I hereby give notice that the inaugural meeting of the Albert-Eden Local Board will be held on:

**Date:** Tuesday, 29 October 2019  
**Time:** 6:30pm  
**Meeting Room:** Raye Freedman Arts Centre  
**Venue:** Silver Road, Newmarket  
Auckland 1023

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**Albert-Eden Local Board**

**OPEN AGENDA**

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**MEMBERSHIP**

**Chairperson**
Lee Corrick

**Deputy Chairperson**
Graeme Easte
Rachel Langton
Ben Lee
Julia Maskill
Christina Robertson
Kendyl Smith
Margí Watson

(Quorum 4 members)

Michael Mendoza  
Democracy Advisor  

24 October 2019

Contact Telephone: (021) 809 149  
Email: Michael.Mendoza@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mihi Whakatau (Welcome)</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Welcome Address</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Apologies</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>Declaration by Local Board Members</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>Election of Chairperson</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>Declaration by Chairperson</td>
<td>11</td>
</tr>
<tr>
<td>7</td>
<td>Address by Chairperson</td>
<td>13</td>
</tr>
<tr>
<td>8</td>
<td>Election of Deputy Chairperson</td>
<td>15</td>
</tr>
<tr>
<td>9</td>
<td>Mayor's Address</td>
<td>17</td>
</tr>
<tr>
<td>10</td>
<td>Explanation of laws affecting elected members</td>
<td>19</td>
</tr>
<tr>
<td>11</td>
<td>First Business Meeting of the Albert-Eden Local Board</td>
<td>29</td>
</tr>
<tr>
<td>12</td>
<td>Notice of Motion - Member Langton - Chamberlain Park</td>
<td>31</td>
</tr>
</tbody>
</table>
The meeting will be chaired by Adam Milina – Relationship Manager, Albert-Eden and Orakei Local Boards, on behalf of the Chief Executive, for items 1, 2, 3, 4, 5, 6.

From item 7 onwards, the newly elected Chairperson will chair the meeting.

Phil Wilson – Governance Director, will administer the members’ declarations.

1 Mihi Whakatau (Welcome)
   Speech of welcome and prayer.

2 Welcome Address
   Phil Wilson, Governance Director, on behalf of the Chief Executive, will address the meeting.

3 Apologies
   At the close of the agenda no apologies had been received.

12 Notices of Motion
   Under Standing Order 2.5.1 (Notices of Motion) and Standing Order 1.10.1 (revoke or alter a previous resolution), a Notice of Motion has been received from Member Langton and Member Lee for consideration under item 12.
Te take mō te pūrongo
Purpose of the report
1. Each Local Board Member will make an oral declaration and sign a written declaration in accordance with Schedule 7, Clause 14 of the Local Government Act 2002, which will be attested by the Governance Director.
2. Phil Wilson – Governance Director, by way of Memorandum from the Chief Executive, is authorised to administer the members’ declarations at this meeting in accordance with the provisions of the Local Government Act 2002 (Schedule 7, clause 14(2)).

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Michael Mendoza - Democracy Advisor</th>
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Election of Chairperson
File No.: CP2019/18627

Te take mō te pūrongo
Purpose of the report

1. In accordance with Schedule 7, clause 21(5)(b) of the Local Government Act 2002, the Relationship Manager, on behalf of the Chief Executive, will call for nominations for the election of the Chairperson of the Albert-Eden Local Board.

Whakarāpopototanga matua
Executive summary

2. The Local Board must elect a member to this position at the first meeting following a triennial general election of members. The election must be in accordance with Schedule 7, clause 25 of the Act. Note that no member has a casting vote.

3. The Local Board will need to determine (by resolution) what method they will apply to elect the chairperson – System A or System B.

Schedule 7, Part 1, Clause 25 of the Local Government Act 2002 states that:

25 Voting systems for certain appointments

(1) This clause applies to -

(a) the election or appointment of the chairperson and deputy chairperson of a regional council; and

(b) the election or appointment of the deputy mayor; and

(c) the election or appointment of the chairperson and deputy chairperson of a committee; and

(d) the election or appointment of a representative of a local authority.

(2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

(a) the voting system in subclause (3) (system A):

(b) the voting system in subclause (4) (system B).

