactions. .	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C2 Te Tiriti / Treaty Settlement matters

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

	<p>making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</p> <p>In particular, the report contains information provided by the Crown to council in confidence on the understanding the information is negotiation sensitive between Hapu / Iwi and the Crown. If confidential information is made available, it will prejudice both those negotiations and the provision of similar information to council in the future.</p>	
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C3 Appointment of Second External Audit and Risk Committee Member

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>In particular, the report contains personal information relating to the appointment of a committee member.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

11.54am The public was excluded.

Cr RI Clow left the meeting at 11.54 am.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

12.55pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Tāmaki Redevelopment Company Business Case

That the Governing Body:

- d) agree that the report and decision remain confidential.

C2 Te Tiriti / Treaty Settlement matters

That the Governing Body:

- k) agree that these decisions and the matters in the report be progressively made publicly available at the earliest practical time.

C3 Appointment of Second External Audit and Risk Committee Member

That the Governing Body:

- b) agree that the decision be made publicly available once the candidates have been advised of the outcome.

12.55 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE GOVERNING BODY HELD
ON

DATE:.....

CHAIRPERSON:.....