(3) System A -

(a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and

(b) has the following characteristics:

(i) there is a first round of voting for all candidates; and

(ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and

(iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
(iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

(4) System B -
   (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
   (b) has the following characteristics:
      (i) there is only 1 round of voting; and
      (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Ngā āhuarua
Recommendation/s
That the Albert-Eden Local Board:


Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
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Declaration by Chairperson
File No.: CP2019/18628

Te take mō te pūrongo
Purpose of the report
1. The Chairperson will make an oral declaration and sign a written declaration, which will be attested by the Governance Director.
2. Phil Wilson – Governance Director, by way of Memorandum from the Chief Executive, is authorised to administer the Chairperson’s declarations at this meeting in accordance with the provisions of the Local Government Act 2002 (Schedule 7, clause 14).
3. The Chairperson will assume the chair for the remainder of the meeting.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
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Address by Chairperson

File No.: CP2019/18629

Te take mō te pūrongo
Purpose of the report
1. The newly elected Chairperson will address the Albert-Eden Local Board.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
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Election of Deputy Chairperson

File No.: CP2019/18630

Te take mō te pūrongo
Purpose of the report
1. In accordance with Schedule 7, clause 21(5)(b) of the Local Government Act 2002, the Chairperson will call for nominations for the Deputy Chairperson of the Albert-Eden Local Board.

Whakarāpopototanga matua
Executive summary
2. The Local Board must elect a member to the Deputy Chairperson position in accordance with Schedule 7, clause 25 of the Act.
3. The Local Board will also need to determine (by resolution) what method they will apply to elect the Deputy Chairperson.

Schedule 7, Part 1, Clause 25 of the Local Government Act 2002 stipulates that:

25 Voting systems for certain appointments
   (1) This clause applies to -
   (a) the election or appointment of the chairperson and deputy chairperson of a regional council; and
   (b) the election or appointment of the deputy mayor; and
   (c) the election or appointment of the chairperson and deputy chairperson of a committee; and
   (d) the election or appointment of a representative of a local authority.

   (2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

   (a) the voting system in subclause (3) (system A):
   (b) the voting system in subclause (4) (system B).

   (3) System A -
   (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
   (b) has the following characteristics:
       (i) there is a first round of voting for all candidates; and
       (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
       (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
Item 8

(iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

(4) System B -
   (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
   (b) has the following characteristics:
      (i) there is only 1 round of voting; and
      (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Ngā tūtohunga
Recommendation/s

That the Albert-Eden Local Board:

a) elect a Deputy Chairperson for the 2019 - 2022 political term, utilising either System A or System B of Schedule 7, Part 1, Clause 25 of the Local Government Act 2002.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Michael Mendoza - Democracy Advisor</th>
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</table>
| Authorisers     | Louise Mason – General Manager Local Board Services  
|                 | Adam Milina - Relationship Manager - Albert-Eden & Orakei Local Boards |
Mayor’s Address

File No.: CP2019/18631

Te take mō te pūrongo
Purpose of the report

1. If the Mayor is in attendance, he will be provided with the opportunity to address the meeting.

Ngā tāpirihanga
Attachments

There are no attachments for this report.

Ngā kaihaina
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Explanation of laws affecting elected members

Te take mō te pūrongo
Purpose of the report

1. At the first meeting after the three-yearly local election, elected members are required to receive a general explanation of the laws that affect them as elected members.¹ This report provides that explanation.

Whakarāpopototanga matua
Executive summary

2. There are a number of laws affecting members and other core legal requirements that elected members should be aware of when making decisions. The legislation that applies both to individual elected member’s actions and collective decision making includes:
   • Local Authorities (Members’ Interests) Act 1968
   • Crimes Act 1961
   • Secret Commissions Act 1910
   • Financial Markets Conduct Act 2013
   • NZX Listing Rules
   • Health and Safety at Work Act 2015
   • Personal liability of elected members
   • Local Government Official Information and Meetings Act 1987
   • Local Government Act 2002
   • Local Government (Auckland Council) Act 2009
   • Other statutory decision-making requirements.

3. This report and attachment provide an explanation of these core legal requirements.

4. In addition to these core legal requirements, there are many other statutes relevant to certain council decisions (for example the Resource Management Act 1991 and the Reserves Act 1977).

5. Elected members will receive advice from staff on a case-by-case basis to ensure that they understand their legal obligations when making decisions.

Ngā tūtohunga
Recommendation/s

That the Albert-Eden Local Board:

a) note the general explanation of the laws affecting elected members.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Laws Affecting Elected Members - Core Legal Requirements</td>
<td>21</td>
</tr>
</tbody>
</table>

¹ Clause 21(5)(c) Schedule 7 Local Government Act 2002.
Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Anita Furniss - Senior Solicitor - Governance and Litigation</th>
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<tbody>
<tr>
<td>Authorisers</td>
<td>Dani Gardiner - General Counsel</td>
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<td>Adam Milina - Relationship Manager - Albert-Eden &amp; Orakei Local Boards</td>
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ATTACHMENT: LAWS AFFECTING ELECTED MEMBERS

SUMMARY OF CORE LEGAL REQUIREMENTS

There are a number of core legal requirements that affect elected members both individually and collectively. Below we outline the legislation that will apply to your individual actions before covering the statutory framework and public law principles that apply to your decision-making as a collective.

INTERESTS AND INTEGRITY

1. Local Authorities (Members’ Interests) Act 1968
The Local Authorities (Members’ Interests) Act 1968 deals with financial conflicts of interest. It prohibits elected members from taking part in discussion or voting in situations where an elected member has a direct or indirect financial interest, other than an interest in common with the general public.

The Local Authorities (Members’ Interests) Act 1968 also prohibits elected members from entering into contracts with council (either the Governing Body or local boards, as applicable) valued at over $25,000.

The same rules can apply where a member’s spouse, partner, company (depending on shareholding levels or the member’s position in the company) or in some circumstances a family trust, has a financial interest or is concerned or interested in a contract.

In some cases the Office of the Auditor-General can consider providing an exemption to an elected member so he or she may participate in a decision in which they have a financial interest or enter into a contract with the council valued at over $25,000.

A failure to comply with the Local Authorities (Members’ Interests) Act 1968 could result in an elected member being prosecuted and disqualified from office.

2. Crimes Act 1961
The Crimes Act 1961 makes it an offence for an elected member to “corruptly seek” or accept a bribe or reward for doing, or not doing, something in his or her official capacity as an elected member.¹ It is also an offence for an elected member to obtain any advantage or financial gain from information received in that role.² A conviction for either of these offences under the Crimes Act would result in an elected member being disqualified from office and could lead to imprisonment.

3. Secret Commissions Act 1910
The Secret Commissions Act 1910 makes it an offence for an elected member to take bribes, or use their position for improper gain. It is also an offence for an elected member not to disclose a direct or indirect financial interest he or she has in a council contract. A conviction under the Secret Commissions Act would result in an elected member being disqualified from office and could also lead to a fine or imprisonment.

¹ Sections 98 and 105 Crimes Act 1961.

Auckland Council currently has a number of bonds quoted on the New Zealand, Singapore and Swiss Debt Markets. As a result, Auckland Council is subject to obligations, which it must comply with under the listing rules of the NZX (Listing Rules), the listing rules of other exchanges and the Financial Markets Conduct Act 2013 (FMCA).

The FMCA and the Listing Rules aim to promote a fair, efficient and transparent financial market. They impose a number of responsibilities on those who offer, deal and trade in financial products (including bonds issued by Auckland Council), especially in relation to what sort of information must be provided to potential investors when investment offers are made.

An elected member may be personally liable when approving council documents relating to offers of securities, if the documents contain false and materially misleading statements and the member actively participated in or authorised the making of the false or misleading statements where the member knew that the statement was false, or was reckless as to whether it was false.

As an issuer of quoted securities on the NZX Debt Market, council is subject to continuous disclosure obligations, which it must comply with under the Listing Rules and the FMCA. Council’s continuous disclosure obligations under the Listing Rules require that once it becomes aware of any material information relating to it, it must:

a) promptly and without delay release that material information to the NZX; and

b) not disclose any material information to the public, any other stock exchange or any other party without first releasing the material information to the NZX. Auckland Council has implemented a Continuous Disclosure Policy to ensure that it complies with its continuous disclosure obligations. The Continuous Disclosure Policy also provides further guidance regarding what constitutes material information.

The FMCA places limits on elected members using confidential information relating to certain proposed council transactions. For example, where council debt securities are listed on a registered stock exchange, then elected members cannot use (or benefit from) information that is not generally available to the public. This applies to the council’s bonds listed on the NZX Debt Market.3 Elected members must consider the risks of insider trading and the failure to disclose relevant interests in the council’s bonds. Failure to comply could lead to a criminal conviction and therefore disqualification from office.

HEALTH AND SAFETY

5. Health and Safety at Work Act 2015

The purpose of the Health and Safety at Work Act 2015 is to protect the health and safety of workers at their workplaces. It sets out key health and safety duties for the council and for people in positions of leadership, influence, or responsibility in the workplace and for workers and other people. The Health and Safety at Work Act sets out some compulsory health and safety requirements and creates offences and penalties for failing to meet those requirements.

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Due diligence
Elected members have a personal and individual duty of due diligence to ensure that the council complies with its obligations under the Health and Safety at Work Act. This is analogous to what might be expected of a company director with a company’s financial statements. An elected member cannot delegate the exercise of this duty to anyone else. There are six aspects to the due diligence duty:

- to be familiar and keep up to date with health and safety knowledge and matters for the council;
- understand the council’s operations and the associated hazards and risks;
- ensure that the council has appropriate resourcing and processes to eliminate or minimise risks to health and safety;
- ensure the council has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding to the information in a timely way;
- ensure the council has and implements processes for complying with its duties; and
- verify the provision and use of resources and processes through reviews and audits.

Staff support elected members to comply with their duty of due diligence. Part of that support includes training and regular health and safety information reporting at Governing Body committee meetings and local board meetings.

PERSONAL LIABILITY

6. Personal liability of elected members
Members of the council (including local board members and members of council committees or other subordinate decision-making bodies) are indemnified by the council for the following:

- costs and damages for any civil liability, as long as the member was acting in good faith and was carrying out responsibilities or powers of the council (or relevant committee or other subordinate decision-making body); and
- costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a member.  

*Personal liability for losses incurred*
Elected members may be liable (jointly and separately) for the losses of the council where the Governing Body or local board has:

- unlawfully spent money;
- unlawfully sold or disposed of an asset;

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*Section 43(1) Local Government Act 2002.*
• unlawfully incurred a liability; and/or

• intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.\(^5\)

Members are only liable for these types of losses if the Auditor-General issues a report on the loss to the Minister of Local Government.\(^6\) The Auditor-General has not issued a report on losses incurred by a local authority since the Local Government Act was enacted in 2002 (although the possibility has been considered).\(^7\)

An elected member will have a defence (and will not be liable) if they can prove the act (or failure to act) that resulted in the loss occurred:\(^8\)

• without their knowledge;

• with their knowledge but against their protests made at or before the time when the loss occurred;

• contrary to the manner in which they voted on the issue at a meeting; or

• in circumstances where they acted in good faith and relied on reports, information, or professional/expert advice given by a council staff member or a professional adviser or expert on matters that the elected members reasonably believed were within the person’s competency.

A local board member can be liable only in respect of a matter that is the responsibility of their local board.\(^9\)

**INFORMATION**

7. Local Government Official Information and Meetings Act 1987
The Local Government Official Information and Meetings Act 1987 (LGOIMA) determines how council meetings are conducted (including in relation to excluding the public from meetings), and how the council uses and releases information that it holds.

LGOIMA provides for:

• Access by the public to information held by the council, with limited grounds on which the council can decline a request

• Transparency and accountability in decision-making through providing for public admission to meetings of local authorities (unless there is good reason to restrict public access for a particular agenda item or items)

• Establishment of procedures for the achievement of these purposes

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\(^5\) Sections 44(1) and 46(1) Local Government Act 2002 and section 11A(1) Local Government (Auckland Council) Act 2005

\(^6\) Sections 44(1) and 46(1) Local Government Act 2002

\(^7\) Auditor-General Kaipara District Council: The Auditor-General’s decision on requests to make a report under section 44 of the Local Government Act 2002 (19 August 2015).

\(^8\) Section 46 Local Government Act 2002

A process for members of the public to complain to the Ombudsman if they are dissatisfied with the council’s response to a LGOIMA request.

LOCAL GOVERNMENT LEGAL FRAMEWORK

8. Local Government Act 2002
The Local Government Act 2002 (Local Government Act) establishes the general legal framework for all local authorities in New Zealand, including Auckland Council.

Under the council’s two-tiered governance structure, the Governing Body and local boards share decision-making and are responsible and democratically accountable for the decision-making of the Council. In making its decisions, the council must give effect to the statutory purpose of local government, as set out in the Local Government Act:

- to enable democratic local decision-making and action by, and on behalf of, communities; and

- to promote the social, economic, environmental and cultural well-being of communities in the present and for the future.\textsuperscript{10}

The role of a local authority is to give effect to the purpose of local government and to perform the duties and exercise the rights, conferred on it by or under the Local Government Act and any other enactment.\textsuperscript{11} When performing its role, the council must act in accordance with the principles set out in section 14 of the Act. If any of the principles, or any aspects of well-being, are in conflict in any particular case then the local authority should resolve the conflict in an open, transparent and democratically accountable manner.

The Local Government Act gives the council its power of general competence, which broadly allows the council to make decisions that an ordinary person or body corporate could make, while carrying out the council’s role and purpose, within any statutory limits.\textsuperscript{12}

The Local Government (Auckland Council) Act 2009 (the Auckland Council Act) establishes and applies uniquely to Auckland Council. It sets out matters in relation to the council’s structure, functions, duties and powers that differ from the general provisions under the Local Government Act. If there is any conflict between the Auckland Council Act and the Local Government Act, the Auckland Council Act takes precedence.

Auckland Council is created under the Auckland Council Act as a unitary authority, with decision-making responsibilities shared between the Governing Body (the mayor and 20 councillors) and 21 local boards.\textsuperscript{13} The Governing Body is responsible and democratically accountable for the decisions it is responsible for in accordance with section 15 of the Auckland

\textsuperscript{10} Section 10 Local Government Act 2002.
\textsuperscript{11} Section 11 Local Government Act 2002.
\textsuperscript{12} Section 12(2) Local Government Act 2002.
\textsuperscript{13} Section 7 Local Government (Auckland Council) Act 2009.
Local boards are responsible and democratically accountable for the decisions local boards are responsible for in accordance with section 16 of that Act.\(^4\)

The 21 local boards represent their local communities and make decisions on local issues, activities and facilities. Local boards are established for the purposes of:

- enabling democratic decision-making by, and on behalf of, communities within the local board area; and
- better enabling the purpose of local government to be given effect to within the local board area.\(^5\)

The Governing Body focuses on the region-wide, strategic decisions, making the most of the council's size and ability to deliver regionally. There are some decisions that only the Governing Body can make, including setting rates, appointing the chief executive, making bylaws or adopting the council's ten-year budget (the long-term plan).

Decisions made regionally by the Governing Body will inevitably have local impacts, and Governing Body must consider any views and preferences expressed by a local board when making decisions that affect or may affect the responsibilities or operation of a local board or the well-being of communities within a local board area.\(^6\)

The Governing Body and the local boards collectively comprise Auckland Council, and together with council-controlled organisations, comprise the Auckland Council group.

The Auckland Council Act also sets out the responsibilities of Auckland Transport, Watercare (as an Auckland water organisation) and the Independent Maori Statutory Board.

**DECISION-MAKING REQUIREMENTS**

**10. Statutory decision-making requirements**

The Local Government Act and the Auckland Council Act set out the basic procedural decision-making requirements applying to council decision-making. For each decision, the Governing Body and local boards can decide how to give effect to these obligations.\(^7\) The more significant a decision is, the stricter the compliance should be.

These requirements are (in summary):

- to identify all reasonably practicable options for achieving the decision's purpose and assess the options in terms of advantages and disadvantages;\(^8\)

- to consider the views and preferences of people likely to be affected by, or have an interest in, the decision (this does not require the council to undertake consultation);\(^9\)

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\(^1\) Section 10 Local Government (Auckland Council) Act 2009.
\(^3\) Sections 79(1) and 82(3) of the Local Government Act 2002.
\(^4\) Section 77(1)(a) and (b) Local Government Act 2002.
to conduct any consultation in accordance with the principles outlined in the legislation;\textsuperscript{21}

to identify any significant inconsistency between the decision and any of the council’s policies or plans, and to provide reasons for the inconsistency;\textsuperscript{22}

to establish processes to provide opportunities for Māori to contribute to decision-making, including providing relevant information for that purpose;\textsuperscript{23}

for the Governing Body to consider the views and preferences of local boards if the decision may affect their responsibilities or operation or the well-being of their communities;\textsuperscript{24} and

for local boards to cooperate with each other when the interests of their areas are better served by doing so.\textsuperscript{25}

11. Public law decision-making principles

There are public law principles that elected members must keep in mind when making decisions. Compliance with these principles is subject to judicial review in the High Court. Broadly, public decision-makers are required to act lawfully, fairly and reasonably.

The concept of acting lawfully includes:

- having the necessary power to make the decision;
- acting in accordance with the purpose of the power being exercised, and within the scope of the discretion granted to the decision-maker;
- taking into account all relevant considerations and ignoring any irrelevant considerations; and
- exercising independent judgement in making the decision rather than “rubber-stamping” the recommendation of another person.

The concept of acting fairly includes:

- ensuring a proper process is followed, including consulting where appropriate;
- being unbiased and free from conflicts of interest;
- fairly considering all relevant views put forward with an open mind and not predetermining the decision (that is, making a decision before considering all relevant views or considerations);

\textsuperscript{21} Section 82 Local Government Act 2002.
\textsuperscript{22} Section 80 Local Government Act 2002.
\textsuperscript{23} Section 81 Local Government Act 2002.
\textsuperscript{24} Section 13(2)(c) Local Government (Auckland Council) Act 2009.
\textsuperscript{25} Section 16 Local Government (Auckland Council) Act 2009.
- complying with the public’s legitimate expectations (for example, keeping a promise to do something in a particular way that has been relied on); and

- complying with any applicable principles of natural justice.

The concept of acting reasonably includes:

- ensuring the decision is rational, based on legitimate, relevant reasons and one that a reasonable decision-maker could make; and

- ensuring the decision is proportionate to the purpose being served by the decision.

These obligations vary according to the context and the nature of the decision being made.

_Elected member obligations: General public law rule against financial and non-financial conflicts of interest and predetermination_

In addition to the requirements of LAMIA referred to above, elected members have additional obligations to carefully manage conflicts of interest and matters of pre-determination. These obligations are reflected in the Code of Conduct and standing orders; and upheld by the High Court.

A conflict of interest is concerned with public perceptions as to impartial decision-making based on the interests (financial or non-financial) or relationships of the decision maker. The test for a conflict of interest is whether a fair-minded observer would reasonably think that a member of the decision-making body might not bring an impartial mind to the decision, in the sense that he or she might unfairly regard or favour or disfavour a particular position due to his or her non-financial or financial interest.

Predetermination is concerned with closed-mind decision-making and is not dependent on the interests or relationships of the decision maker. The test for predetermination is whether the member has an actual closed mind.

**Further advice**

As an elected member, you can seek advice from Legal Services on any of the laws relating to a particular decision or council issue. For further legal advice or assistance, please contact Dani Gardiner, General Counsel, Legal and Risk, at legalservices@aucklandcouncil.govt.nz or through your Relationship Manager.
First Business Meeting of the Albert-Eden Local Board

File No.: CP2019/18633

Te take mō te pūrongo
Purpose of the report
1. Pursuant to the requirements of clause 21(5)(d) of Schedule 7 of the Local Government Act 2002, the local board is required to select a date to hold its first substantive business meeting for the term.

Ngā tūtohunga
Recommendation/s
That the Albert-Eden Local Board:

a) confirm its first business meeting for the term to be held 2.00pm, Wednesday, 4 December 2019, at the Albert-Eden Local Board office, 135 Dominion Road, Mt Eden, Auckland.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Michael Mendoza - Democracy Advisor</th>
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<tbody>
<tr>
<td>Authorisers</td>
<td>Louise Mason – General Manager Local Board Services</td>
</tr>
<tr>
<td></td>
<td>Adam Milina - Relationship Manager - Albert-Eden &amp; Orakei Local Boards</td>
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</tbody>
</table>
Whakarāpopototanga matua
Executive summary
1. Member Langton has given notice of a motion that she intends to propose.
2. The notice, signed by Member Langton and Member Lee as seconder, is appended to this cover report

Motion
That the Albert-Eden Local Board:

a) agree pursuant to Standing Order 1.10.1, to rescind the following Albert-Eden Local Board resolutions regarding the Chamberlain Park Masterplan and consequently the One Local Initiative, as adopted during its monthly meeting held on 5 August 2015:

Resolution number AE/2015/127
MOVED by Chairperson PD Haynes, seconded by Member GD Easte:
That the Albert-Eden Local Board:

a) Notes the community submissions on the four draft Master Plan scenarios for Chamberlain Park.

c) Notes that further work will be undertaken with mana whenua to incorporate Te Aranga design principles before the adoption of the Master Plan.

d) Notes that the governing body is undertaking the following work that may influence funding decisions of the governing body with respect to the implementation of the Chamberlain Park Master Plan:

i. The Sport Facilities Network Plan will identify and prioritise sports facility needs across Auckland for the next twenty years

ii. An investigation of the provision of pool space in the western corridor of Auckland to address potential gaps and to account for projected population growth

iii. An investigation of the long-term council ownership of golf courses across the region and the public/private provision of golf required to support changes in demand.

e) Notes that there is no identified funding in the 2015-2025 Long-Term Plan to implement the Master Plan.

f) Notes that the Albert-Eden Local Board has earmarked approximately $900,000 over the next three years to commence the implementation of the Chamberlain Park Master Plan.

g) Notes that the implementation of the Chamberlain Park Master Plan is likely to take place over the next 10 years.

i) Strongly supports the conversion over time of the 14 council-owned golf courses into, either in part or in whole, public golf courses.

j) Requests officers to continue to engage with New Zealand Golf, other golfing organisations and local golfers to ensure the new Chamberlain Park golf
course offers a well-designed quality golf experience.

l) Thanks Shyrel Burt – Principal Policy Analyst, and Paul Marriott-Lloyd – Team Leader Parks and Recreation Policy Central, for their attendance and acknowledges the work undertaken by Gary Marshall and his team at JASMAX.

And,

Resolution number AE/2015/128

MOVED by Chairperson PD Haynes, seconded by Member GD Easte:

That the Albert-Eden Local Board:

b) Approves Scenario Four as the basis for the development of the final Chamberlain Park Master Plan and delegates authority to the Chairperson to finalise the Master Plan in conjunction with officers.

h) Approves a budget of $50,000 from its allocation of the Local Board Capital Fund for the commencement of detailed planning and consenting of the western end of Chamberlain Park as a neighbourhood open space, including reconfiguring three golf holes, installing a barbeque area, children’s playground, improving the ecological and landscape quality of Meola Creek/Waititiko and walking and cycling connections.

k) Approves the holding of a public event, or events, at the western end of Chamberlain Park where the community are invited to use the space as a park over a weekend during summer 2015/16.

b) request that council staff immediately cease all work related to the indicative business case for the Chamberlain Park development, including the western end of the park, (as detailed in resolution AE/2019/107, Attachment B).

c) request that the appropriate council staff meet with the new Albert-Eden Local Board members for an update the restoration programme for Waititiko-Meola Creek.

d) request that Auckland Transport staff meet with the new Albert-Eden Local Board members to discuss work on pathways in Chamberlain Park.

Ngā tāpirihanga

Attachments

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<td>Notice of Motion - Member Langton - Chamberlain Park</td>
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2. The notice is signed by Member Langton, and Member Lee, as seconder.

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b) Notes that further work will be undertaken with mana whenua to incorporate Te Aranga design principles before the adoption of the Master Plan.

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f) Notes that the Albert-Eden Local Board has earmarked approximately $900,000 over the next three years to commence the implementation of the Chamberlain Park Master Plan.

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h) Strongly supports the conversion over time of the 14 council-owned golf courses into, either in part or in whole, public golf courses.

j) Requests officers to continue to engage with New Zealand Golf, other golfing organisations and local golfers to ensure the new Chamberlain Park golf course offers a well-designed quality golf experience.

k) Thanks Sheryl Burt – Principal Policy Analyst, and Paul Marriott-Lloyd – Team Leader Parks and Recreation Policy Central, for their attendance and acknowledges the work undertaken by Gary Marshall and his team at JASMAX.

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b) request that council staff immediately cease all work related to the indicative business case for the Chamberlain Park development, including the western end of the park, (as detailed in resolution AE/2019/107, Attachment B).

c) request that the appropriate council staff meet with the new Albert-Eden Local Board members for an update the restoration programme for Waitātiko-Meola Creek.

d) request that Auckland Transport staff meet with the new Albert-Eden Local Board members to discuss work on pathways in Chamberlain Park.

Background

The Chamberlain Park Master Plan has had a long history of dissatisfaction from the community and some local board members.

There have been legal challenges, a current petition against the plan and continued opposition from an increasing number of the community.

This Notice of Motion Initiates a new approach to the future of Chamberlain Park.

Attachments

Attachment A: AE 2015/127 and AE 2015/128
Attachment B: AE 2019/107

Signatories

| Author       | Rachel Langton – Member, Albert-Eden Local Board |
Attachment A

Albert-Eden Local Board – 5 August 2015 Meeting

Item 15 – resolutions AE/2015/127 and AE/2015/128

15 Chamberlain Park Master Plan

Shyrel Burt – Principal Policy Analyst, and Paul Marriott-Lloyd – Team Leader Parks and Recreation Policy Central, were in attendance to speak to this report.

Resolution number AE/2015/127

MOVED by Chairperson PD Haynes, seconded by Member GD Easte:

That the Albert-Eden Local Board:

a) Notes the community submissions on the four draft Master Plan scenarios for Chamberlain Park.

b) Notes that further work will be undertaken with mana whenua to incorporate Te Aranga design principles before the adoption of the Master Plan.

d) Notes that the governing body is undertaking the following work that may influence funding decisions of the governing body with respect to the implementation of the Chamberlain Park Master Plan:

i. The Sport Facilities Network Plan will identify and prioritise sports facility needs across Auckland for the next twenty years

ii. An investigation of the provision of pool space in the western corridor of Auckland to address potential gaps and to account for projected population growth

iii. An investigation of the long-term council ownership of golf courses across the region and the public/private provision of golf required to support changes in demand.

e) Notes that there is no identified funding in the 2015-2025 Long-Term Plan to implement the Master Plan.

f) Notes that the Albert-Eden Local Board has earmarked approximately $900,000 over the next three years to commence the implementation of the Chamberlain Park Master Plan.

g) Notes that the implementation of the Chamberlain Park Master Plan is likely to take place over the next 10 years.

i) Strongly supports the conversion over time of the 14 council-owned golf courses into, either in part or in whole, public golf courses.

j) Requests officers to continue to engage with New Zealand Golf, other golfing organisations and local golfers to ensure the new Chamberlain Park golf course offers a well-designed quality golf experience.

l) Thanks Shyrel Burt – Principal Policy Analyst, and Paul Marriott-Lloyd – Team Leader Parks and Recreation Policy Central, for their attendance and acknowledges the work undertaken by Gary Marshall and his team at JASMAX.

CARRIED
Resolution number AE/2015/128

MOVED by Chairperson PD Haynes, seconded by Member GD Easte:

That the Albert-Eden Local Board:

b) Approves Scenario Four as the basis for the development of the final Chamberlain Park Master Plan and delegates authority to the Chairperson to finalise the Master Plan in conjunction with officers.

h) Approves a budget of $50,000 from its allocation of the Local Board Capital Fund for the commencement of detailed planning and consenting of the western end of Chamberlain Park as a neighbourhood open space, including reconfiguring three golf holes, installing a barbeque area, children’s playground, improving the ecological and landscape quality of Meola Creek/Waititiko and walking and cycling connections.

k) Approves the holding of a public event, or events, at the western end of Chamberlain Park where the community are invited to use the space as a park over a weekend during summer 2015/16.

CARRIED

Secretarial Note: Member RAJ Langton, Member LA Corrick and Member TH Woolfield voted against resolution b), h) and k) and requested their dissenting votes be recorded.

Member MJ Watson abstained from voting.
Attachment B

Albert-Eden Local Board – 26 June 2019 Meeting

Item 13 – resolutions AE/2019/107

13 Indicative business case: Redevelopment of Chamberlain Park

Ruth Woodward – Policy Manager, and Kris Bird – Manager Sports Parks Design and Programme, were in attendance to speak to this report.

Resolution number AE/2019/107

MOVED by Deputy Chairperson G Fryer, seconded by Member M Watson:

That the Albert-Eden Local Board:

a) receive the findings of an indicative business case for the redevelopment of Chamberlain Park which found:

i) projected growth of 143,000 people (32.7 per cent) by 2036 in the Albert-Eden Local Board area leading to increased demand for new sport and recreation facilities.

ii) changing demographics with a decrease in New Zealand Europeans from 48 per cent to 38 per cent and an increase in Asian people from 34 per cent to 41 per cent by 2038.

iii) a gap in neighbourhood park provision in accordance with the Open Space Provision Policy.

iv) a shortfall of 27 field hours growing to 87 field hours by 2028.


vi) access to open space and new sport and recreation facilities will increase community benefits, in particular physical and mental health benefits.

vii) redevelopment of Chamberlain Park aligns with Auckland Plan outcomes.

viii) the quantifiable benefits of redeveloping Chamberlain Park are $1.2 million less than the capital and operational costs required to provide additional open space as well as new sport and recreation facilities – an indicative cost-benefit analysis indicates the benefits are 0.96 times the costs.

b) note that the board has not been provided the full indicative business case and has relied on the summary provided in the staff report to provide feedback.

c) endorse that the redevelopment of Chamberlain Park has a robust case for change and strategic alignment with council objectives and would deliver community benefits comparable to the capital and operational investment required.

d) endorse the development of a detailed business case for the development of Chamberlain Park, commencing in 2019/2020 based on:

i) development of a 3.6-hectare neighbourhood park with play area; shared walking and cycling paths and connections; the restoration of
Wattikō/Meola Creek; two artificial fields; and a reconfigured nine-hole
golf course with driving range and practice facilities.

ii) Indicative funding of $22 million earmarked as part of the Long-term Plan
2018-2028.

e) request staff to work closely with the board during the development of the
detailed business case for the development of Chamberlain Park to refine the
scope to ensure that the development can be implemented for the lowest
possible cost.

f) delegate to Chairperson Haynes to provide views on the Albert-Eden Local
Board One Local Initiative to the Environment and Community Committee
currently scheduled for 10 July 2019.

g) thank Ruth Woodward – Policy Manager, and Kris Bird – Manager Sports Parks
Design and Programme, for their attendance.

CARRIED

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

<table>
<thead>
<tr>
<th>For</th>
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<tbody>
<tr>
<td>Member G Easte</td>
<td>Member L Corrick</td>
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<tr>
<td>Deputy Chairperson G</td>
<td>Member R Langton</td>
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<tr>
<td>Fryer</td>
<td>Member B Lee</td>
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<td>Chairperson P Haynes</td>
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<td>Member J Rose</td>
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<td>Member M Watson</td>
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The motion was declared CARRIED by 5 votes to 3.